

1 ENGROSSED HOUSE  
2 BILL NO. 2686

By: Banz of the House

and

Newberry of the Senate

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6  
7 An Act relating to professions and occupations;  
8 amending 59 O.S. 2011, Sections 475.2, 475.8, 475.9,  
9 475.12, 475.14, 475.15, 475.18 and 475.21, which  
10 relate to professional engineers and land surveyors;  
11 modifying definition; modifying powers and duties of  
12 Board; modifying type of funds payable to General  
13 Revenue Fund; requiring certain Board-approved  
14 examination; deleting set hours for written  
15 examination; authorizing waiver of certain  
16 examination; modifying examination procedure;  
17 requiring certain technical information to be  
18 retained for certain period; modifying disciplinary  
19 authority; including retired licensees under  
20 disciplinary authority; deleting nonpayment of fees  
21 as condition for certain disciplinary action; and  
22 authorizing out-of-state firms to perform engineering  
23 services.

24  
BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 59 O.S. 2011, 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

1 experience, is qualified, after meeting the requirements of Section  
2 475.1 et seq. of this title and the regulations issued by the Board  
3 pursuant thereto, to engage in the practice of engineering;

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

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

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

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

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

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

24

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

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

21 6. "Land surveyor intern" means a person who complies with the  
22 requirements for education and experience, and has passed an  
23 examination in the fundamental land surveying subjects, as provided  
24

1 in Section 475.1 et seq. of this title and regulations issued by the  
2 Board pursuant thereto;

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

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

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

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

1 licensed, or qualified under Section 475.1 et seq. of  
2 this title; represents qualifications or ability to  
3 perform; or who does practice land surveying.

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

1 surveying, and do not violate any part of Section  
2 475.1 through 475.22a of this title or the Bylaws and  
3 Rules of the Board;

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

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

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

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

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

21 13. "Core curriculum" means the Board-approved land surveying  
22 courses adopted by Board policy, developed to ensure that land  
23 surveyor applicants meet the minimum educational requirements for  
24 licensure.

1 SECTION 2. AMENDATORY 59 O.S. 2011, Section 475.8, is  
2 amended to read as follows:

3 Section 475.8 A. The State Board of Licensure for Professional  
4 Engineers and Land Surveyors shall have the power to adopt and amend  
5 all bylaws and rules of procedure, not inconsistent with the  
6 Constitution and laws of this state or Section 475.1 et seq. of this  
7 title, including the adoption and promulgation of Rules of  
8 Professional Conduct for Professional Engineers and Land Surveyors,  
9 which may be reasonably necessary for the proper performance of its  
10 duties and the regulation of its proceedings, meetings, records,  
11 examinations and the conduct thereof. These actions by the Board  
12 shall be binding upon persons licensed under Section 475.1 et seq.  
13 of this title and shall be applicable to firms holding a certificate  
14 of authorization. The Board shall adopt and have an official seal,  
15 which shall be affixed to each certificate issued. The Board shall  
16 have the further power and authority to:

17 1. Establish and amend minimum standards for the practice of  
18 engineering and land surveying;

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

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

23 4. Upon good cause shown, as hereinafter provided, deny the  
24 issuance, restoration or renewal of, or place on probation for a

1 period of time and subject to such conditions as the Board may  
2 specify, a certificate of licensure or certificate of authorization  
3 or suspend, revoke or refuse to renew certificates of licensure or  
4 certificates of authorization previously issued, and upon proper  
5 showing to review, affirm, reverse, vacate or modify its orders with  
6 respect to such denial, suspension, revocation or refusal to renew~~;~~.

7 ~~5.~~ Levy B. The Board is hereby authorized to levy  
8 administrative penalties against any person or entity who or which  
9 violates any of the provisions of Section 475.1 et seq. of this  
10 title or any rule or regulation promulgated pursuant thereto. The  
11 Board is hereby authorized to initiate disciplinary, prosecutorial  
12 and injunctive proceedings against any person or entity who or which  
13 has violated any of the provisions of Section 475.1 et seq. of this  
14 title or any rule or regulation of the Board promulgated pursuant  
15 thereto. The Board shall investigate alleged violations of the  
16 provisions of Section 475.1 et seq. of this title or of the rules or  
17 regulations, orders or final decisions of the Board~~;~~ and.

