

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL 645

6 By: Coates

7 COMMITTEE SUBSTITUTE

8 An Act relating to Professional Engineers and Land
9 Surveyors; amending 59 O.S. 2001, Sections 475.2, as
10 last amended by Section 1, Chapter 312, O.S.L. 2008,
11 475.8, as last amended by Section 1, Chapter 337,
12 O.S.L. 2010, 475.9, as last amended by Section 17,
13 Chapter 413, O.S.L. 2010, 475.12, as last amended by
14 Section 4, Chapter 312, O.S.L. 2008, 475.15, as last
15 amended by Section 7, Chapter 312, O.S.L. 2008,
16 475.18, as last amended by Section 8, Chapter 312,
17 O.S.L. 2008, and 475.21, as amended by Section 20,
18 Chapter 115, O.S.L. 2005, (59 O.S. Supp. 2010,
19 Sections 475.2, 475.8, 475.9, 475.12, 475.15, 475.18
20 and 475.21) which relate to definitions, authority of
21 Board, audits, license qualifications, certificate of
22 licensure, disciplinary action, and conditions for
23 practice; modifying definition; modifying language;
24 authorizing period of probation and conditions set by
Board; modifying type of funds payable to General
Revenue Fund; requiring certain Board approved
examination; deleting set hours for written
examination; authorizing waiver of certain
examination for extraordinarily qualified applicants;
disqualifying certain minimum qualifications at
certain times; requiring certain technical
information to be retained for certain period;
clarifying authority of Board for disciplinary
action; including retired licensees under
disciplinary authority; deleting nonpayment of fees
as condition for certain disciplinary action;
deleting maximum period for license suspension;
setting requirements for out-of-state firms operating
branch office in Oklahoma; providing an effective
date; and declaring an emergency.

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

2 SECTION 1. AMENDATORY 59 O.S. 2001, Section 475.2, as
3 last amended by Section 1, Chapter 312, O.S.L. 2008 (59 O.S. Supp.
4 2010, Section 475.2), is amended to read as follows:

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

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

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

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

22 4. "Practice of engineering" means any service or creative
23 work, the adequate performance of which requires engineering
24 education, training and experience in the application of special

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

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

1 restrict the services other licensed professional disciplines are
2 authorized to offer or perform by statute or regulation.

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

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

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

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

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

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

- 17 (1) restoration and rehabilitation of corners and
18 boundaries in the United States Public Land
19 Survey System or the subdivision thereof,
20 (2) obtaining and evaluating evidence for the
21 accurate determination of land boundaries,
22 (3) determination of the areas and elevations of land
23 parcels for a survey,
24

- (4) monumenting the subdivision of land parcels into smaller parcels and the preparation of the descriptions in connection therewith,
- (5) measuring and platting underground mine workings,
- (6) preparation of the control portions of geographic information systems and land information systems,
- (7) establishment, restoration, and rehabilitation of land survey monuments and bench marks,
- (8) preparation of land survey plats, condominium plats, monument records, and survey reports,
- (9) surveying, monumenting, and platting of easements, and rights-of-way,
- (10) measuring, locating, or establishing lines, angles, elevations, natural and man-made features in the air, on the surface of the earth, within underground workings, and on the beds of bodies of water for the purpose of determining areas and volumes for a survey,
- (11) geodetic surveying, and
- (12) any other activities incidental to and necessary for the adequate performance of the services described in this paragraph.

b. A person or entity shall be construed to practice or offer to practice land surveying, within the meaning

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

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

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

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

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

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

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

22 12. "Direct Control" and "personal supervision" whether used
23 separately or together mean active and personal management of the
24 firm's personnel and practice ~~including personal presence in the~~

1 ~~workplace to maintain charge of, and concurrent direction over,~~
2 engineering or land surveying decisions and the instruments of
3 professional services to which the licensee affixes the seal,
4 signature, and date; and

5 13. "Core curriculum" means the Board-approved land surveying
6 courses adopted by Board policy, developed to ensure that land
7 surveyor applicants meet the minimum educational requirements for
8 licensure.

