

1 STATE OF OKLAHOMA

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

3 CONFERENCE COMMITTEE SUBSTITUTE
4 FOR ENGROSSED

5 SENATE BILL 1529

6 By: Coates and Leftwich of the
7 Senate

8 and

9 Peterson (Ron) of the House

10 CONFERENCE COMMITTEE SUBSTITUTE

11 An Act relating to professions and occupations;
12 amending 59 O.S. 2001, Section 475.2, as last amended
13 by Section 1, Chapter 58, O.S.L. 2006, and Sections
14 475.9, 475.10, 475.12, 475.13, 475.14, 475.15,
15 475.18, 475.19 and 475.20, as amended by Sections 8,
16 9, 11, 12, 13, 14, 17, 18 and 19, Chapter 115, O.S.L.
17 2005 (59 O.S. Supp. 2007, Sections 475.2, 475.9,
18 475.10, 475.12, 475.13, 475.14, 475.15, 475.18,
19 475.19 and 475.20), which relate to engineering and
20 land surveying; adding and modifying definitions;
21 authorizing certain employment; making certain
22 records confidential; modifying and adding
23 qualifications for licensure or certification for
24 professional engineer, engineer intern, land surveyor
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
disciplinary action; modifying amount of certain

1 administrative penalties; amending 59 O.S. 2001,
2 Sections 1626, 1629, 1634, as amended by Section 3,
3 Chapter 101, O.S.L. 2003, 1634.1 and 1638 (59 O.S.
4 Supp. 2007, Section 1634), which relate to the
5 Oklahoma Welding Act; modifying definitions;
6 clarifying references; adding certain welding
7 codes; requiring certain welders to be tested,
8 qualified and certified by the Commissioner of Labor;
9 requiring certain weldments meet certain standards;
10 providing certain exemption from certain welding
11 test; amending Section 2, Chapter 207, O.S.L. 2006
12 (59 O.S. Supp. 2007, Section 3021), as amended by
13 Section 16 of Enrolled Senate Bill No. 45 of the 2nd
14 Session of the 51st Oklahoma Legislature and amending
15 Sections 4 and 5, Chapter 207, O.S.L. 2006 (59 O.S.
16 Supp. 2007, Sections 3023 and 3024), which relate to
17 the Elevator Safety Act; providing for emergency
18 elevator mechanic licenses under certain
19 circumstances; providing for certain licensed
20 elevator contractors to certify certain
21 qualifications; providing time frame for applying for
22 such license; authorizing the Commissioner of Labor
23 to issue such licenses; providing for certain
24 information to be on license; stating such license
shall entitle licensee to certain rights and
privileges; providing for renewal; prohibiting
certain fees; providing for temporary elevator
mechanic licenses under certain circumstances;
providing for certain licensed elevator contractors
to certify certain qualifications; requiring
immediate application for temporary elevator mechanic
license; providing for certain fees; requiring
certain information be on license; providing for
renewal of such licenses under certain
circumstances; modifying who may perform certain
inspections; requiring certain inspectors to have
certain insurance and proof of workers' compensation;
modifying inspection requirements for temporary
elevators; modifying powers and duties of the
Commissioner of Labor; and providing an effective
date.

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

1 SECTION 1. AMENDATORY 59 O.S. 2001, Section 475.2, as
2 last amended by Section 1, Chapter 58, O.S.L. 2006 (59 O.S. Supp.
3 2007, Section 475.2), is amended to read as follows:

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

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

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

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

21 4. "Practice of engineering" means any service or creative
22 work, the adequate performance of which requires engineering
23 education, training and experience in the application of special
24 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, communication systems,
11 transportation systems and industrial or consumer products or
12 equipment of a mechanical, electrical, chemical, environmental,
13 hydraulic, pneumatic ~~or~~, thermal, control system or communications
14 nature, insofar as they involve safeguarding life, health or
15 property, and including such other professional services as may be
16 necessary to the design review and integration of a multidiscipline
17 work, planning, progress and completion of any engineering services.

18 Design review and integration includes the design review and
19 integration of those technical submissions prepared by others,
20 including as appropriate and without limitation, engineers,
21 architects, landscape architects, land surveyors, and other
22 professionals working under the direction of the engineer. The
23 definition of design review and integration by engineers does not
24

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; by verbal claim, sign,
13 advertisement, letterhead, card or in any other way represents such
14 person to be a professional engineer, through the use of some other
15 title implies that any person is a professional engineer or is
16 licensed or qualified under Section 475.1 et seq. of this title; or
17 who represents qualifications or ability to perform or who does
18 practice engineering;

19 5. "Professional land surveyor" or "land surveyor" means a
20 person who has been duly licensed as a professional land surveyor
21 pursuant to Section 475.1 et seq. of this title and the regulations
22 issued by the Board pursuant thereto; and is a person who, by reason
23 of special knowledge in the technique of measuring land and use of
24 the basic principles of mathematics, the related physical and

1 applied sciences and the relevant requirements of law for adequate
2 evidence and all requisite to surveying of real property, acquired
3 by education and experience, is qualified to engage in the practice
4 of land surveying;

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

10 7. a. "Practice of land surveying" means any service or
11 work, the adequate performance of which involves the
12 application of special knowledge of the principles of
13 mathematics, methods of measurement, and the law for
14 the determination and preservation of land boundaries.
15 "Practice of land surveying" includes, without
16 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 accurate determination of land boundaries,
22 (3) determination of the areas and elevations of land
23 parcels for a survey,
24

- (4) monumenting the subdivision of land parcels into smaller parcels and the preparation of the descriptions 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 for a survey,
- (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

1 and intent of Section 475.1 et seq. of this title who
2 does any one of the following: practices any branch
3 of the profession of land surveying; by verbal claim,
4 sign, advertisement, letterhead, card or in any other
5 way represents such person to be a professional land
6 surveyor or through the use of some other title
7 implies that such person or entity is a professional
8 land surveyor or that such person is registered,
9 licensed, or qualified under Section 475.1 et seq. of
10 this title; represents qualifications or ability to
11 perform; or who does practice land surveying.

12 c. A person shall not be construed to practice or offer
13 to practice land surveying, within the meaning and
14 intent of Section 475.1 et seq. of this title, who
15 merely acts as an agent of a purchaser of land
16 surveying services. Agents of a purchaser of land
17 surveying services include, but are not limited to,
18 real estate agents and brokers, title companies,
19 attorneys providing title examination services, and
20 persons who or firms that coordinate the acquisition
21 and use of land surveying services. The coordination
22 of land surveying services includes, but is not
23 limited to; sales and marketing of services,
24 discussion of requirements of land surveys,

1 contracting to furnish land surveys, review of land
2 surveys, the requesting of revisions of land surveys,
3 and making any and all modifications to surveys with
4 the written consent of the land surveyor, and
5 furnishing final revised copies to the land surveyor
6 showing all revisions, the distribution of land
7 surveys, and receiving payment for such services.
8 These actions do not constitute the practice of land
9 surveying, and do not violate any part of Section
10 475.1 through 475.22a of this title or the Bylaws and
11 Rules of the ~~Oklahoma State Board of Licensure for~~
12 ~~Professional Engineers and Land Surveyors;~~

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

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

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

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

23 12. "Direct Control" and "personal supervision" whether used
24 separately or together mean active and personal management of the

1 firm's personnel and practice including personal presence in the
2 workplace to maintain charge of, and concurrent direction over,
3 engineering or land surveying decisions and the instruments of
4 professional services to which the licensee affixes the seal,
5 signature, and date; and

6 13. ~~"Immediate direction" means the exercise of direct control~~
7 ~~and personal supervision over the personnel of a firm performing~~
8 ~~engineering or land surveying~~ "Core curriculum" means the Board-
9 approved land surveying courses adopted by Board policy, developed
10 to ensure that land surveyor applicants meet the minimum educational
11 requirements for licensure.

