ENGROSSED SENATE
BILL NO. 1529 By: Coates and Leftwich of the Senate

and

Peterson (Ron) of the House

[professions and occupations - engineering and land surveying -

effective date]

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

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

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

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

2. "Professional engineer" means a person who has been duly licensed as a professional engineer as provided in Section 475.1 et

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

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

4. "Practice of engineering" means any service or creative work, the adequate performance of which requires engineering education, training and experience in the application of special knowledge of the mathematical, physical and engineering sciences to such services or creative work as consultation, investigation, evaluation, planning and design of engineering works and systems, planning the engineering use of land and water, teaching of advanced engineering subjects or courses related thereto, engineering research, engineering surveys, engineering studies, and the inspection or review of construction for the purposes of assuring compliance with drawings and specifications; any of which embraces such services or work, either public or private, in connection with any utilities, structures, buildings, machines, equipment, processes, work systems, projects, <u>communication systems, transportation systems</u> and industrial or consumer products or equipment of a mechanical, electrical, chemical, environmental, hydraulic, pneumatic<u>,</u> ~~or~~ thermal<u>, control system or communications</u>

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

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

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

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

title implies that any person is a professional engineer or is licensed or qualified under Section 475.1 et seq. of this title; or who represents qualifications or ability to perform or who does practice engineering;

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

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

7. a. "Practice of land surveying" means any service or work, the adequate performance of which involves the application of special knowledge of the principles of mathematics, methods of measurement, and the law for the determination and preservation of land boundaries.

"Practice of land surveying" includes, without limitation:

(1) restoration and rehabilitation of corners and boundaries in the United States Public Land Survey System or the subdivision thereof,

(2) obtaining and evaluating evidence for the accurate determination of land boundaries,

(3) determination of the areas and elevations of land parcels for a survey,

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

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

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

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

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

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

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

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

13. ~~“Immediate direction” means the exercise of direct control and personal supervision over the personnel of a firm performing engineering or land surveying~~ <u>“Core curriculum” means the Board-approved land surveying courses adopted by Board policy, developed to ensure that land surveyor applicants meet the minimum educational requirements for licensure</u>.

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

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

B. The Board shall obtain an office, secure such facilities, and employ, direct, discharge and define the duties and salaries of an Executive Director, Principal Assistant, Director of Enforcement, Board Investigator and such clerical or other assistants as are necessary for the proper performance of its work. The Board shall make expenditures from the fund created in subsection A of this section for any purpose which, in the opinion of the Board, is reasonably necessary for the proper performance of its duties under Section 475.1 et seq. of this title, including examination administration fees, the expenses of the Board's delegates to meetings of and membership fees to the National Council of Examiners for Engineering and Surveying, meaning the national nonprofit organization composed of engineering and land surveying licensing boards commonly called NEECS, and any of its subdivisions, as

provided in the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes. Under no circumstances shall the total amount of warrants issued in payment of the expenses and compensation provided for in Section 475.1 et seq. of this title exceed the amount of monies in the fund.

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

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

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

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

2. The date of application;

3. The place of business of the applicant;

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

5. The type of examination required;

6. Whether or not the applicant was rejected;

7. Whether or not a certificate of licensure was granted;

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

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

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

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

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

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

Section 475.12 A. Engineer

To be eligible for ~~admission for examination for~~ consideration for licensure as a professional engineer, or certification as an engineer intern, an applicant must be of good character and

reputation and shall submit five references with application for licensure as a professional engineer, three of which shall be professional engineers having personal knowledge of the applicant's engineering experience, or, in the case of an application for certification as an engineer intern, by three character references.

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

1. As a professional engineer:

a. Licensure by Comity or Endorsement - A person holding a certificate of registration or licensure to engage in the practice of engineering issued by a proper authority of a jurisdiction or possession of the United States or the District of Columbia, based on requirements that do not conflict with the provisions of Section 475.1 et seq. of this title and ~~were~~ possessing credentials that are, in the judgment of the Board, of a standard not lower than that specified in the applicable licensure act in effect in this state at the time such certificate was issued, may, upon application, be licensed without further examination except as required to present evidence of

knowledge of statutes, rules and design requirements unique to this state.

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

c. Alternative Graduation, Experience and Education - A graduate of an engineering or related science program

of four (4) years or more, other than the ones approved by the Board ~~as being of satisfactory standing~~ and following the date of degree, a specific record of six (6) years or more of progressive experience on engineering projects of a character and grade which indicates to the Board that the applicant may be competent to practice engineering ~~shall be admitted to an~~ who has also passed the eight-hour written examination in the fundamentals of engineering ~~and, if passed, then~~ as provided in subparagraph b of paragraph 2 of this subsection, shall be admitted to an eight-hour written examination in the principles and practice of engineering. Upon passing such examination, as well as an examination in knowledge of statutes, rules and design requirements unique to this state, the applicant shall be granted a certificate of licensure to practice engineering in this state, if otherwise qualified.

d. ~~Engineering Teaching - Engineering teaching in a college or university offering an approved engineering program of four (4) years or more may be considered as engineering experience~~ A four-year degree in a science not considered a related science degree by the Board must be followed by a Masters Degree in engineering

from an institution with a comparable EAC/ABET accredited undergraduate engineering program before being considered for approval as a related science degree by the Board. Foreign degrees not determined by the Board to be substantially equivalent to an EAC/ABET accredited engineering degree may be considered following a degree evaluation by an evaluation service approved by the Board. The maximum equivalency granted for all foreign degrees, except those determined to be substantially equivalent to an EAC/ABET accredited engineering degree, shall be that of a related science degree.

