STATE OF OKLAHOMA

2nd Session of the 53rd Legislature (2012)

HOUSE BILL 2686 By: Banz

AS INTRODUCED

An Act relating to professions and occupations; amending 59 O.S. 2011, Sections 475.2, 475.8, 475.9, 475.12, 475.15, 475.18 and 475.21, which relate to professional engineers and land surveyors; modifying definition; modifying language; 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.

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

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

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

4. "Practice of engineering" means any service or creative work, the adequate performance of which requires engineering education, training and experience in the application of special knowledge of the mathematical, physical and engineering sciences to such services or creative work as consultation, investigation, evaluation, planning and design of engineering works and systems, planning the engineering use of land and water, teaching of advanced engineering subjects or courses related thereto, engineering research, engineering surveys, engineering studies, and the inspection or review of construction for the purposes of assuring

compliance with drawings and specifications; any of which embraces such services or work, either public or private, in connection with any utilities, structures, buildings, machines, equipment, processes, work systems, projects, communication systems, transportation systems and industrial or consumer products or equipment of a mechanical, electrical, chemical, environmental, hydraulic, pneumatic, thermal, control system or communications nature, insofar as they involve safeguarding life, health or property, and including such other professional services as may be necessary to the design review and integration of a multidiscipline work, planning, progress and completion of any engineering services.

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

Engineering surveys include all survey activities required to support the sound conception, planning, design, construction, maintenance and operation of engineered projects, but exclude the surveying of real property for the establishment of land boundaries,

rights-of-way, easements and the dependent or independent surveys or resurveys of the public land survey system.

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

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

6. "Land surveyor intern" means a person who complies with the requirements for education and experience, and has passed an

examination in the fundamental land surveying subjects, as provided in Section 475.1 et seq. of this title and regulations issued by the Board pursuant thereto;

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

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

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

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

(4) monumenting the subdivision of land parcels into smaller parcels and the preparation of the descriptions in connection therewith,

(5) measuring and platting underground mine workings,

(6) preparation of the control portions of geographic information systems and land information systems,

(7) establishment, restoration, and rehabilitation of land survey monuments and bench marks,

(8) preparation of land survey plats, condominium plats, monument records, and survey reports,

(9) surveying, monumenting, and platting of easements, and rights-of-way,

(10) measuring, locating, or establishing lines, angles, elevations, natural and man-made features in the air, on the surface of the earth, within underground workings, and on the beds of bodies of water for the purpose of determining areas and volumes for a survey,

(11) geodetic surveying, and

(12) any other activities incidental to and necessary for the adequate performance of the services described in this paragraph.

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

implies that such person or entity is a professional land surveyor or that such person is registered, licensed, or qualified under Section 475.1 et seq. of this title; represents qualifications or ability to perform; or who does practice land surveying.

c. A person shall not be construed to practice or offer to practice land surveying, within the meaning and intent of Section 475.1 et seq. of this title, who merely acts as an agent of a purchaser of land surveying services. Agents of a purchaser of land surveying services include, but are not limited to, real estate agents and brokers, title companies, attorneys providing title examination services, and persons who or firms that coordinate the acquisition and use of land surveying services. The coordination of land surveying services includes, but is not limited to; sales and marketing of services, discussion of requirements of land surveys, contracting to furnish land surveys, review of land surveys, the requesting of revisions of land surveys, and making any and all modifications to surveys with the written consent of the land surveyor, and furnishing final revised copies to the land surveyor showing all revisions, the distribution of land

surveys, and receiving payment for such services. These actions do not constitute the practice of land surveying, and do not violate any part of Section 475.1 through 475.22a of this title or the Bylaws and Rules of the Board;

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

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

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

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

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

13. "Core curriculum" means the Board-approved land surveying courses adopted by Board policy, developed to ensure that land

surveyor applicants meet the minimum educational requirements for licensure.