9 SECTION 2. AMENDATORY 59 O.S. 2001, Section 475.8, as
10 last amended by Section 1, Chapter 337, O.S.L. 2010 (59 O.S. Supp.
11 2010, Section 475.8), is amended to read as follows:

12 Section 475.8. A. The State Board of Licensure for
13 Professional Engineers and Land Surveyors shall have the power to
14 adopt and amend all bylaws and rules of procedure, not inconsistent
15 with the Constitution and laws of this state or Section 475.1 et
16 seq. of this title, including the adoption and promulgation of Rules
17 of Professional Conduct for Professional Engineers and Land
18 Surveyors, which may be reasonably necessary for the proper
19 performance of its duties and the regulation of its proceedings,
20 meetings, records, examinations and the conduct thereof. These
21 actions by the Board shall be binding upon persons licensed under
22 Section 475.1 et seq. of this title and shall be applicable to firms
23 holding a certificate of authorization. The Board shall adopt and

24

1 have an official seal, which shall be affixed to each certificate
2 issued. The Board shall have the further power and authority to:

3 1. Establish and amend minimum standards for the practice of
4 engineering and land surveying;

5 2. Establish continuing education requirements for renewal of
6 professional engineering and professional land surveyor licenses;

7 3. Promulgate rules concerning the ethical marketing of
8 professional engineering and land surveying services; and

9 4. Upon good cause shown, as hereinafter provided, deny the
10 issuance, restoration or renewal of, or place on probation for a
11 period of time and subject to such conditions as the Board may
12 specify, a certificate of licensure or certificate of authorization
13 or suspend, revoke or refuse to renew certificates of licensure or
14 certificates of authorization previously issued, and upon proper
15 showing to review, affirm, reverse, vacate or modify its orders with
16 respect to such denial, suspension, revocation or refusal to renew⁷.

17 ~~5. Levy~~ B. The Board is hereby authorized to levy
18 administrative penalties against any person or entity who or which
19 violates any of the provisions of Section 475.1 et seq. of this
20 title or any rule or regulation promulgated pursuant thereto. The
21 Board is hereby authorized to initiate disciplinary, prosecutorial
22 and injunctive proceedings against any person or entity who or which
23 has violated any of the provisions of Section 475.1 et seq. of this
24 title or any rule or regulation of the Board promulgated pursuant

1 thereto. The Board shall investigate alleged violations of the
2 provisions of Section 475.1 et seq. of this title or of the rules or
3 regulations, orders or final decisions of the Board, ~~and~~.

4 ~~6. Acquire~~ C. The Board is hereby authorized to acquire by
5 purchase, lease, gift, solicitation of gift or by any other lawful
6 means, and maintain, use and operate real property and improvements;
7 contract for the maintenance, use, and operation of or lease of any
8 and all real property and improvements; lease or sublease any part
9 of real property and improvements acquired pursuant to this section
10 to public entities, private entities, or private persons, on any
11 terms and for any consideration deemed appropriate by the Board,
12 subject to restrictions in purchase or lease documents relating to
13 property acquired; provided, all contracts for real property and
14 improvements shall be subject to the provisions of Section 63 of
15 Title 74 of the Oklahoma Statutes.

16 ~~B.~~ D. In carrying into effect the provisions of Section 475.1
17 et seq. of this title, the Board, under the hand of its Chair, Vice
18 Chair, or Executive Director and the seal of the Board, may subpoena
19 witnesses and compel their attendance, and may also require the
20 submission of books, papers, documents or other pertinent data, in
21 any disciplinary matters, or in any case wherever a violation of
22 Section 475.1 et seq. of this title is alleged. Upon failure or
23 refusal to comply with any such order of the Board, or upon failure
24 to honor its subpoena, as herein provided, the Board may apply to a

1 court of proper jurisdiction for an order to enforce compliance with
2 same.

3 ~~C.~~ E. The Board is hereby authorized in the name of the state
4 to apply for relief by injunction in the established manner provided
5 in cases of civil procedure, without bond, to enforce the provisions
6 of Section 475.1 et seq. of this title, or to restrain any violation
7 thereof. In such proceedings, it shall not be necessary to allege
8 or prove either that an adequate remedy at law does not exist or
9 that substantial or irreparable damage would result from the
10 continued violation thereof. The members of the Board shall not be
11 personally liable under this proceeding.

12 ~~D.~~ F. The Board may subject an applicant for licensure or a
13 licensee to such examinations as it deems necessary to determine the
14 applicant's or licensee's qualifications. The Board may dispose of
15 a formal complaint against a licensee for a violation of Section
16 475.1 et seq. of this title by an order that a licensee shall
17 complete the examinations as the Board deems necessary to determine
18 the qualifications of the licensee, and upon the initial failure or
19 refusal to successfully complete the examination, within the time
20 ordered, place conditions on the license of the licensee to practice
21 and order other remedies until competence is demonstrated.