18 ~~6.~~ Acquire C. The Board is hereby authorized to acquire by  
19 purchase, lease, gift, solicitation of gift or by any other lawful  
20 means, and maintain, use and operate real property and improvements;  
21 contract for the maintenance, use, and operation of or lease of any  
22 and all real property and improvements; lease or sublease any part  
23 of real property and improvements acquired pursuant to this section  
24 to public entities, private entities, or private persons, on any

1 terms and for any consideration deemed appropriate by the Board,  
2 subject to restrictions in purchase or lease documents relating to  
3 property acquired; provided, all contracts for real property and  
4 improvements shall be subject to the provisions of Section 63 of  
5 Title 74 of the Oklahoma Statutes.

6 ~~B.~~ D. In carrying into effect the provisions of Section 475.1  
7 et seq. of this title, the Board, under the hand of its Chair, Vice  
8 Chair, or Executive Director and the seal of the Board, may subpoena  
9 witnesses and compel their attendance, and may also require the  
10 submission of books, papers, documents or other pertinent data, in  
11 any disciplinary matters, or in any case wherever a violation of  
12 Section 475.1 et seq. of this title is alleged. Upon failure or  
13 refusal to comply with any such order of the Board, or upon failure  
14 to honor its subpoena, as herein provided, the Board may apply to a  
15 court of proper jurisdiction for an order to enforce compliance with  
16 same.

17 ~~C.~~ E. The Board is hereby authorized in the name of the state  
18 to apply for relief by injunction in the established manner provided  
19 in cases of civil procedure, without bond, to enforce the provisions  
20 of Section 475.1 et seq. of this title, or to restrain any violation  
21 thereof. In such proceedings, it shall not be necessary to allege  
22 or prove either that an adequate remedy at law does not exist or  
23 that substantial or irreparable damage would result from the  
24

1 continued violation thereof. The members of the Board shall not be  
2 personally liable under this proceeding.

3 ~~D.~~ F. The Board may subject an applicant for licensure or a  
4 licensee to such examinations as it deems necessary to determine the  
5 applicant's or licensee's qualifications. The Board may dispose of  
6 a formal complaint against a licensee for a violation of Section  
7 475.1 et seq. of this title by an order that a licensee shall  
8 complete the examinations as the Board deems necessary to determine  
9 the qualifications of the licensee, and upon the initial failure or  
10 refusal to successfully complete the examination, within the time  
11 ordered, place conditions on the license of the licensee to practice  
12 and order other remedies until competence is demonstrated.

13 ~~E.~~ G. No action or other legal proceedings for damages shall be  
14 instituted against the Board or against any Board member or employee  
15 of the Board for any act done in good faith and in the intended  
16 performance of any power granted under Section 475.1 et seq. of this  
17 title or for any neglect or default in the performance or exercise  
18 in good faith of any such duty or power.

19 SECTION 3. AMENDATORY 59 O.S. 2011, Section 475.9, is  
20 amended to read as follows:

21 Section 475.9 A. The Executive Director of the State Board of  
22 Licensure for Professional Engineers and Land Surveyors shall be  
23 responsible for accounting for all monies derived under the  
24 provisions of Section 475.1 et seq. of this title. This fund shall

1 be known as the "Professional Engineers and Land Surveyors Fund",  
2 and shall be deposited with the State Treasurer, and shall be paid  
3 out only upon requisitions submitted by the Secretary or Executive  
4 Director. All monies in this fund are hereby specifically  
5 appropriated for the use of the Board, and at the end of each fiscal  
6 year the Board shall pay into the General Revenue Fund of the state  
7 an amount equal to ten percent (10%) of all ~~funds received at the~~  
8 ~~end of each fiscal year~~ licensure and certification fees in  
9 compliance with Section 211 of Title 62 of the Oklahoma Statutes.

10 B. The Board shall obtain an office, secure such facilities,  
11 and employ, direct, discharge and define the duties and salaries of  
12 an Executive Director, Principal Assistant, Director of Enforcement,  
13 Board Investigator and such clerical or other assistants as are  
14 necessary for the proper performance of its work. The Board shall  
15 make expenditures from the fund created in subsection A of this  
16 section for any purpose which, in the opinion of the Board, is  
17 reasonably necessary for the proper performance of its duties under  
18 Section 475.1 et seq. of this title, including examination  
19 administration fees, the expenses of the Board's delegates to  
20 meetings of and membership fees to the National Council of Examiners  
21 for Engineering and Surveying, meaning the national nonprofit  
22 organization composed of engineering and land surveying licensing  
23 boards commonly called ~~NEECS~~ NCEES, and any of its subdivisions, as  
24 provided in the State Travel Reimbursement Act, Section 500.1 et

1 seq. of Title 74 of the Oklahoma Statutes. Under no circumstances  
2 shall the total amount of warrants issued in payment of the expenses  
3 and compensation provided for in Section 475.1 et seq. of this title  
4 exceed the amount of monies in the fund.