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

15 Section 475.9 A. The Executive Director of the Board shall be
16 responsible for accounting for all monies derived under the
17 provisions of Section 475.1 et seq. of this title. This fund shall
18 be known as the "Professional Engineers and Land Surveyors Fund",
19 and shall be deposited with the State Treasurer, and shall be paid
20 out only upon requisitions submitted by the Secretary or Executive
21 Director. All monies in this fund are hereby specifically
22 appropriated for the use of the Board, and the Board shall pay into
23 the General Revenue Fund of the state an amount equal to ten percent
24 (10%) of all funds received at the end of each fiscal year.

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

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

22 SECTION 3. AMENDATORY 59 O.S. 2001, Section 475.10, as
23 amended by Section 9, Chapter 115, O.S.L. 2005 (59 O.S. Supp. 2007,
24 Section 475.10), is 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 licensure, which record
3 shall show:

- 4 1. The name, 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 licensure was granted;
- 13 8. The date of the action of the Board; and
- 14 9. Such other information as may be deemed necessary by the
15 Board.

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

20 C. The Board shall submit, upon request from the Governor, a
21 report of its transactions of the preceding year, including a
22 complete statement of the receipts and expenditures of the Board,
23 attested by affidavits of its Chairman and its Secretary.

1 D. Board records and papers of the following class may be kept
2 confidential by the Board: examination materials, file records of
3 examination problem solutions, exam scores, letters of inquiry and
4 reference concerning applicants, ~~Board inquiry forms concerning~~
5 ~~applicants~~ transcripts of college courses and grades, investigation
6 files, closed complaints, information otherwise protected by law and
7 all other matters of like confidential nature.

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

11 Section 475.12 A. Engineer

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

20 ~~The~~ One of the following shall be considered as minimum evidence
21 satisfactory to the Board that the applicant is qualified for
22 licensure as a professional engineer, or for certification as an
23 engineer intern, respectively:

24 1. As a professional engineer:

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

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

1 passed the eight-hour written examination in the
2 fundamentals of engineering as provided in
3 subparagraph a of paragraph 2 of this subsection, and,
4 ~~if passed, then~~ shall be admitted to an eight-hour
5 written examination in the principles and practice of
6 engineering. Upon passing such examinations, as well
7 as an examination in knowledge of statutes, rules and
8 design requirements unique to this state, the
9 applicant shall be granted a certificate of licensure
10 to practice engineering in this state, if otherwise
11 qualified.

12 c. Alternative Graduation, Experience and Education - A
13 graduate of an engineering or related science program
14 of four (4) years or more, other than the ones
15 approved by the Board ~~as being of satisfactory~~
16 standing and following the date of degree, a specific
17 record of six (6) years or more of progressive
18 experience on engineering projects of a character and
19 grade which indicates to the Board that the applicant
20 may be competent to practice engineering ~~shall be~~
21 admitted to an who has also passed the eight-hour
22 written examination in the fundamentals of engineering
23 and, ~~if passed, then~~ as provided in subparagraph b of
24 paragraph 2 of this subsection, shall be admitted to

1 an eight-hour written examination in the principles
2 and practice of engineering. Upon passing such
3 examination, as well as an examination in knowledge of
4 statutes, rules and design requirements unique to this
5 state, the applicant shall be granted a certificate of
6 licensure to practice engineering in this state, if
7 otherwise qualified.

- 8 d. ~~Engineering Teaching~~ ~~Engineering teaching in a~~
9 ~~college or university offering an approved engineering~~
10 ~~program of four (4) years or more may be considered as~~
11 ~~engineering experience~~ A four-year degree in a science
12 not considered a related science degree by the Board
13 must be followed by a Masters Degree in engineering
14 from an institution with a comparable EAC/ABET
15 accredited undergraduate engineering program before
16 being considered for approval as a related science
17 degree by the Board. Foreign degrees not determined
18 by the Board to be substantially equivalent to an
19 EAC/ABET accredited engineering degree may be
20 considered following a degree evaluation by an
21 evaluation service approved by the Board. The maximum
22 equivalency granted for all foreign degrees, except
23 those determined to be substantially equivalent to an
24

1 EAC/ABET accredited engineering degree, shall be that
2 of a related science degree.

3 2. As an engineer intern:

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

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

16 b. Alternative Graduation, Experience and Examination - A
17 graduate of an engineering or related science
18 curriculum of four (4) years or more, other than the
19 ones approved by the Board ~~as being of satisfactory~~
20 ~~standing, and following the date of degree, a specific~~
21 ~~record of one (1) year or more of progressive~~
22 ~~experience in engineering projects of a grade and~~
23 ~~character satisfactory to the Board~~ or an applicant
24 who has completed ninety (90) semester hours or more

1 of academic requirements for graduation, shall be
2 admitted to an eight-hour written examination in the
3 fundamentals of engineering. Upon passing such
4 examination, providing proof of graduation and
5 providing proof of a specific record of one (1) year
6 or more of progressive engineering experience in
7 engineering projects of a grade and character
8 satisfactory to the Board, the applicant shall be
9 certified or enrolled as an engineer intern, if
10 otherwise qualified.

11 c. A four-year degree in a science not considered a
12 related science degree by the Board must be followed
13 by a Masters Degree in engineering from an institution
14 with a comparable EAC/ABET accredited undergraduate
15 engineering program before being considered for
16 approval as a related science degree by the Board.
17 Foreign degrees not determined by the Board to be
18 substantially equivalent to an EAC/ABET accredited
19 engineering degree may be considered following a
20 degree evaluation by an evaluation service approved by
21 the Board. The maximum equivalency granted for all
22 foreign degrees, except those determined to be
23 substantially equivalent to an EAC/ABET accredited
24

1 engineering degree, shall be that of a related science
2 degree.

3 B. Land Surveyor

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

13 The evaluation of a professional land surveyor applicant's
14 qualifications shall include consideration of the applicant's
15 education, technical and land surveying experience, 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 licensure as a professional land surveyor or for certification as a
23 land surveyor intern, respectively.