2. As an engineer intern:

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

a. Graduation and Examination - A graduate of an engineering program of four (4) years or more approved by the Board ~~as being of satisfactory standing~~, or an applicant who has completed ninety (90) semester hours or more of academic requirements for graduation, shall be admitted to an eight-hour written examination in the fundamentals of engineering. Upon passing such examination and providing proof of graduation, the

applicant shall be certified or enrolled as an engineer intern, if otherwise qualified.

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

c. A four-year degree in a science not considered a related science degree by the Board must be followed by a Masters Degree in engineering from an institution

with a comparable EAC/ABET accredited undergraduate engineering program before being considered for approval as a related science degree by the Board. Foreign degrees not determined by the Board to be substantially equivalent to an EAC/ABET accredited engineering degree may be considered following a degree evaluation by an evaluation service approved by the Board. The maximum equivalency granted for all foreign degrees, except those determined to be substantially equivalent to an EAC/ABET accredited engineering degree, shall be that of a related science degree.

B. Land Surveyor

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

The evaluation of a professional land surveyor applicant's qualifications shall include consideration of the applicant's

education, technical and land surveying experience, and recommendations by references. ~~The land surveyor intern applicant's qualifications may be reviewed at an interview if the Board deems it necessary. Educational credits for courses undertaken shall be determined by the Board.~~

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

1. As a land surveyor:

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

b. Graduation, Experience and Examination –

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

(2) A graduate of a surveying program of two (2) years or more approved by the Board ~~as being of satisfactory standing~~ and a specific record of ~~an~~

~~additional four (4) years~~ six (6) years or more of progressive combined office and field experience satisfactory to the Board ~~in~~ on land surveying ~~of which a minimum of two (2) years' experience has been in responsible charge of land surveying projects under the supervision of a professional land surveyor, shall be admitted to an eight hour~~ projects of a grade and character which indicates to the Board that the applicant may be competent to practice land surveying and who has also passed the eight-hour written examination in the fundamentals of ~~land~~ surveying ~~and, if passed, then~~ as provided in subparagraph a of paragraph 2 of this subsection shall be admitted to ~~an eight-hour~~ a six-hour written examination in the principles and practice of ~~land~~ surveying and a two-hour Oklahoma Law and Surveying written examination. Upon passing such examination, the applicant shall be granted a certificate of licensure to practice land surveying in this state, if otherwise qualified. ~~Provided, an applicant under this paragraph shall not be admitted to the fundamentals of land surveying examination after July 1, 2008, unless~~

~~the applicant is a graduate of a surveying program of two (2) years or more accredited by an accrediting body approved by the Board.~~

c. Alternative Graduation, Experience and Examination –

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

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

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

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

d. Long Established Practice and Examination - An applicant with a specific record of nine (9) years or more of practice in land surveying~~, of which at least five (5) years have been in responsible charge of important land surveying work, and~~ of a grade and character satisfactory to the Board which indicates to the Board that the applicant may be competent to practice land surveying shall be admitted to an eight-hour written examination in the fundamentals of land surveying, and, if passed, then shall be admitted to ~~an eight-hour~~ a six-hour written examination in the principles and practice of ~~land~~ surveying and a two-hour Oklahoma Law and Surveying written examination. Upon passing such ~~examination~~ examinations, the

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

2. As a land surveyor intern:

a. Graduation and Examination –

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

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

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

b. Alternative Graduation, Experience and Examination -

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

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

(2) An applicant who provides proof of completion of sixty (60) credit hours approved by the Board,

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

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

Section 475.13 A. 1. Application for licensure as a professional engineer or professional land surveyor or certification as an engineer intern or land surveyor intern shall be on a form prescribed and furnished by the Board. It shall contain statements made under oath, showing the applicant's education and a detailed

summary of technical and engineering or land surveying experience and shall include the names and complete mailing addresses of the references, none of whom may be members of the Board.

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

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

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

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

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

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

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

1. Fundamentals of Engineering;

2. Principles and Practice of Engineering;

3. Fundamentals of ~~Land~~ Surveying;

4. Principles and Practice of ~~Land~~ Surveying;

5. Oklahoma Law and Surveying; and

6. Oklahoma Law and Engineering.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~a. the words "State of Oklahoma",~~

~~b. the name of the licensee,~~

~~c. the license number of the licensee, and~~

~~d. the words "Licensed Professional Engineer" or "Licensed Professional Land Surveyor"; existing seals containing the words "Registered Land Surveyor", "Registered Professional Land Surveyor", and "Registered Professional Engineer" may continue to be used.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12. Providing false testimony or information to the Board;

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

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

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

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

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

C. The Board shall have the power to:

1. Revoke a certificate of authorization;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 475.20 A. Criminal penalties:

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

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

B. Administrative penalties:

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

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

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

C. Legal Counsel:

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

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

Passed the Senate the 13th day of March, 2008.

_____
Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____, 2008.

_____
Presiding Officer of the House of Representatives