5 SECTION 4. AMENDATORY 59 O.S. 2011, Section 475.12, is  
6 amended to read as follows:

7 Section 475.12 A. Engineer

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

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

20 1. As a professional engineer:

21 a. Licensure by Comity or Endorsement - A person holding  
22 a certificate of registration or licensure to engage  
23 in the practice of engineering issued by a proper  
24 authority of a jurisdiction or possession of the

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

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

1           approved NCEES examination in the principles and  
2           practice of engineering. Upon passing such  
3           examinations, as well as an examination in knowledge  
4           of statutes, rules and design requirements unique to  
5           this state, the applicant shall be granted a  
6           certificate of licensure to practice engineering in  
7           this state, if otherwise qualified. The Board may  
8           waive the fundamentals of engineering examination  
9           requirement for the issuance of a license if the  
10           applicant possesses sufficient progressive experience  
11           on engineering projects to indicate to the Board that  
12           the applicant may be competent to practice  
13           engineering. The Board shall evaluate all elements of  
14           the application, according to Board rules, to assess  
15           waiver requests.

- 16           c. Alternative Graduation, Experience and Education - A  
17           graduate of an engineering or related science program  
18           of four (4) years or more, other than the ones  
19           approved by the Board and following the date of  
20           degree, a specific record of six (6) years or more of  
21           progressive experience on engineering projects of a  
22           character and grade which indicates to the Board that  
23           the applicant may be competent to practice engineering  
24           who has also passed ~~the eight-hour written~~ a Board-

1 approved NCEES examination in the fundamentals of  
2 engineering as provided in subparagraph b of paragraph  
3 2 of this subsection, shall be admitted to ~~an~~  
4 ~~eight-hour written~~ a Board-approved NCEES examination  
5 in the principles and practice of engineering. Upon  
6 passing such examination, as well as an examination in  
7 knowledge of statutes, rules and design requirements  
8 unique to this state, the applicant shall be granted a  
9 certificate of licensure to practice engineering in  
10 this state, if otherwise qualified. The Board may  
11 waive the fundamentals of engineering examination  
12 requirement for the issuance of a license if the  
13 applicant possesses sufficient progressive experience  
14 on engineering projects to indicate to the Board that  
15 the applicant may be competent to practice  
16 engineering. The Board shall evaluate all elements of  
17 the application, according to Board rules, to assess  
18 waiver requests.

- 19 d. A four-year degree in a science not considered a  
20 related science degree by the Board must be followed  
21 by a Masters Degree in engineering from an institution  
22 with a comparable EAC/ABET accredited undergraduate  
23 engineering program before being considered for  
24 approval as a related science degree by the Board.

1 Foreign degrees not determined by the Board to be  
2 substantially equivalent to an EAC/ABET accredited  
3 engineering degree may be considered following a  
4 degree evaluation by an evaluation service approved by  
5 the Board. The maximum equivalency granted for all  
6 foreign degrees, except those determined to be  
7 substantially equivalent to an EAC/ABET accredited  
8 engineering degree, shall be that of a related science  
9 degree.

10 2. As an engineer intern:

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

- 13 a. Graduation and Examination - A graduate of an  
14 engineering program of four (4) years or more approved  
15 by the Board, or an applicant who has completed ninety  
16 (90) semester hours or more of academic requirements  
17 for graduation, shall be admitted to ~~an eight-hour~~  
18 ~~written~~ a Board-approved NCEES examination in the  
19 fundamentals of engineering. Upon passing such  
20 examination and providing proof of graduation, the  
21 applicant shall be certified or enrolled as an  
22 engineer intern, if otherwise qualified.
- 23 b. Alternative Graduation, Experience and Examination - A  
24 graduate of an engineering or related science

1 curriculum of four (4) years or more, other than the  
2 ones approved by the Board or an applicant who has  
3 completed ninety (90) semester hours or more of  
4 academic requirements for graduation, shall be  
5 admitted to ~~an eight-hour written~~ a Board-approved  
6 NCEES examination in the fundamentals of engineering.  
7 Upon passing such examination, providing proof of  
8 graduation and providing proof of a specific record of  
9 one (1) year or more of progressive engineering  
10 experience in engineering projects of a grade and  
11 character satisfactory to the Board, the applicant  
12 shall be certified or enrolled as an engineer intern,  
13 if otherwise qualified.

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

1 foreign degrees, except those determined to be  
2 substantially equivalent to an EAC/ABET accredited  
3 engineering degree, shall be that of a related science  
4 degree.