24 1. As a land surveyor:

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

15 b. Graduation, Experience and Examination -

16 (1) A graduate of a surveying program of four (4)
17 years or more approved by the Board and a
18 specific record of four (4) years or more of
19 progressive combined office and field experience
20 satisfactory to the Board on land surveying
21 projects of a grade and character which indicates
22 to the Board that the applicant may be competent
23 to practice land surveying, of which no less than
24 two (2) years experience must be following the

1 date of the degree, who has also passed an eight-
2 hour written examination in the fundamentals of
3 surveying as provided in subparagraph a of
4 paragraph 2 of this subsection, shall be admitted
5 to a six-hour written examination in the
6 principles and practice of surveying and a two-
7 hour Oklahoma Law and Surveying written
8 examination. Upon passing such examinations, the
9 applicant shall be granted a certificate of
10 licensure to practice land surveying in this
11 state, if otherwise qualified.

12 (2) A graduate of a surveying program of two (2)
13 years or more approved by the Board ~~as being of~~
14 ~~satisfactory standing~~ and a specific record of an
15 ~~additional four (4) years~~ six (6) years or more
16 of progressive combined office and field
17 experience satisfactory to the Board ~~in~~ on land
18 surveying ~~of which a minimum of two (2) years~~¹
19 ~~experience has been in responsible charge of land~~
20 ~~surveying projects under the supervision of a~~
21 ~~professional land surveyor, shall be admitted to~~
22 ~~an eight hour~~ projects of a grade and character
23 which indicates to the Board that the applicant
24 may be competent to practice land surveying and

1 who has also passed the eight-hour written
2 examination in the fundamentals of ~~land~~ surveying
3 ~~and, if passed, then~~ as provided in subparagraph
4 a of paragraph 2 of this subsection shall be
5 admitted to ~~an eight-hour~~ a six-hour written
6 examination in the principles and practice of
7 ~~land~~ surveying and a two-hour Oklahoma Law and
8 Surveying written examination. Upon passing such
9 examination, the applicant shall be granted a
10 certificate of licensure to practice land
11 surveying in this state, if otherwise qualified.
12 ~~Provided, an applicant under this paragraph shall~~
13 ~~not be admitted to the fundamentals of land~~
14 ~~surveying examination after July 1, 2008, unless~~
15 ~~the applicant is a graduate of a surveying~~
16 ~~program of two (2) years or more accredited by an~~
17 ~~accrediting body approved by the Board.~~

18 c. Alternative Graduation, Experience and Examination -

19 (1) A graduate of a ~~surveying or related science~~
20 ~~program~~ other academic programs of two (2) years
21 or more, ~~other than the programs approved by the~~
22 ~~Board as being of satisfactory standing,~~ approved
23 by the Board, which shall include the Board-
24 approved core curriculum in surveying and a

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

1 ~~the applicant is a graduate of a surveying or~~
2 ~~related science program of four (4) years or more~~
3 ~~other than the programs approved by the Board as~~
4 ~~being of satisfactory standing.~~

5 (2) An applicant who provides proof of completion of
6 sixty (60) credit hours, approved by the Board,
7 which shall include the Board-approved core
8 curriculum in surveying, and a specific record of
9 six (6) years or more of progressive combined
10 office and field experience satisfactory to the
11 Board on land surveying projects of a grade and
12 character which indicates to the Board that the
13 applicant may be competent to practice land
14 surveying, who has also passed an eight-hour
15 written examination in the fundamentals of
16 surveying as provided in division (2) of
17 subparagraph b of paragraph 2 of this subsection,
18 shall be admitted to a six-hour written
19 examination in the principles and practice of
20 surveying and a two-hour Oklahoma Law and
21 Surveying written examination. Upon passing such
22 examinations, the applicant shall be granted a
23 certificate of licensure to practice land
24 surveying in this state, if otherwise qualified.

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

22 2. As a land surveyor intern:

23 a. Graduation and Examination -
24

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

11 (2) A graduate of a surveying program of two (2)
12 years or more approved by the Board ~~as being of~~
13 ~~satisfactory standing~~ or an applicant who has
14 completed forty-five (45) semester hours or more
15 of academic requirements for graduation from a
16 two-year surveying program approved by the Board
17 shall be admitted to an eight-hour written
18 examination in the fundamentals of ~~land~~
19 surveying. Upon passing such examination and
20 providing proof of graduation, the applicant
21 shall be certified or enrolled as a land surveyor
22 intern, if otherwise qualified. ~~Provided, an~~
23 ~~applicant under this paragraph shall not be~~
24 ~~admitted to the fundamentals of land surveying~~

1 ~~examination after July 1, 2008, unless the~~
2 ~~applicant is a graduate of a surveying program of~~
3 ~~two (2) years or more accredited by an~~
4 ~~accrediting body approved by the Board.~~

5 b. Alternative Graduation, Experience and Examination -

6 (1) ~~A graduate of a land surveying or related science~~
7 ~~program other than the ones approved by the Board~~
8 ~~as being of satisfactory standing, and a specific~~
9 ~~record of four (4) years of combined education,~~
10 ~~office and field experience in land surveying~~
11 ~~satisfactory to the Board~~ other academic programs
12 of two (2) years or more approved by the Board,
13 which shall include the Board-approved core
14 curriculum in surveying, or an applicant who has
15 completed forty-five (45) semester hours or more
16 of academic requirements for graduation,
17 including twenty-one (21) semester hours or more
18 of the core curriculum, from another academic
19 program of two (2) years or more approved by the
20 Board, shall be admitted to an eight-hour written
21 examination in the fundamentals of land
22 surveying. Upon passing such examination,
23 providing proof of graduation and providing proof
24 of a specific record of one (1) year or more of

1 progressive experience satisfactory to the Board
2 on land surveying projects of a grade and
3 character which indicates to the Board that the
4 applicant may be competent to practice land
5 surveying, the applicant shall be certified or
6 enrolled as a land surveyor intern, if otherwise
7 qualified. ~~Provided, an applicant under this~~
8 ~~paragraph shall not be admitted to the~~
9 ~~fundamentals of land surveying examination after~~
10 ~~July 1, 2008, unless the applicant is a graduate~~
11 ~~of a surveying or related science program of four~~
12 ~~(4) years or more other than programs approved by~~
13 ~~the Board as 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, or an applicant who has
18 completed forty-five (45) semester hours or more
19 of academic requirements for graduation,
20 including twenty-one (21) semester hours or more
21 of the core curriculum, shall be admitted to an
22 eight-hour written examination in the
23 fundamentals of surveying. Upon passing such
24 examination and providing proof of a specific

1 record of one (1) year or more of progressive
2 experience satisfactory to the Board on land
3 surveying projects of a grade and character which
4 indicates to the Board that the applicant may be
5 competent to practice land surveying, the
6 applicant shall be certified or enrolled as a
7 land surveyor intern, if otherwise qualified.

