

SB 1529

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THE STATE SENATE
Monday, February 18, 2008

Senate Bill No. 1529
As Amended

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;

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

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

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

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

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

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

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

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

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

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

1 the determination and preservation of land boundaries.

2 "Practice of land surveying" includes, without
3 limitation:

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

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

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

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

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

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

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

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

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

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

20 13. ~~"Immediate direction" means the exercise of direct control~~
21 ~~and personal supervision over the personnel of a firm performing~~
22 ~~engineering or land surveying~~ "Core curriculum" means the Board-
23 approved land surveying courses adopted by Board policy, developed

1 to ensure that land surveyor applicants meet the minimum educational
2 requirements for licensure.

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

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

16 B. The Board shall obtain an office, secure such facilities,
17 and employ, direct, discharge and define the duties and salaries of
18 an Executive Director, Principal Assistant, Director of Enforcement,
19 Board Investigator and such clerical or other assistants as are
20 necessary for the proper performance of its work. The Board shall
21 make expenditures from the fund created in subsection A of this
22 section for any purpose which, in the opinion of the Board, is
23 reasonably necessary for the proper performance of its duties under

1 Section 475.1 et seq. of this title, including examination
2 administration fees, the expenses of the Board's delegates to
3 meetings of and membership fees to the National Council of Examiners
4 for Engineering and Surveying, meaning the national nonprofit
5 organization composed of engineering and land surveying licensing
6 boards commonly called NEECS, and any of its subdivisions, as
7 provided in the State Travel Reimbursement Act, Section 500.1 et
8 seq. of Title 74 of the Oklahoma Statutes. Under no circumstances
9 shall the total amount of warrants issued in payment of the expenses
10 and compensation provided for in Section 475.1 et seq. of this title
11 exceed the amount of monies in the fund.

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

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

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

- 20 1. The name, date of birth and last-known address of each
21 applicant;
- 22 2. The date of application;
- 23 3. The place of business of the applicant;

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

3 5. The type of examination required;

4 6. Whether or not the applicant was rejected;

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

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

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

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

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

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

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

4 Section 475.12 A. Engineer

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

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

17 1. As a professional engineer:

18 a. Licensure by Comity or Endorsement - A person holding
19 a certificate of registration or licensure to engage
20 in the practice of engineering issued by a proper
21 authority of a jurisdiction or possession of the
22 United States or the District of Columbia, based on
23 requirements that do not conflict with the provisions

1 of Section 475.1 et seq. of this title and ~~were~~
2 possessing credentials that are, in the judgment of
3 the Board, of a standard not lower than that specified
4 in the applicable licensure act in effect in this
5 state at the time such certificate was issued, may,
6 upon application, be licensed without further
7 examination except as required to present evidence of
8 knowledge of statutes, rules and design requirements
9 unique to this state.

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

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

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

1 state, the applicant shall be granted a certificate of
2 licensure to practice engineering in this state, if
3 otherwise qualified.

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

22 2. As an engineer intern:

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

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

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

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

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

1 B. Land Surveyor

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

11 The evaluation of a professional land surveyor applicant's
12 qualifications shall include consideration of the applicant's
13 education, technical and land surveying experience, and
14 recommendations by references. ~~The land surveyor intern applicant's~~
15 ~~qualifications may be reviewed at an interview if the Board deems it~~
16 ~~necessary. Educational credits for courses undertaken shall be~~
17 ~~determined by the Board.~~

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

- 22 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

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

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

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

20 c. Alternative Graduation, Experience and Examination -

- 21 (1) A graduate of a ~~surveying or related science~~
22 ~~program~~ other academic programs of two (2) years
23 or more, ~~other than the programs approved by the~~

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

1 surveying in this state, if otherwise qualified.
2 ~~Provided, an applicant under this paragraph shall~~
3 ~~not be admitted to the fundamentals of land~~
4 ~~surveying examination after July 1, 2008, unless~~
5 ~~the applicant is a graduate of a surveying or~~
6 ~~related science program of four (4) years or more~~
7 ~~other than the programs approved by the Board as~~
8 ~~being of satisfactory standing.~~

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

1 surveying and a two-hour Oklahoma Law and
2 Surveying written examination. Upon passing such
3 examinations, the applicant shall be granted a
4 certificate of licensure to practice land
5 surveying in this state, if otherwise qualified.