22 ~~E.~~ G. No action or other legal proceedings for damages shall be
23 instituted against the Board or against any Board member or employee
24 of the Board for any act done in good faith and in the intended

1 performance of any power granted under Section 475.1 et seq. of this
2 title or for any neglect or default in the performance or exercise
3 in good faith of any such duty or power.

4 SECTION 3. AMENDATORY 59 O.S. 2001, Section 475.9, as
5 last amended by Section 17, Chapter 413, O.S.L. 2010 (59 O.S. Supp.
6 2010, Section 475.9), is amended to read as follows:

7 Section 475.9. A. The Executive Director of the State Board of
8 Licensure for Professional Engineers and Land Surveyors shall be
9 responsible for accounting for all monies derived under the
10 provisions of Section 475.1 et seq. of this title. This fund shall
11 be known as the "Professional Engineers and Land Surveyors Fund",
12 and shall be deposited with the State Treasurer, and shall be paid
13 out only upon requisitions submitted by the Secretary or Executive
14 Director. All monies in this fund are hereby specifically
15 appropriated for the use of the Board, and at the end of each fiscal
16 year the Board shall pay into the General Revenue Fund of the state
17 an amount equal to ten percent (10%) of all ~~funds received at the~~
18 ~~end of each fiscal year~~ licensure and certification fees in
19 compliance with Section 211 of Title 62 of the Oklahoma Statutes.

20 B. The Board shall obtain an office, secure such facilities,
21 and employ, direct, discharge and define the duties and salaries of
22 an Executive Director, Principal Assistant, Director of Enforcement,
23 Board Investigator and such clerical or other assistants as are
24 necessary for the proper performance of its work. The Board shall

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

15 SECTION 4. AMENDATORY 59 O.S. 2001, Section 475.12, as
16 last amended by Section 4, Chapter 312, O.S.L. 2008 (59 O.S. Supp.
17 2010, Section 475.12), is amended to read as follows:

18 Section 475.12. A. Engineer

19 To be eligible for consideration for licensure as a professional
20 engineer, or certification as an engineer intern, an applicant must
21 be of good character and reputation and shall submit five references
22 with application for licensure as a professional engineer, three of
23 which shall be professional engineers having personal knowledge of
24 the applicant's engineering experience, or, in the case of an

1 application for certification as an engineer intern, by three
2 character references.

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

7 1. As a professional engineer:

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

23 b. Graduation, Experience and Examination - A graduate of
24 an engineering program of four (4) years or more

1 approved by the Board as being of satisfactory
2 standing, and following the date of degree, a specific
3 record of an additional four (4) years or more of
4 progressive experience on engineering projects of a
5 grade and character which indicates to the Board that
6 the applicant may be competent to practice
7 engineering, who has also passed ~~the eight-hour~~
8 written a Board approved NCEES examination in the
9 fundamentals of engineering as provided in
10 subparagraph a of paragraph 2 of this subsection,
11 shall be admitted to ~~an eight-hour written a Board~~
12 approved NCEES examination in the principles and
13 practice of engineering. Upon passing such
14 examinations, as well as an examination in knowledge
15 of statutes, rules and design requirements unique to
16 this state, the applicant shall be granted a
17 certificate of licensure to practice engineering in
18 this state, if otherwise qualified. If in the
19 judgment of the Board special circumstances exist, the
20 Board may waive the fundamentals of engineering
21 examination requirement for the issuance of a license
22 if the applicant possesses sufficient progressive
23 experience on engineering projects to indicate to the
24 Board that the applicant may be competent to practice

1 engineering. The Board shall evaluate all elements of
2 the application to assess waiver requests and shall
3 only grant a waiver to extraordinarily qualified
4 applicants.

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

1 Board may waive the fundamentals of engineering
2 examination requirement for the issuance of a license
3 if the applicant possesses sufficient progressive
4 experience on engineering projects to indicate to the
5 Board that the applicant may be competent to practice
6 engineering. The Board shall evaluate all elements of
7 the application to assess waiver requests and shall
8 only grant a waiver to extraordinarily qualified
9 applicants.

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

1 2. As an engineer intern:

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

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

14 b. Alternative Graduation, Experience and Examination - A
15 graduate of an engineering or related science
16 curriculum of four (4) years or more, other than the
17 ones approved by the Board or an applicant who has
18 completed ninety (90) semester hours or more of
19 academic requirements for graduation, shall be
20 admitted to ~~an eight-hour written~~ a Board approved
21 NCEES examination in the fundamentals of engineering.
22 Upon passing such examination, providing proof of
23 graduation and providing proof of a specific record of
24 one (1) year or more of progressive engineering

1 experience in engineering projects of a grade and
2 character satisfactory to the Board, the applicant
3 shall be certified or enrolled as an engineer intern,
4 if otherwise qualified.