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

11 Section 475.13 A. 1. Application for licensure as a
12 professional engineer or professional land surveyor or certification
13 as an engineer intern or land surveyor intern shall be on a form
14 prescribed and furnished by the Board. It shall contain statements
15 made under oath, showing the applicant's education and a detailed
16 summary of technical and engineering or land surveying experience
17 and shall include the names and complete mailing addresses of the
18 references, none of whom may be members of the Board.

19 2. The Board may accept the certified information contained in
20 a valid council record issued by the National Council of Examiners
21 for Engineering and Surveying for professional engineer or
22 professional land surveyor applicants in lieu of the same
23 information that is required on the form prescribed and furnished by
24 the Board.

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

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

9 3. Should the Board deny the issuance of a certificate of
10 licensure to any applicant, including the application of a firm for
11 a certificate of authorization, the fee shall be retained as an
12 application fee.

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

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

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

- 23 1. Fundamentals of Engineering;
- 24 2. Principles and Practice of Engineering;

- 1 3. Fundamentals of ~~Land~~ Surveying;
- 2 4. Principles and Practice of ~~Land~~ Surveying;
- 3 5. Oklahoma Law and Surveying; and
- 4 6. Oklahoma Law and Engineering.

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

16 D. The applicant shall pay all fees established by the Board
17 for examination documents and grading. The Board will advise the
18 applicant of the fees required, and the required fees shall be paid
19 by the applicant in advance of the examination.

20 E. The Board may prepare and adopt specifications for the
21 written examinations in engineering and land surveying. They shall
22 be published and be available to the public and to any person
23 interested in being licensed as a professional engineer or as a
24 professional land surveyor.

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

4 Section 475.15 A. The Board shall issue to any applicant who,
5 in the opinion of the Board, has met the requirements of Section
6 475.1 et seq. of this title, a certificate of licensure giving the
7 licensee proper authority to practice in this state. The
8 certificate of licensure for ~~an~~ a professional engineer shall carry
9 the designation "Professional Engineer" and for a professional land
10 surveyor, "Professional Land Surveyor". It shall give the full
11 ~~legal name and license~~ of the licensee with the licensure number of
12 ~~the licensee~~ and shall be signed by the Chair and the Secretary
13 under the seal of the Board.

14 B. This certificate shall be prima facie evidence that the
15 person named ~~therein~~ thereon is entitled to all rights, privileges
16 and responsibilities of a professional engineer or professional land
17 surveyor, while ~~said~~ the certificate remains effective unrevoked and
18 unexpired.

19 C. Each licensee hereunder ~~must~~ may, upon licensure, obtain a
20 seal, the design and use of which are described ~~below~~ in Board
21 rules. It shall be unlawful for a licensee to affix, or permit ~~the~~
22 his or her seal or signature to be affixed, to any document ~~as~~
23 ~~listed below~~ after the expiration or revocation of a ~~certificate of~~
24 ~~licensure~~ license, or for the purpose of aiding or abetting any

1 other person to evade or attempt to evade any provision of Section
2 475.1 et seq. of this title. Whenever the seal is applied, the
3 document must be signed by the licensee thereby certifying that he
4 or she is competent in the subject matter and was in responsible
5 charge of the work product. Documents must be sealed and signed in
6 accordance with the Board rules whenever presented to a client, a
7 user or any public or governmental agency. Whenever the seal is
8 applied, the signature of the licensee and date of signature shall
9 be placed adjacent to or across the seal. Drawings, reports or
10 documents that are signed using a digital or electronic signature
11 must be done in a manner that is in direct control and personal
12 supervision of the professional engineer or professional land
13 surveyor and must conform to the specifications in the Board rules
14 regarding digital or electronic signatures.

15 ~~1. The seal shall be a rubber stamp, an electronically~~
16 ~~digitized seal, printed seal, or a metal impression seal. Whenever~~
17 ~~the seal is applied, the original handwritten signature of the~~
18 ~~licensee and handwritten date of signature shall be written adjacent~~
19 ~~to or across the seal. No further words or wording are required. A~~
20 ~~facsimile signature or electronically digitized signature will not~~
21 ~~be acceptable.~~

22 ~~2. The seal and dated signature shall be placed on all final~~
23 ~~specifications, land surveys, reports, plats, drawings, plans,~~
24

1 ~~design information and calculations whenever presented to a client,~~
2 ~~a user, or any public or governmental agency.~~

3 ~~3. The seal shall be placed on all originals, tracings or other~~
4 ~~reproducible documents and shall be signed and dated by the licensee~~
5 ~~in such a manner that the seal, signature and date will be legible~~
6 ~~when reproduced. The application of the handwritten, dated~~
7 ~~signature of the licensee to the sealed document shall constitute~~
8 ~~certification that the work thereon was done by the licensee or~~
9 ~~under the direct supervision or control of the licensee.~~

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

18 ~~5. In the case of a firm, each separate document, the first~~
19 ~~page of a bound document, and, in the case of multiple licensees,~~
20 ~~the portion of the work for which each firm is responsible, shall~~
21 ~~also show the name of the firm, the firm's Certificate of~~
22 ~~Authorization number, and the renewal date of the Certificate of~~
23 ~~Authorization.~~

24

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

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

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

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

- 17 ~~a. the words "State of Oklahoma",~~
- 18 ~~b. the name of the licensee,~~
- 19 ~~c. the license number of the licensee, and~~
- 20 ~~d. the words "Licensed Professional Engineer" or~~
21 ~~"Licensed Professional Land Surveyor"; existing seals~~
22 ~~containing the words "Registered Land Surveyor",~~
23 ~~"Registered Professional Land Surveyor", and~~

1 ~~"Registered Professional Engineer" may continue to be~~
2 ~~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~~ a certificate as an engineer intern
6 or land surveyor intern which indicates that ~~applicant's~~ his or her
7 name has been recorded as such in the Board office. The engineer
8 intern or land surveyor intern ~~enrollment card~~ certificate does not
9 authorize the holder to practice as a professional engineer or
10 professional land surveyor.

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

14 Section 475.18 A. The Board shall have the power to suspend,
15 revoke or refuse to issue, restore or renew a certificate of
16 authorization for a firm, or a certificate of licensure of, or place
17 on probation, fine or reprimand any firm, professional engineer,
18 professional land surveyor or engineer intern or land surveyor
19 intern who is found guilty of:

20 1. The practice of any fraud or deceit in obtaining or
21 attempting to obtain or renew a certificate of licensure, or a
22 certificate of authorization or in taking the examinations
23 administered by the Board;

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

4 3. Conviction of or entry of a plea of nolo contendere to any
5 crime under the laws of the United States, or any state or territory
6 thereof, which is a felony, whether related to practice or not; and
7 conviction of or entry of a plea of nolo contendere to any crime,
8 whether a felony, misdemeanor, or otherwise, an essential element of
9 which is dishonesty or which is related to the practice of
10 engineering or land surveying;

11 4. Failure to comply with any of the provisions of Section
12 475.1 et seq. of this title or any of the rules or regulations
13 pertaining thereto;

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

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

23 7. Knowingly making false statements or signing false
24 statements, certificates or affidavits;

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

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

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

16 11. Engaging in dishonorable, unethical or unprofessional
17 conduct of a character likely to deceive, defraud or harm the
18 public;

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

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

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

24

1 15. Violating the Oklahoma Minimum Standards for the Practice
2 of Land Surveying; and

3 ~~15.~~ 16. Nonpayment of fees when due, or nonpayment for a period
4 longer than ninety (90) days after the due date for payment of
5 costs, or administrative penalties assessed by the Board shall
6 result in revocation of the certificate of ~~authority~~ authorization
7 or certificate of licensure.