6 d. Long Established Practice and Examination - An
7 applicant with a specific record of nine (9) years or
8 more of practice in land surveying, ~~of which at least~~
9 ~~five (5) years have been in responsible charge of~~
10 ~~important land surveying work, and of a grade and~~
11 character satisfactory to the Board which indicates to
12 the Board that the applicant may be competent to
13 practice land surveying shall be admitted to an
14 eight-hour written examination in the fundamentals of
15 land surveying, and, if passed, then shall be admitted
16 to ~~an eight-hour~~ a six-hour written examination in the
17 principles and practice of ~~land~~ surveying and a two-
18 hour Oklahoma Law and Surveying written examination.
19 Upon passing such ~~examination~~ examinations, the
20 applicant shall be granted a certificate of licensure
21 to practice land surveying in this state, if otherwise
22 qualified. Provided, after July 1, 2014, "Long
23 Established Practice and Examination", as specified in

1 this paragraph, shall not be considered by the Board
2 as minimum evidence that an applicant is qualified for
3 licensure as a professional land surveyor.

4 2. As a land surveyor intern:

5 a. Graduation and Examination -

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

16 (2) A graduate of a surveying program of two (2)
17 years or more approved by the Board ~~as being of~~
18 ~~satisfactory standing~~ or an applicant who has
19 completed forty-five (45) semester hours or more
20 of academic requirements for graduation from a
21 two-year surveying program approved by the Board
22 shall be admitted to an eight-hour written
23 examination in the fundamentals of land

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

11 b. Alternative Graduation, Experience and Examination -

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 11 1. Fundamentals of Engineering;
- 12 2. Principles and Practice of Engineering;
- 13 3. Fundamentals of ~~Land~~ Surveying;
- 14 4. Principles and Practice of ~~Land~~ Surveying;
- 15 5. Oklahoma Law and Surveying; and
- 16 6. Oklahoma Law and Engineering.

17 C. A candidate failing an examination may apply for the next
18 examination, which may be granted upon payment of an application fee
19 established by the Board, ~~provided the failing grade on the~~
20 ~~examination is equal to or above fifty (50) points. An applicant~~
21 ~~failing an examination by a score of less than fifty (50) points~~
22 ~~shall not be admitted to reexamination except by an approved~~
23 ~~application for an examination administered not earlier than one (1)~~

1 ~~year after the failed exam was administered. Before the readmission~~
2 ~~to the examination, in the event of a second failure, the applicant~~
3 ~~must provide the Board with evidence of having acquired the~~
4 ~~necessary additional knowledge to qualify.~~

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

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

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

17 Section 475.15 A. The Board shall issue to any applicant who,
18 in the opinion of the Board, has met the requirements of Section
19 475.1 et seq. of this title, a certificate of licensure giving the
20 licensee proper authority to practice in this state. The
21 certificate of licensure for ~~an~~ a professional engineer shall carry
22 the designation "Professional Engineer" and for a professional land
23 surveyor, "Professional Land Surveyor". It shall give the full

1 ~~legal name and license~~ of the licensee with the licensure number of
2 ~~the licensee~~ and shall be signed by the Chair and the Secretary
3 under the seal of the Board.

4 B. This certificate shall be prima facie evidence that the
5 person named ~~therein~~ thereon is entitled to all rights, privileges
6 and responsibilities of a professional engineer or professional land
7 surveyor, while ~~said~~ the certificate remains effective unrevoked and
8 unexpired.

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

1 or documents that are signed using a digital or electronic signature
2 must be done in a manner that is in direct control and personal
3 supervision of the professional engineer or professional land
4 surveyor and must conform to the specifications in the Board rules
5 regarding digital or electronic signatures.

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

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

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

1 ~~4. In the case where multiple licensees are involved, each~~
2 ~~sheet in a set of drawings shall contain the seal and dated~~
3 ~~signature of the licensee responsible for that portion of the work.~~
4 ~~For bound documents produced by multiple licensees, either each~~
5 ~~document in the bound set shall be sealed, signed, and dated by the~~
6 ~~licensee in responsible charge for each document, or the cover sheet~~
7 ~~or index page shall be sealed, signed, and dated by each licensee~~
8 ~~with the responsibility of each licensee clearly indicated.~~

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

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

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

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

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

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

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

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

12 ~~d. the words "Licensed Professional Engineer" or~~

13 ~~"Licensed Professional Land Surveyor"; existing seals~~

14 ~~containing the words "Registered Land Surveyor",~~

15 ~~"Registered Professional Land Surveyor", and~~

16 ~~"Registered Professional Engineer" may continue to be~~

17 ~~used.~~

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

1 authorize the holder to practice as a professional engineer or
2 professional land surveyor.