5 B. Land Surveyor

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

14 The evaluation of a professional land surveyor applicant's  
15 qualifications shall include consideration of the applicant's  
16 education, technical and land surveying experience, and  
17 recommendations by references.

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:

- 23 a. Licensure by Comity or Endorsement - A person holding  
24 a certificate of licensure to engage in the practice

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

13 b. Graduation, Experience and Examination -

14 (1) A graduate of a surveying program of four (4)  
15 years or more approved by the Board and a  
16 specific record of four (4) years or more of  
17 progressive combined office and field experience  
18 satisfactory to the Board on land surveying  
19 projects of a grade and character which indicates  
20 to the Board that the applicant may be competent  
21 to practice land surveying, of which no less than  
22 two (2) years experience must be following the  
23 date of the degree, who has also passed ~~an eight-~~  
24 ~~hour written~~ a Board-approved NCEES examination

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

11 (2) A graduate of a surveying program of two (2)  
12 years or more approved by the Board and a  
13 specific record of six (6) years or more of  
14 progressive combined office and field experience  
15 satisfactory to the Board on land surveying  
16 projects of a grade and character which indicates  
17 to the Board that the applicant may be competent  
18 to practice land surveying and who has also  
19 passed ~~the eight-hour written~~ a Board-approved  
20 NCEES examination in the fundamentals of  
21 surveying as provided in subparagraph a of  
22 paragraph 2 of this subsection shall be admitted  
23 to a ~~six-hour written~~ Board-approved NCEES  
24 examination in the principles and practice of

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

7 c. Alternative Graduation, Experience and Examination -

8 (1) A graduate of other academic programs of two (2)  
9 years or more, approved by the Board, which shall  
10 include the Board-approved core curriculum in  
11 surveying and a specific record of six (6) years  
12 or more of progressive combined office and field  
13 experience satisfactory to the Board on land  
14 surveying projects of a grade and character which  
15 indicates to the Board that the applicant may be  
16 competent to practice land surveying who has  
17 passed ~~an eight-hour written~~ a Board-approved  
18 NCEES examination in the fundamentals of  
19 surveying, as provided in division (1) of  
20 subparagraph b of paragraph 2 of this subsection  
21 shall be admitted to a ~~six-hour written~~ Board-  
22 approved NCEES examination in the principles and  
23 practice of surveying and a ~~two-hour~~ Board-  
24 approved Oklahoma Law and Surveying ~~written~~

1 examination. Upon passing such examination, the  
2 applicant shall be granted a certificate of  
3 licensure to practice land surveying in this  
4 state, if otherwise qualified.

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

1 certificate of licensure to practice land  
2 surveying in this state, if otherwise qualified.

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

23 2. As a land surveyor intern:

24 a. Graduation and Examination -

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

11 (2) A graduate of a surveying program of two (2)  
12 years or more approved by the Board or an  
13 applicant who has completed forty-five (45)  
14 semester hours or more of academic requirements  
15 for graduation from a two-year surveying program  
16 approved by the Board shall be admitted to ~~an~~  
17 ~~eight-hour written~~ a Board-approved NCEES  
18 examination in the fundamentals of surveying.  
19 Upon passing such examination and providing proof  
20 of graduation, the applicant shall be certified  
21 or enrolled as a land surveyor intern, if  
22 otherwise qualified.

23 b. Alternative Graduation, Experience and Examination -  
24

- 1 (1) A graduate of other academic programs of two (2)  
2 years or more approved by the Board, which shall  
3 include the Board-approved core curriculum in  
4 surveying, or an applicant who has completed  
5 forty-five (45) semester hours or more of  
6 academic requirements for graduation, including  
7 twenty-one (21) semester hours or more of the  
8 core curriculum, from another academic program of  
9 two (2) years or more approved by the Board,  
10 shall be admitted to ~~an eight-hour written~~ a  
11 Board-approved NCEES examination in the  
12 fundamentals of surveying. Upon passing such  
13 examination, providing proof of graduation and  
14 providing proof of a specific record of one (1)  
15 year or more of progressive experience  
16 satisfactory to the Board on land surveying  
17 projects of a grade and character which indicates  
18 to the Board that the applicant may be competent  
19 to practice land surveying, the applicant shall  
20 be certified or enrolled as a land surveyor  
21 intern, if otherwise qualified.
- 22 (2) An applicant who provides proof of completion of  
23 sixty (60) credit hours approved by the Board,  
24 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~~ a Board-approved NCEES  
7 examination in the fundamentals of surveying.  
8 Upon passing such examination and providing proof  
9 of a specific record of one (1) year or more of  
10 progressive experience satisfactory to the Board  
11 on land surveying projects of a grade and  
12 character which indicates to the Board that the  
13 applicant may be competent to practice land  
14 surveying, the applicant shall be certified or  
15 enrolled as a land surveyor intern, if otherwise  
16 qualified.