8 B. The Board shall prepare and adopt Rules of Professional
9 Conduct for Professional Engineers and Land Surveyors as provided
10 for in Section 475.8 of this title, which shall be made available in
11 writing to every licensee and applicant for licensure under Section
12 475.1 et seq. of this title. The Board may revise and amend these
13 Rules of Professional Conduct for Professional Engineers and Land
14 Surveyors from time to time and shall notify each licensee, in
15 writing, of such revisions or amendments.

16 C. The Board shall have the power to:

17 1. Revoke a certificate of authorization;

18 2. Suspend a certificate of authorization for a period of time,
19 not exceeding two (2) years, of any firm of which one or more of its
20 officers or directors have been guilty of any conduct which would
21 authorize a revocation or suspension of their certificates of
22 licensure under the provisions of this section;

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

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

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

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

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

17 B. The time and place for said hearing shall be fixed by the
18 Board, and a copy of the charges, together with a notice of the time
19 and place of hearing, shall be personally served on or mailed to the
20 last-known address of such person, licensee, or ~~firm~~ entity, at
21 least thirty (30) days before the date fixed for the hearing. At
22 any hearing, the accused shall have the right to appear in person or
23 by counsel, or both, to cross-examine witnesses in their defense,
24 and to produce evidence and witnesses in their own defense. If the

1 accused fails or refuses to appear, the Board may proceed to hear
2 and determine the validity of the charges.

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

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

17 E. The Board may, upon petition of an individual licensee or
18 firm holding a certificate of authorization, reissue a certificate
19 of licensure or authorization, provided that a majority of the
20 members of the Board vote in favor of such issuance.

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

24 Section 475.20 A. Criminal penalties:

1 Any person or entity who practices, or offers to practice,
2 engineering or land surveying in this state without being licensed
3 by the State Board of Professional Engineers and Land Surveyors in
4 accordance with the provisions of Section 475.1 et seq. of this
5 title, or any person or entity using or employing the words
6 "engineer" or "engineering" or "land surveyor" or "land surveying"
7 or any modification or derivative thereof in its name or form of
8 business or activity except as authorized in Section 475.1 et seq.
9 of this title, or any person presenting or attempting to use the
10 certificate of licensure or the seal of another, or any person who
11 shall give false or forged evidence of any kind to the Board or to
12 any member thereof in obtaining or attempting to obtain a
13 certificate of licensure, or any person who shall falsely
14 impersonate any other licensee of like or different name, or any
15 person who shall attempt to use an expired, suspended, revoked, or
16 nonexistent certificate of licensure, or who shall practice or offer
17 to practice when not qualified, or any person who falsely claims to
18 be registered or licensed under Section 475.1 et seq. of this title,
19 or any person who shall violate any of the provisions of Section
20 475.1 et seq. of this title, shall be guilty of a misdemeanor,
21 punishable by a fine of not less than Two Hundred Fifty Dollars
22 (\$250.00), nor more than Two Thousand Dollars (\$2,000.00).

23 B. Administrative penalties:
24

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

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

20 3. Any certificate of licensure or certificate of authorization
21 holder may elect to surrender the certificate of licensure or
22 certificate of authorization in lieu of an administrative action,
23 but shall be permanently barred from obtaining a reissuance of the
24 certificate of registration or certificate of authorization.

1 C. Legal Counsel:

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

9 SECTION 11. AMENDATORY 59 O.S. 2001, Section 1626, is
10 amended to read as follows:

11 Section 1626. As used in this act:

- 12 1. "Certificate" means the document issued to an applicant upon
13 successful examination;
- 14 2. "Certification" means the testimony of qualifications;
- 15 3. "Code" means United States of America National Standard
16 Institute Code;
- 17 4. "Committee" means the Oklahoma State Labor Department,
18 Boiler Inspection Department, Chief Boiler Inspector;
- 19 5. "Qualification" means the successful completion of all parts
20 of the requirements set out by the Oklahoma Department of Labor;
- 21 6. "Welding inspector" means a person who has met the
22 requirements of this act;
- 23 7. "Weld-testing facility" means a qualified and approved
24 testing facility approved by the Oklahoma Department of Labor;

1 8. "Weldment" means a welded assembly in which the bulk of the
2 component parts are prepared and joined by any combination of the
3 cutting and welding processes covered by Section 1628 of this title;

4 9. "Work" means that portion of the product or weldment that
5 specifically involves or affects the use of welding; ~~and~~

6 10. "Welder" means a person who has met the requirements of
7 this act; and

8 11. "Structural steel or steel deck welding" has the same
9 meaning as defined in American Welding Society D1.1 and D1.3.

10 SECTION 12. AMENDATORY 59 O.S. 2001, Section 1629, is
11 amended to read as follows:

12 Section 1629. The Oklahoma State Labor Department shall issue
13 to each applicant successfully meeting the qualifications
14 requirements provided in Section ~~5 of this act~~ 1628 of this title a
15 certificate stating that the applicant has met the certification
16 requirements. The certificate shall be valid for one (1) year
17 unless revoked pursuant to Section ~~8 of this act~~ 1631 of this title.

18 SECTION 13. AMENDATORY 59 O.S. 2001, Section 1634, as
19 amended by Section 3, Chapter 101, O.S.L. 2003 (59 O.S. Supp. 2007,
20 Section 1634), is amended to read as follows:

21 Section 1634. A. The following American Society of Mechanical
22 Engineers Codes, based upon the latest edition, shall be the piping
23 codes for this state:

24 1. The power piping code, ASME B31.1;

1 2. The fuel gas piping code, ASME B31.2;

2 3. The gas transmission and distribution piping system code,
3 ASME B31.8;

4 4. The process piping code, ASME B31.3; and

5 5. The liquid transportation systems for hydrocarbons, liquid
6 petroleum gas, anhydrous ammonia and alcohols code, ASME 31.4.

7 B. The American Welding Society D1.1 and D1.3 shall be the
8 structural steel welding codes for this state.

9 C. The provisions of this act shall apply only to weldments
10 required by the above codes.

11 ~~C.~~ D. All welders prior to performing weldments within this
12 state on any piping enumerated in subsection A of this section or
13 structural steel welding enumerated in subsection B of this section
14 shall be tested, qualified and certified by the Commissioner of
15 Labor pursuant to this act.

16 ~~D.~~ E. It shall be mandatory upon the owner, or a contractor to
17 whom a contract is awarded and upon any welders wherein welders are
18 to perform weldments on any piping enumerated in subsection A, upon
19 any subcontractor under the owner or a contractor, to ensure that
20 all welders performing weldments within this state shall be
21 certified by the Commissioner of Labor before any weldments are
22 fabricated.