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

6 Section 475.18 A. The Board shall have the power to suspend,
7 revoke or refuse to issue, restore or renew a certificate of
8 authorization for a firm, or a certificate of licensure of, or place
9 on probation, fine or reprimand any firm, professional engineer,
10 professional land surveyor or engineer intern or land surveyor
11 intern who is found guilty of:

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

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

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

1 which is dishonesty or which is related to the practice of
2 engineering or land surveying;

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

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

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

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

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

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

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

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

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

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

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

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

19 ~~15.~~ 16. Nonpayment of fees when due, or nonpayment for a period
20 longer than ninety (90) days after the due date for payment of
21 costs, or administrative penalties assessed by the Board shall
22 result in revocation of the certificate of ~~authority~~ authorization
23 or certificate of licensure.

1 B. The Board shall prepare and adopt Rules of Professional
2 Conduct for Professional Engineers and Land Surveyors as provided
3 for in Section 475.8 of this title, which shall be made available in
4 writing to every licensee and applicant for licensure under Section
5 475.1 et seq. of this title. The Board may revise and amend these
6 Rules of Professional Conduct for Professional Engineers and Land
7 Surveyors from time to time and shall notify each licensee, in
8 writing, of such revisions or amendments.

9 C. The Board shall have the power to:

10 1. Revoke a certificate of authorization;

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

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

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

21 D. ~~Principles~~ Principals of a firm who do not obtain a
22 certificate or authorization as required by Section 475.1 et seq. of

1 this title may be subject to ~~revocation~~ disciplinary action of
2 individual licensure.

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

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

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

22 C. If, after such hearing, a majority of the Board vote in
23 favor of sustaining any one or more of the charges, the Board shall

1 reprimand, fine ~~in an amount not to exceed Two Hundred Fifty Dollars~~
2 ~~(\$250.00)~~ for each count or separate offense, levy administrative
3 penalties pursuant to Section 475.20 of this title, place on
4 probation for a period of time and subject to such conditions as the
5 Board may specify, refuse to issue, restore, renew, suspend or
6 revoke the individual's certificate of licensure, or the firm's
7 certificate of authorization.

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

13 E. The Board may, upon petition of an individual licensee or
14 firm holding a certificate of authorization, reissue a certificate
15 of licensure or authorization, provided that a majority of the
16 members of the Board vote in favor of such issuance.

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

20 Section 475.20 A. Criminal penalties:

21 Any person or entity who practices, or offers to practice,
22 engineering or land surveying in this state without being licensed
23 by the State Board of Professional Engineers and Land Surveyors in

1 accordance with the provisions of Section 475.1 et seq. of this
2 title, or any person or entity using or employing the words
3 "engineer" or "engineering" or "land surveyor" or "land surveying"
4 or any modification or derivative thereof in its name or form of
5 business or activity except as authorized in Section 475.1 et seq.
6 of this title, or any person presenting or attempting to use the
7 certificate of licensure or the seal of another, or any person who
8 shall give false or forged evidence of any kind to the Board or to
9 any member thereof in obtaining or attempting to obtain a
10 certificate of licensure, or any person who shall falsely
11 impersonate any other licensee of like or different name, or any
12 person who shall attempt to use an expired, suspended, revoked, or
13 nonexistent certificate of licensure, or who shall practice or offer
14 to practice when not qualified, or any person who falsely claims to
15 be registered or licensed under Section 475.1 et seq. of this title,
16 or any person who shall violate any of the provisions of Section
17 475.1 et seq. of this title, shall be guilty of a misdemeanor,
18 punishable by a fine of not less than Two Hundred Fifty Dollars
19 (\$250.00), nor more than Two Thousand Dollars (\$2,000.00).

20 B. Administrative penalties:

21 1. Any person or entity who has been determined by the Board to
22 have violated any provision of Section 475.1 et seq. of this title,
23 or any rule, regulation or order issued pursuant to such provisions,

1 may be liable for an administrative penalty of not less than Two
2 Hundred Fifty Dollars (\$250.00). ~~The maximum administrative penalty~~
3 ~~shall not exceed~~ nor more than Ten Thousand Dollars (\$10,000.00) for
4 ~~any related series of violations~~ each separate violation.

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

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

22 C. Legal Counsel:

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

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

9 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS & LABOR, dated 2-11-08 -
10 DO PASS, As Amended and Coauthored.