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

20 B. Land Surveyor

21 To be eligible for consideration for licensure as a professional
22 land surveyor or certification as a land surveyor intern, an
23 applicant must be of good character and reputation and shall submit
24 five references with application for licensure as a professional

1 land surveyor, three of which shall be licensed land surveyors
2 having personal knowledge of the applicant's land surveying
3 experience; or in the case of an applicant for certification as a
4 land surveyor intern, by three character references.

5 The evaluation of a professional land surveyor applicant's
6 qualifications shall include consideration of the applicant's
7 education, technical and land surveying experience, and
8 recommendations by references.

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

13 1. As a land surveyor:

14 a. Licensure by Comity or Endorsement - A person holding
15 a certificate of licensure to engage in the practice
16 of land surveying issued by a proper authority of a
17 jurisdiction or possession of the United States or the
18 District of Columbia, based on comparable
19 qualifications satisfactory to the Board, will be
20 given comity consideration. However, the person may
21 be required to take such examinations as the Board
22 deems necessary to determine the person's
23 qualifications, but in any event, the person shall be
24 required to pass a written examination of such

1 duration as established by the Board, which shall
2 include questions on laws, procedures and practices
3 pertaining to land surveying in this state.

4 b. Graduation, Experience and Examination -

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

1 (2) A graduate of a surveying program of two (2)
2 years or more approved by the Board and a
3 specific record of six (6) years or more of
4 progressive combined office and field experience
5 satisfactory to the Board on land surveying
6 projects of a grade and character which indicates
7 to the Board that the applicant may be competent
8 to practice land surveying and who has also
9 passed ~~the eight-hour written~~ a Board approved
10 NCEES examination in the fundamentals of
11 surveying as provided in subparagraph a of
12 paragraph 2 of this subsection shall be admitted
13 to a ~~six-hour written~~ Board approved NCEES
14 examination in the principles and practice of
15 surveying and a ~~two-hour~~ Board approved Oklahoma
16 Law and Surveying ~~written~~ examination. Upon
17 passing such examination, the applicant shall be
18 granted a certificate of licensure to practice
19 land surveying in this state, if otherwise
20 qualified. Provided, after July 1, 2020, the
21 provisions in this paragraph shall not be
22 considered by the Board as minimum evidence that
23 an applicant is qualified for licensure as a
24 professional land surveyor.

1 c. Alternative Graduation, Experience and Examination -

2 (1) A graduate of other academic programs of two (2)
3 years or more, approved by the Board, which shall
4 include the Board-approved core curriculum in
5 surveying and a specific record of six (6) years
6 or more of progressive combined office and field
7 experience satisfactory to the Board on land
8 surveying projects of a grade and character which
9 indicates to the Board that the applicant may be
10 competent to practice land surveying who has
11 passed ~~an eight-hour written~~ a Board approved
12 NCEES examination in the fundamentals of
13 surveying, as provided in division (1) of
14 subparagraph b of paragraph 2 of this subsection
15 shall be admitted to a ~~six-hour written~~ Board
16 approved NCEES examination in the principles and
17 practice of surveying and a ~~two-hour~~ Board
18 approved Oklahoma Law and Surveying written
19 examination. Upon passing such examination, the
20 applicant shall be granted a certificate of
21 licensure to practice land surveying in this
22 state, if otherwise qualified. Provided, after
23 July 1, 2016, two-year academic programs shall no

1 longer qualify, and four-year academic programs
2 approved by the Board shall be required.

3 (2) An applicant who provides proof of completion of
4 sixty (60) credit hours, approved by the Board,
5 which shall include the Board-approved core
6 curriculum in surveying, and a specific record of
7 six (6) years or more of progressive combined
8 office and field experience satisfactory to the
9 Board 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, who has also passed ~~an eight-hour~~
13 ~~written~~ a Board approved NCEES examination in the
14 fundamentals of surveying as provided in division
15 (2) of subparagraph b of paragraph 2 of this
16 subsection, shall be admitted to a ~~six-hour~~
17 ~~written~~ Board approved examination in the
18 principles and practice of surveying and a ~~two-~~
19 ~~hour~~ Board approved Oklahoma Law and Surveying
20 ~~written~~ examination. Upon passing such
21 examinations, the applicant shall be granted a
22 certificate of licensure to practice land
23 surveying in this state, if otherwise qualified.
24 Provided, after July 1, 2016, two-year academic

1 programs shall no longer qualify, and four-year
2 academic programs approved by the Board shall be
3 required.

