

1 ENGROSSED SENATE
2 BILL NO. 1851

By: Laster, Barrington and
Burrage of the Senate

3 and

4 Steele and Jones of the
5 House

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8 An Act relating to the State Board of Licensure for
9 Professional Engineers and Land Surveyors; amending
10 59 O.S. 2001, Section 475.2, as last amended by
11 Section 1, Chapter 312, O.S.L. 2008 (59 O.S. Supp.
2009, Section 475.2), which relates to engineering
and surveying; modifying definition; clarifying
language; and declaring an emergency.

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

14 SECTION 1. AMENDATORY 59 O.S. 2001, Section 475.2, as
15 last amended by Section 1, Chapter 312, O.S.L. 2008 (59 O.S. Supp.
16 2009, Section 475.2), is amended to read as follows:

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

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

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

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

12 4. "Practice of engineering" means any service or creative
13 work, the adequate performance of which requires engineering
14 education, training and experience in the application of special
15 knowledge of the mathematical, physical and engineering sciences to
16 such services or creative work as consultation, investigation,
17 evaluation, planning and design of engineering works and systems,
18 planning the engineering use of land and water, teaching of advanced
19 engineering subjects or courses related thereto, engineering
20 research, engineering surveys, engineering studies, and the
21 inspection or review of construction for the purposes of assuring
22 compliance with drawings and specifications; any of which embraces
23 such services or work, either public or private, in connection with
24 any utilities, structures, buildings, machines, equipment,

1 processes, work systems, projects, communication systems,
2 transportation systems and industrial or consumer products or
3 equipment of a mechanical, electrical, chemical, environmental,
4 hydraulic, pneumatic, thermal, control system or communications
5 nature, insofar as they involve safeguarding life, health or
6 property, and including such other professional services as may be
7 necessary to the design review and integration of a multidiscipline
8 work, planning, progress and completion of any engineering services.

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

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

23 A person or entity shall be construed to practice or offer to
24 practice engineering, within the meaning and intent of Section 475.1

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

9 Notwithstanding the other provisions of this paragraph,
10 providing a list of material derived from measuring and interpreting
11 a set of blue prints or plans, otherwise known as a "material take-
12 off" or advising a person on such a "material take-off", shall not
13 constitute the practice of engineering;

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

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

6 7. a. "Practice of land surveying" means any service or
7 work, the adequate performance of which involves the
8 application of special knowledge of the principles of
9 mathematics, methods of measurement, and the law for
10 the determination and preservation of land boundaries.
11 "Practice of land surveying" includes, without
12 limitation:

- 13 (1) restoration and rehabilitation of corners and
14 boundaries in the United States Public Land
15 Survey System or the subdivision thereof,
- 16 (2) obtaining and evaluating evidence for the
17 accurate determination of land boundaries,
- 18 (3) determination of the areas and elevations of land
19 parcels for a survey,
- 20 (4) monumenting the subdivision of land parcels into
21 smaller parcels and the preparation of the
22 descriptions in connection therewith,
- 23 (5) measuring and platting underground mine workings,

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- (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

1 way represents such person to be a professional land
2 surveyor or through the use of some other title
3 implies that such person or entity is a professional
4 land surveyor or that such person is registered,
5 licensed, or qualified under Section 475.1 et seq. of
6 this title; represents qualifications or ability to
7 perform; or who does practice land surveying.

8 c. A person shall not be construed to practice or offer
9 to practice land surveying, within the meaning and
10 intent of Section 475.1 et seq. of this title, who
11 merely acts as an agent of a purchaser of land
12 surveying services. Agents of a purchaser of land
13 surveying services include, but are not limited to,
14 real estate agents and brokers, title companies,
15 attorneys providing title examination services, and
16 persons who or firms that coordinate the acquisition
17 and use of land surveying services. The coordination
18 of land surveying services includes, but is not
19 limited to, 7 sales and marketing of services,
20 discussion of requirements of land surveys,
21 contracting to furnish land surveys, review of land
22 surveys, the requesting of revisions of land surveys,
23 and making any and all modifications to surveys with
24 the written consent of the land surveyor, and

1 furnishing final revised copies to the land surveyor
2 showing all revisions, the distribution of land
3 surveys, and receiving payment for such services.
4 These actions do not constitute the practice of land
5 surveying, and do not violate any part of Section
6 475.1 through 475.22a of this title or the Bylaws and
7 Rules of the Board;

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

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

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

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

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

1 13. "Core curriculum" means the Board-approved land surveying
2 courses adopted by Board policy, developed to ensure that land
3 surveyor applicants meet the minimum educational requirements for
4 licensure.

5 SECTION 2. It being immediately necessary for the preservation
6 of the public peace, health and safety, an emergency is hereby
7 declared to exist, by reason whereof this act shall take effect and
8 be in full force from and after its passage and approval.

9 Passed the Senate the 9th day of March, 2010.

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12 Presiding Officer of the Senate

13 Passed the House of Representatives the ____ day of _____,
14 2010.

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17 Presiding Officer of the House
18 of Representatives
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