23 ~~E.~~ F. Penalties:
24

1 1. Any welder who violates or omits to comply with any of the
2 provisions of this section, and any officer, agent or representative
3 of any owner or any contractor or subcontractor who violates or
4 omits to comply with any of the provisions of this section shall be
5 subjected to the penalties provided in this title.

6 2. The Commissioner of Labor is empowered to issue cease and
7 desist orders against violations of this act until such time as
8 compliance of the law is met. If an owner, welder, contractor
9 and/or subcontractor fails to obey the orders issued by the
10 Commissioner of Labor, the Attorney General shall review the case
11 and initiate necessary proceedings for contempt of the
12 Commissioner's order and/or ask for an injunction in the district
13 court as deemed appropriate to the facts of the case.

14 3. No person, firm or corporation or agent thereof shall in any
15 manner interfere with the performance of the duties of any inspector
16 or representative of the Commissioner of Labor for the
17 implementation of this act.

18 SECTION 14. AMENDATORY 59 O.S. 2001, Section 1634.1, is
19 amended to read as follows:

20 Section 1634.1 Notwithstanding any other provision of law,
21 weldments subject to the provisions of Section 1624 et seq. of Title
22 ~~59 of the Oklahoma Statutes~~ this title and performed on and after
23 the effective date of this act shall meet the standards of the
24 following codes: American Society of Mechanical Engineers (ASME)

1 Section 9 IX and American Petroleum Institute (API) 1104, ~~and~~ 1107
2 and American Welding Society D1.1 and D1.3.

3 SECTION 15. AMENDATORY 59 O.S. 2001, Section 1638, is
4 amended to read as follows:

5 Section 1638. A. Upon the effective date of this act,
6 owner-user inspectors following weldment procedures which conform to
7 the applicable code for qualifying welders and testing weldments by
8 nondestructive or destructive methods shall be exempt from this act.
9 Any inspector who has been certified by the American Welding Society
10 shall be exempt.

11 B. Any weld-test facility, which has been approved and
12 certified under this title by the Oklahoma Department of Labor on or
13 before January 1, 1979, to test and qualify welder operators and
14 which has as its primary function the testing and qualifying of
15 welder operators, shall be approved to continue as authorized and
16 may operate using inspectors who have documentation of a minimum of
17 seven (7) years of the last ten (10) years of experience in the
18 inspection field.

19 C. The Commissioner of Labor shall, upon proper application and
20 the payment of fees within ninety (90) days after the effective date
21 of this act, and annually thereafter upon payment of the fees
22 provided herein shall issue certification without examination to
23 those persons who test and qualify welder operators, upon producing
24 proof satisfactory to the Commissioner, that they meet the

1 requirements of this section, and who have otherwise complied with
2 the provisions of this act.

3 D. For one (1) year from the effective date of this act,
4 structural steel welders with five (5) or more years of experience,
5 as verified by the Department of Labor, shall not be required to
6 pass a welding test, but must otherwise comply with the provisions
7 of this act and the rules promulgated by the Department of Labor to
8 implement the Oklahoma Welding Act.

9 SECTION 16. AMENDATORY Section 2, Chapter 207, O.S.L.
10 2006 (59 O.S. Supp. 2007, Section 3021), as amended by Section 16 of
11 Enrolled Senate Bill No. 45 of the 2nd Session of the 51st Oklahoma
12 Legislature, is amended to read as follows:

13 Section 3021. A. The Legislature, finding that the protection
14 of public health and safety requires that elevators and similar
15 devices be installed, maintained, and regularly inspected in
16 compliance with recognized safety standards and codes, declares that
17 elevator contractors, elevator mechanics, and elevator inspectors
18 shall be licensed by this state pursuant to the Elevator Safety Act.

19 B. 1. Effective November 1, 2006, no person shall erect,
20 construct, install, wire, alter, replace, maintain, remove, repair,
21 or dismantle any elevator unless the person holds a valid elevator
22 mechanic's license pursuant to the Elevator Safety Act and is
23 employed by a person or business entity licensed as an elevator
24 contractor pursuant to the Elevator Safety Act. Any person

1 violating the provisions of this subsection shall be guilty of a
2 misdemeanor and, upon conviction, subject to a fine of not more than
3 Five Hundred Dollars (\$500.00) for the first offense and up to One
4 Thousand Dollars (\$1,000.00) for each additional offense, or
5 imprisonment in the county jail for not more than ten (10) days, or
6 both such fine and imprisonment. Each day's violation shall
7 constitute a separate offense. Conviction as provided herein shall
8 not preclude any filing of a civil action.

9 2. Whenever an emergency exists in this state due to disaster,
10 act of God or work stoppage, and the number of persons in the state
11 holding licenses issued by the Commissioner of Labor is insufficient
12 to cope with the emergency, licensed elevator contractors shall
13 respond as necessary to assure the safety of the public. Any person
14 certified by a licensed elevator contractor to have an acceptable
15 combination of documented experience and education to perform
16 elevator work without direct and immediate supervision shall apply
17 for an emergency elevator mechanic license from the Department of
18 Labor within five (5) business days after commencing work requiring
19 a license. The Commissioner shall issue emergency elevator mechanic
20 licenses. The licensed elevator contractor shall furnish proof of
21 competency as the Commissioner may require. Each such license shall
22 state that it is valid for a period of forty-five (45) days from the
23 date thereof and for such particular elevators or geographical areas
24 as the Commissioner may designate and otherwise shall entitle the

1 licensee to the rights and privileges of an elevator mechanic
2 license issued pursuant to the Elevator Safety Act. The
3 Commissioner shall renew an emergency elevator mechanic license upon
4 proper application during the existence of an emergency. No fee
5 shall be charged for any emergency elevator mechanic license or
6 renewal thereof.

7 3. A licensed elevator contractor shall notify the Commissioner
8 of Labor when there are no licensed personnel available to perform
9 elevator work. The licensed elevator contractor may request that
10 the Commissioner issue temporary elevator mechanic licenses to
11 persons certified by the licensed elevator contractor to have an
12 acceptable combination of documented experience and education to
13 perform elevator work without direct and immediate supervision. Any
14 person certified by a licensed elevator contractor to have any
15 combination of documented experience and education to perform
16 elevator work without direct and immediate supervision shall
17 immediately apply for a temporary elevator mechanic license from the
18 Commissioner and shall pay such fee as the Commissioner shall
19 determine. Each such license shall state that it is valid for a
20 period not to exceed forty-five (45) days and while employed by the
21 licensed elevator contractor that certified the individual as
22 qualified. The Commissioner shall renew such licenses upon proper
23 application and payment of any required fees as long as the shortage
24 of license holders shall continue.