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

24 2. As a land surveyor intern:

1 a. Graduation and Examination -

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

12 (2) A graduate of a surveying program of two (2)
13 years or more approved by the Board or an
14 applicant who has completed forty-five (45)
15 semester hours or more of academic requirements
16 for graduation from a two-year surveying program
17 approved by the Board shall be admitted to ~~an~~
18 ~~eight hour written~~ a Board approved NCEES
19 examination in the fundamentals of surveying.
20 Upon passing such examination and providing proof
21 of graduation, the applicant shall be certified
22 or enrolled as a land surveyor intern, if
23 otherwise qualified. Provided, after July 1,
24 2020, the provisions in this paragraph shall not

1 be considered by the Board as minimum evidence
2 that an applicant is qualified for licensure as a
3 professional land surveyor.

4 b. Alternative Graduation, Experience and Examination -

5 (1) A graduate of other academic programs of two (2)
6 years or more approved by the Board, which shall
7 include the Board-approved core curriculum in
8 surveying, or an applicant who has completed
9 forty-five (45) semester hours or more of
10 academic requirements for graduation, including
11 twenty-one (21) semester hours or more of the
12 core curriculum, from another academic program of
13 two (2) years or more approved by the Board,
14 shall be admitted to ~~an eight hour written a~~
15 Board approved NCEES examination in the
16 fundamentals of surveying. Upon passing such
17 examination, providing proof of graduation and
18 providing proof of a specific record of one (1)
19 year or more of progressive 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, the applicant shall
24 be certified or enrolled as a land surveyor

1 intern, if otherwise qualified. Provided, after
2 July 1, 2016, two-year academic programs shall no
3 longer qualify, and four-year academic programs
4 approved by the Board shall be required.

- 5 (2) An applicant who provides proof of completion of
6 sixty (60) credit hours approved by the Board,
7 which shall include the Board-approved core
8 curriculum in surveying, or an applicant who has
9 completed forty-five (45) semester hours or more
10 of academic requirements for graduation,
11 including twenty-one (21) semester hours or more
12 of the core curriculum, shall be admitted to ~~an~~
13 ~~eight-hour written~~ a Board approved NCEES
14 examination in the fundamentals of surveying.
15 Upon passing such examination and providing proof
16 of a specific record of one (1) year or more of
17 progressive experience satisfactory to the Board
18 on land surveying projects of a grade and
19 character which indicates to the Board that the
20 applicant may be competent to practice land
21 surveying, the applicant shall be certified or
22 enrolled as a land surveyor intern, if otherwise
23 qualified. Provided, after July 1, 2016, two-
24 year academic programs shall no longer qualify,

1 and four-year academic programs approved by the
2 Board shall be required.

3 SECTION 5. AMENDATORY 59 O.S. 2001, Section 475.15, as
4 last amended by Section 7, Chapter 312, O.S.L. 2008 (59 O.S. Supp.
5 2010, Section 475.15), is amended to read as follows:

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

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

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

1 Section 475.1 et seq. of this title. Whenever the seal is applied,
2 the document must be signed by the licensee thereby certifying that
3 he or she is competent in the subject matter and was in responsible
4 charge of the work product. Documents must be sealed and signed in
5 accordance with the Board rules whenever presented to a client, a
6 user or any public or governmental agency. Whenever the seal is
7 applied, the signature of the licensee and date of signature shall
8 be placed adjacent to or across the seal. Drawings, reports or
9 documents that are signed using a digital or electronic signature
10 must be done in a manner that is in direct control and personal
11 supervision of the professional engineer or professional land
12 surveyor and must conform to the specifications in the Board rules
13 regarding digital or electronic signatures. A professional
14 engineer, land surveyor or firm shall retain a hard copy or
15 electronic copy of all technical submissions produced for a minimum
16 of ten (10) years following the date of preparation.