17 SECTION 5. AMENDATORY 59 O.S. 2011, Section 475.14, is  
18 amended to read as follows:

19 Section 475.14 A. The examination shall be held at such times  
20 and places as the Board directs.

21 B. ~~Written examinations~~ Examinations may be taken only after  
22 the applicant has met other minimum requirements as set forth in  
23 Section 475.12 of this title, and has been authorized to seek  
24

1 admission through NCEES or approved by the Board for admission to  
2 one or more of the following examinations:

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

9 C. A candidate failing an examination may apply for the next  
10 available examination, as prescribed by NCEES policies and  
11 procedures, which may be granted upon payment of an application fee  
12 established by the Board if applicable.

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

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

22 F. For any examination that is administered by NCEES using  
23 computer-based testing, a candidate shall only be administered the  
24

1 examination during a specified time period as frequently as  
2 prescribed by NCEES policies and procedures.

3 SECTION 6. AMENDATORY 59 O.S. 2011, Section 475.15, is  
4 amended to read as follows:

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

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

18 C. Each licensee hereunder may, upon licensure, obtain a seal,  
19 the design and use of which are described in Board rules. It shall  
20 be unlawful for a licensee to affix, or permit his or her seal or  
21 signature to be affixed, to any document after the expiration or  
22 revocation of a license, or for the purpose of aiding or abetting  
23 any other person to evade or attempt to evade any provision of  
24 Section 475.1 et seq. of this title. Whenever the seal is applied,

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

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

23 SECTION 7. AMENDATORY 59 O.S. 2011, Section 475.18, is  
24 amended to read as follows:

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

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

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

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

24

1 4. Failure to comply with any of the provisions of Section  
2 475.1 et seq. of this title or any of the rules or regulations  
3 pertaining thereto;

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

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

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

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

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

23 10. Signing, affixing the professional engineer's or land  
24 surveyor's seal, or permitting the professional engineer's or land

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

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

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

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

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

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

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

22 B. The Board shall prepare and adopt Rules of Professional  
23 Conduct for Professional Engineers and Land Surveyors as provided  
24 for in Section 475.8 of this title, which shall be made available in

1 writing to every licensee and applicant for licensure under Section  
2 475.1 et seq. of this title. The Board may revise and amend these  
3 Rules of Professional Conduct for Professional Engineers and Land  
4 Surveyors from time to time and shall notify each licensee, in  
5 writing, of such revisions or amendments.

6 C. ~~The Board shall have the power to:~~

7 ~~1. Revoke a certificate of authorization;~~

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

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

15 ~~4. Levy an administrative penalty.~~

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

19 SECTION 8. AMENDATORY 59 O.S. 2011, Section 475.21, is  
20 amended to read as follows:

21 Section 475.21 A. The practice of or offer to practice  
22 engineering or land surveying by firms authorized under Section  
23 475.1 et seq. of this title, or by more than one person acting  
24 individually through a firm, is permitted provided:

1        1. The person(s) in responsible charge of such practice and all  
2 personnel who act in behalf of said firm in professional engineering  
3 and land surveying matters in this state are licensed under Section  
4 475.1 et seq. of this title; and

5        2. Said firm has been issued a certificate of authorization by  
6 the Board.

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

17        No such firm shall be relieved of responsibility for the conduct  
18 or acts of its agents, employees, officers or partners by reason of  
19 its compliance with the provisions of this section. No individual  
20 practicing engineering or land surveying, pursuant to the provisions  
21 of Section 475.1 et seq. of this title, shall be relieved of  
22 responsibility for engineering or land surveying services performed  
23 by reason of employment or other relationship with a firm holding a  
24 certificate of authorization.

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

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

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

19 F. An engineer or land surveyor designated in responsible  
20 charge of the professional activities of a firm for the purposes of  
21 this section shall be a full-time employee of the firm. A licensee  
22 who performs only part-time, occasional, or consulting services for  
23 a firm shall not qualify as a person designated in responsible  
24 charge.

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

10        1. Maintaining the firm's certificate of authorization;

11        2. Overall administrative supervision of the firm's licensed  
12 and subordinate personnel who provide the engineering work in this  
13 state; and

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