1 4. The Commissioner of Labor or an authorized representative
2 may issue a written order for the temporary cessation of operation
3 of an elevator if it has been determined after inspection to be
4 hazardous, unsafe, or in violation of any provisions of the Elevator
5 Safety Act or rules promulgated by the Commissioner. Operations
6 shall not resume until such conditions are corrected to the
7 satisfaction of the Commissioner. The Commissioner or an authorized
8 representative may inspect any elevator without notice. The
9 Commissioner or an authorized representative may issue a written
10 order for the temporary cessation of any licensing violations and/or
11 any violations of any rule or order promulgated pursuant to the
12 provisions of the Elevator Safety Act.

13 ~~3-~~ 5. Any alleged violator of paragraph 2 of this subsection
14 shall be afforded an opportunity for a fair and swift administrative
15 hearing. The hearing may be conducted by the Commissioner or
16 his/her designated hearing officer in conformity with, and records
17 made thereof as provided by, Sections 308a through 323 of Title 75
18 of the Oklahoma Statutes.

19 ~~4-~~ 6. Any order issued by the Commissioner or an authorized
20 representative may be enforced in the district court in an action
21 for an injunction or writ of mandamus upon the petition of the
22 district attorney or Attorney General, upon the request of the
23 Commissioner. Provided further, an injunction without bond may be
24

1 granted by the district court to the Commissioner, for the purpose
2 of enforcing the Elevator Safety Act.

3 C. Effective November 1, 2006, except as otherwise provided by
4 the Elevator Safety Act, every elevator in this state shall be
5 subject to the provisions as required by this act. Within six (6)
6 months of November 1, 2006, the owner or lessee of every elevator
7 already in service or put into service by November 1, 2006, shall
8 register the elevator with the Department of Labor, giving the type,
9 rated load and speed, name of manufacturer, location of the
10 elevator, and purpose for which used, as well as such other
11 information as the Commissioner of Labor may require. Elevators
12 newly constructed or installed on or after November 1, 2006, shall
13 be registered and inspected before being put into service.

14 D. The provisions of the Elevator Safety Act shall not apply to
15 elevators that are:

16 1. In or adjacent to buildings or excavations owned by and/or
17 under the operational control of the government of the United States
18 or located on federal property and/or a sovereign tribal nation.

19 Such elevators shall be inspected if the authorized representative
20 of the owner request such an inspection in writing and agrees to pay
21 inspection fees established pursuant to the Elevator Safety Act; ~~or~~

22 2. In an existing owner-occupied private residence; provided,
23 such elevators shall be inspected if the property owner so requests
24 and pays inspection fees established pursuant to the Elevator Safety

1 Act. Inspection of an elevator in a private residence pursuant to
2 this paragraph shall not cause any other provision of the Elevator
3 Safety Act to apply to the owner with respect to the private
4 residence- ; or

5 3. Located in or adjacent to a building or structure within a
6 manufacturing, utility or industrial facility. Such elevators shall
7 be inspected if the authorized representative of the facility
8 requests such an inspection in writing and agrees to pay inspection
9 fees established pursuant to the Elevator Safety Act.

10 E. Nothing in the Elevator Safety Act shall be construed as
11 prohibiting municipalities, counties, or other political
12 subdivisions of the state from enacting and enforcing licensure
13 requirements or safety standards exceeding those required by the
14 Elevator Safety Act.

15 F. Provisions of Sections 863.1 et seq. of Title 19 of the
16 Oklahoma Statutes that are in conflict with provisions of the
17 Elevator Safety Act shall prevail over provisions of the Elevator
18 Safety Act unless the provisions of Section 863.1 et seq. of Title
19 19 of the Oklahoma Statutes are less stringent than the provisions
20 of the Elevator Safety Act.

21 G. No person, firm, or corporation shall interfere with,
22 obstruct, or hinder by force or otherwise the Commissioner of Labor
23 or an authorized representative while in the performance of their
24 duties, or refuse to properly answer questions asked by such

1 officers pertaining to the laws over which he or she has supervision
2 under the provisions of the Elevator Safety Act, or refuse them
3 admittance to any place where an elevator is located which is
4 affected by the act.

5 SECTION 17. AMENDATORY Section 4, Chapter 207, O.S.L.
6 2006 (59 O.S. Supp. 2007, Section 3023), is amended to read as
7 follows:

8 Section 3023. A. There is hereby established an Elevator
9 Inspection Bureau in the Department of Labor under the direction of
10 the chief elevator inspector, who shall be responsible to the
11 Commissioner of Labor or a duly authorized representative for the
12 supervision, inspection, alteration, installation, testing, and
13 maintenance of elevators and other such devices within the
14 definitions of the Elevator Safety Act.

15 The Elevator Inspection Bureau shall be furnished with
16 sufficient personnel, deputy inspectors, and clerical aids to
17 perform the assigned duties within the limits prescribed by the
18 Commissioner of Labor.

19 The chief elevator inspector and deputy inspectors, under the
20 supervision of the Commissioner of Labor, shall:

21 1. Take action necessary for the enforcement of the Elevator
22 Safety Act and these rules;

23 2. Make available upon request copies of the rules promulgated
24 by the agency; and

1 3. Issue, suspend, or revoke for cause certificates, licenses,
2 and registrations as may be issued by the provisions of the Elevator
3 Safety Act, and administer other disciplinary actions as prescribed
4 in rules as promulgated by the Commissioner of Labor.

5 B. The Commissioner of Labor is authorized to adopt and
6 promulgate rules pursuant to the Administrative Procedures Act.
7 Definitions, rules, and regulations so adopted shall be based upon
8 and follow generally accepted national engineering standards,
9 formula, and practices. The Commissioner of Labor may adopt an
10 existing American national standard known as the Safety Code for
11 Elevators and Escalators of the American Society of Mechanical
12 Engineers ("ASME").

13 C. Under the provisions of the Elevator Safety Act, the
14 Commissioner of Labor is responsible to provide rules for the safety
15 of life, limb, and property and therefore has jurisdiction over the
16 interpretation and application of the inspection requirements as
17 provided for in the rules. Inspection during construction and
18 installation shall certify as to the minimum requirements for safety
19 as defined in the American Society of Mechanical Engineers Code or
20 other construction standards acceptable to the Commissioner of
21 Labor. Inspection requirements of operating equipment shall be in
22 accordance with generally accepted practice and compatible with the
23 actual service conditions such as:

24

- 1 1. History of previous experience, previous records of
- 2 inspection, performance, and maintenance;
- 3 2. Location, with respect to personnel hazard;
- 4 3. Quality of inspection and operating personnel;
- 5 4. Provisions for related safe operating controls; and
- 6 5. Interrelation with other operations outside the scope of the
- 7 Elevator Safety Act.

8 D. Inspections required by the Elevator Safety Act shall be
9 conducted by inspectors licensed by the Department of Labor.

10 E. Inspections conducted for the issuance of a certificate of
11 operation may be performed by:

12 1. The chief elevator inspector ~~or~~, deputy elevator inspector
13 or licensed third party inspector who at the time of inspection
14 possesses a valid elevator inspector's license issued by the
15 Department of Labor; or

16 2. An elevator inspector employed by the liability insurance
17 company of record of the owner of the elevator or device who at the
18 time of inspection is in possession of a valid elevator inspector's
19 license issued by the Department of Labor.