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

24

1 SECTION 6. AMENDATORY 59 O.S. 2001, Section 475.18, as
2 last amended by Section 8, Chapter 312, O.S.L. 2008 (59 O.S. Supp.
3 2010, Section 475.18), is amended to read as follows:

4 Section 475.18. A. The As provided in subsections A and B of
5 Section 475.8 of this title, the Board shall have the power to deny,
6 place on probation, suspend, revoke or refuse to issue, ~~restore or~~
7 ~~renew a certificate of authorization for a firm, or a certificate of~~
8 ~~licensure of,~~ or place on probation, license, or fine or, reprimand
9 ~~any firm, professional engineer, professional land surveyor or~~
10 ~~engineer intern or land surveyor intern who,~~ issue orders, levy
11 administrative fines or seek criminal penalties, if a person or
12 entity is found guilty of:

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

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

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

1 otherwise, an essential element of which is dishonesty or which is
2 related to the practice of 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, retired or
24 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; and

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

19 ~~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 authorization or~~
23 ~~certificate of licensure.~~

24

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 an administrative penalty.~~

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

22 SECTION 7. AMENDATORY 59 O.S. 2001, Section 475.21, as
23 amended by Section 20, Chapter 115, O.S.L. 2005 (59 O.S. Supp. 2010,
24 Section 475.21), is amended to read as follows:

1 Section 475.21. A. The practice of or offer to practice
2 engineering or land surveying by firms authorized under Section
3 475.1 et seq. of this title, or by more than one person acting
4 individually through a firm, is permitted provided:

5 1. The person(s) in responsible charge of such practice and all
6 personnel who act in behalf of said firm in professional engineering
7 and land surveying matters in this state are licensed under Section
8 475.1 et seq. of this title; and

9 2. Said firm has been issued a certificate of authorization by
10 the Board.

11 B. An engineering or land surveying firm desiring a certificate
12 of authorization shall file with the Board an application, using a
13 form provided by the Board, and provide all the information required
14 by the Board. The Board shall prescribe a form to be filed with the
15 renewal fee and which shall be updated within thirty (30) days of
16 the time any information contained on the form is changed or differs
17 for any reason. If, in the Board's judgment, the information
18 contained on the form warrants such action, the Board shall issue a
19 certificate of authorization for said firm to practice engineering
20 and/or land surveying.

21 No such firm shall be relieved of responsibility for the conduct
22 or acts of its agents, employees, officers or partners by reason of
23 its compliance with the provisions of this section. No individual
24 practicing engineering or land surveying, pursuant to the provisions

1 of Section 475.1 et seq. of this title, shall be relieved of
2 responsibility for engineering or land surveying services performed
3 by reason of employment or other relationship with a firm holding a
4 certificate of authorization.

5 C. The Secretary of State shall not issue a certificate of
6 incorporation to an applicant or a registration as a foreign firm to
7 a firm which includes among the objectives for which it is
8 established any of the words "Engineer", "Engineering", "Surveyor",
9 "Land Surveying" or any modification or derivation thereof unless
10 the Board(s) of Licensure for these professions has issued for said
11 applicant a certificate of authorization or a letter indicating the
12 eligibility of such applicant to receive such a certificate. The
13 firm applying shall supply such certificate or letter from the Board
14 with its application for incorporation or registration.

15 D. The Secretary of State shall decline to register any trade
16 name or service mark which includes such words, as set forth in
17 subsection C of this section, or modifications or derivatives
18 thereof in its firm name or logotype except those firms holding
19 certificates of authorization issued under the provisions of this
20 section.

21 E. The certificate of authorization shall be renewed as
22 hereinbefore provided in Section 475.16 of this title.

23 F. An engineer or land surveyor designated in responsible
24 charge of the professional activities of a firm for the purposes of

1 this section shall be a full-time employee of the firm. A licensee
2 who performs only part-time, occasional, or consulting services for
3 a firm shall not qualify as a person designated in responsible
4 charge.

5 G. Out-of-state firms authorized to perform engineering
6 services in Oklahoma may have one or more branch offices located in
7 Oklahoma only if the firm has a professional engineer designated
8 responsible and in charge of the firm's professional practice in
9 this state. The professional engineer designated for this purpose
10 shall be required to spend a majority of normal business hours at
11 one or more branch offices located in Oklahoma and be duly licensed
12 as a professional engineer in this state. The professional engineer
13 designated shall be responsible for:

14 1. Maintaining the firm's certificate of authorization;
15 2. Overall administrative supervision of the firm's licensed
16 and subordinate personnel who provide the engineering work in this
17 state; and

18 3. The institution of and adherence to policies of the firm
19 that shall be in accordance with the Rules of Professional Conduct.

20 SECTION 8. This act shall become effective July 1, 2011.

21 SECTION 9. It being immediately necessary for the preservation
22 of the public peace, health and safety, an emergency is hereby
23
24

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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