20 F. Elevator Inspectors, not employed by the Department of
21 Labor, shall submit to the Commissioner of Labor, an insurance
22 policy or certified copy thereof, issued by an insurance company
23 authorized to do business in this state to provide general liability
24 coverage of a least One Million Dollars (\$1,000,000.00) for injury

1 or death of any number of persons in any one occurrence, with the
2 coverage of at least Five Hundred Thousand Dollars (\$500,000.00) for
3 property damage in any one occurrence and proof of workers'
4 compensation coverage.

5 G. Elevators, escalators, and other such devices within the
6 definitions of the Elevator Safety Act shall receive an inspection
7 for the purpose of obtaining a certificate of operation:

8 1. Two-floor to four-floor elevator units, not to exceed two
9 (2) years;

10 2. Any wire-rope elevator, regardless of floors, annually;

11 3. Escalators and moving walkways, annually;

12 4. Wheelchair lifts, triennially;

13 5. Temporary elevators shall be inspected at each erection and
14 every ninety (90) days or as the code requires; and

15 6. Any elevator or other such device subject to the provisions
16 of the Elevator Safety Act located in a structure whose occupants
17 are mobility restricted, such as hospitals, nursing homes, and
18 residential care facilities, shall be inspected annually.

19 SECTION 18. AMENDATORY Section 5, Chapter 207, O.S.L.
20 2006 (59 O.S. Supp. 2007, Section 3024), is amended to read as
21 follows:

22 Section 3024. A. The Commissioner of Labor shall have the
23 following powers and duties:

24 1. The Commissioner shall:

- a. adopt or determine standards of elevator safety,
- b. license elevator contractors, elevator mechanics, and elevator inspectors,
- c. register elevator apprentices,
- d. determine qualifications for examination, establish application processes, and examine applicants for licensure,
- e. establish terms of licensure and renewal procedures,
- f. attempt to achieve reciprocity agreements whereby licenses issued by other jurisdictions may be accepted in this state in lieu of examination,
- g. establish grounds for revocation, suspension, and nonrenewal of licenses and policies for reinstatement of licenses and for imposition of lesser disciplinary measures,
- h. establish continuing education requirements,
- i. provide for the inspection and certification of elevators,
- j. provide for the enforcement of the Elevator Safety Act,
- k. hear appeals pursuant to the Administrative Procedures Act, ~~and~~
- l. establish a procedure for the reporting and investigation of accidents, and

1 m. establish a procedure to allow variances from the
2 literal requirement of the code;

3 2. The Commissioner shall publish informational brochures about
4 license examinations that indicate the scope of the examinations,
5 include suggestions about how to prepare for the examinations, and
6 may include sample questions of the type to be expected, but shall
7 never include test items that will be used in future examinations.
8 In no case shall information about forthcoming examinations, that is
9 not generally available, be given to any school, coaching service,
10 or individual privately; and

11 3. The Commissioner shall have subpoena powers and shall have
12 the right to seek injunctive relief to prevent the operation of
13 elevators lacking a certificate of operation after November 1, 2006,
14 or failing inspection. For any violation of the Elevator Safety
15 Act, the Commissioner may assess an administrative fine of not more
16 than Five Hundred Dollars (\$500.00), which fine may be assessed in
17 addition to any other penalties provided pursuant to the Elevator
18 Safety Act.

19 B. Fees shall be as follows:

- | | |
|---|----------|
| 20 1. Elevator contractor examination | \$100.00 |
| 21 2. Elevator inspector examination | \$100.00 |
| 22 3. Elevator mechanic examination | \$100.00 |
| 23 4. Initial and renewal elevator | |
| 24 contractor license | \$100.00 |

1	5. Initial and renewal elevator	
2	inspector License	\$ 75.00
3	6. Initial and renewal elevator	
4	mechanic License	\$ 50.00
5	7. Annual elevator apprentice	
6	registration	\$ 25.00
7	8. Late renewal - in addition to	
8	license fee	\$ 10.00
9	9. Replacement of lost or mutilated	
10	license	\$ 10.00
11	10. Reinstatement - in addition to	
12	license fee	\$100.00
13	11. Existing elevator - certification	
14	of operation	\$ 25.00
15	12. New elevator - inspection and	
16	certification	\$150.00
17	13. Elevator temporary certification	\$ 25.00
18	14. Elevator temporary mechanic	
19	license for 30 days	\$ 10.00
20	15. Labor for chief elevator inspector	
21	or deputy elevator inspector to	
22	perform inspection for issuance of	
23	certificate of operation:	
24	a. any escalator or moving walkway	\$125.00

- 1 b. elevator, two-four floors \$ 75.00
- 2 c. elevator, five-ten floors \$100.00
- 3 d. elevator, eleven floors and over \$125.00
- 4 e. wheelchair lift \$ 25.00

5 C. All revenues received shall be deposited to the Elevator
6 Safety Revolving Fund. It is the intent of the Legislature that
7 fees charged pursuant to the Elevator Safety Act be adjusted to
8 provide sufficient income, but not substantially more than
9 sufficient income, to ensure elevator safety as provided by the
10 Elevator Safety Act. Accordingly, the Commissioner of Labor shall
11 make an annual study of the revenues to and expenditures from the
12 Elevator Safety Revolving Fund and shall prepare a report indicating
13 what fee adjustments, if any, shall be recommended. The report
14 shall be submitted by September 1 each year to the Director of State
15 Finance, the Chair of the Appropriations Committee of the Senate,
16 and the Chair of the Appropriations and Budget Committee of the
17 House of Representatives, and shall be filed with the Department of
18 Labor.

19 D. Licenses and certifications issued in accordance with the
20 provisions of the Elevator Safety Act shall be renewed according to
21 the following schedule:

- 22 1. Elevator contractor, elevator inspector, elevator mechanic
23 licenses and elevator apprentice registration shall be renewed

24

1 annually prior to the last day of the calendar month in which the
2 license or registration was initially issued;

3 2. Any such license, registration or certificate required by
4 the Elevator Safety Act not renewed by the last day of the calendar
5 month in which renewal is required shall be subject to a late fee as
6 provided by this act;

7 3. Any elevator contractor, elevator inspector, elevator
8 mechanic license or apprentice registration having been expired for
9 a period of not less than thirty (30) days nor more than three
10 hundred sixty-five (365) days shall be subject to a reinstatement
11 fee as provided for in the Elevator Safety Act; and

12 4. Any elevator contractor, elevator inspector, elevator
13 mechanic license or apprentice registration being expired for a
14 period of one (1) year or longer from the last day of the month in
15 which renewal was required shall be considered void and the licensee
16 shall be subject to all requirements for new issuance.

17 SECTION 19. This act shall become effective November 1, 2008.

18

19 51-2-3838 LKS 5/20/2008 11:14:50 AM

20

21

22

23

24