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

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

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

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

3. Promulgate rules concerning the ethical marketing of professional engineering and land surveying services; <u>and</u>

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

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

~~6. Acquire~~ C. The Board is hereby authorized to acquire by purchase, lease, gift, solicitation of gift or by any other lawful means, and maintain, use and operate real property and improvements; contract for the maintenance, use, and operation of or lease of any and all real property and improvements; lease or sublease any part

of real property and improvements acquired pursuant to this section to public entities, private entities, or private persons, on any terms and for any consideration deemed appropriate by the Board, subject to restrictions in purchase or lease documents relating to property acquired; provided, all contracts for real property and improvements shall be subject to the provisions of Section 63 of Title 74 of the Oklahoma Statutes.

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

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

that substantial or irreparable damage would result from the continued violation thereof. The members of the Board shall not be personally liable under this proceeding.

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

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

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

Section 475.9 A. The Executive Director of the State Board of Licensure for Professional Engineers and Land Surveyors shall be responsible for accounting for all monies derived under the

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

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

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

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

Section 475.12 A. Engineer

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

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

1. As a professional engineer:

a. Licensure by Comity or Endorsement - A person holding a certificate of registration or licensure to engage in the practice of engineering issued by a proper

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

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

shall be admitted to ~~an eight-hour written~~ a Board-approved NCEES examination in the principles and practice of engineering. Upon passing such examinations, as well as an examination in knowledge of statutes, rules and design requirements unique to this state, the applicant shall be granted a certificate of licensure to practice engineering in this state, if otherwise qualified. If in the judgment of the Board special circumstances exist, the Board may waive the fundamentals of engineering examination requirement for the issuance of a license if the applicant possesses sufficient progressive experience on engineering projects to indicate to the Board that the applicant may be competent to practice engineering. The Board shall evaluate all elements of the application to assess waiver requests and shall only grant a waiver to extraordinarily qualified applicants.

c. Alternative Graduation, Experience and Education - A graduate of an engineering or related science program of four (4) years or more, other than the ones approved by the Board and following the date of degree, a specific record of six (6) years or more of progressive experience on engineering projects of a

character and grade which indicates to the Board that the applicant may be competent to practice engineering who has also passed ~~the eight-hour written~~ a Board-approved NCEES examination in the fundamentals of engineering as provided in subparagraph b of paragraph 2 of this subsection, shall be admitted to ~~an eight-hour written~~ a Board-approved NCEES examination in the principles and practice of engineering. Upon passing such examination, as well as an examination in knowledge of statutes, rules and design requirements unique to this state, the applicant shall be granted a certificate of licensure to practice engineering in this state, if otherwise qualified. If in the judgment of the Board special circumstances exist, the Board may waive the fundamentals of engineering examination requirement for the issuance of a license if the applicant possesses sufficient progressive experience on engineering projects to indicate to the Board that the applicant may be competent to practice engineering. The Board shall evaluate all elements of the application to assess waiver requests and shall only grant a waiver to extraordinarily qualified applicants.

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

2. As an engineer intern:

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

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

fundamentals of engineering. Upon passing such examination and providing proof of graduation, the applicant shall be certified or enrolled as an engineer intern, if otherwise qualified.

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

c. A four-year degree in a science not considered a related science degree by the Board must be followed by a Masters Degree in engineering from an institution with a comparable EAC/ABET accredited undergraduate engineering program before being considered for

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

B. Land Surveyor

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

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

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

1. As a land surveyor:

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

b. Graduation, Experience and Examination -

(1) A graduate of a surveying program of four (4) years or more approved by the Board and a specific record of four (4) years or more of progressive combined office and field experience

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

(2) A graduate of a surveying program of two (2) years or more approved by the Board and a specific record of six (6) years or more of progressive combined office and field experience satisfactory to the Board on land surveying projects of a grade and character which indicates to the Board that the applicant may be competent

to practice land surveying and who has also passed ~~the eight-hour written~~ a Board-approved NCEES examination in the fundamentals of surveying as provided in subparagraph a of paragraph 2 of this subsection shall be admitted to a ~~six-hour written~~ Board-approved NCEES examination in the principles and practice of surveying and a ~~two-hour~~ Board-approved Oklahoma Law and Surveying ~~written~~ examination. Upon passing such examination, the applicant shall be granted a certificate of licensure to practice land surveying in this state, if otherwise qualified. Provided, after July 1, 2020, the provisions in this paragraph shall not be considered by the Board as minimum evidence that an applicant is qualified for licensure as a professional land surveyor.

c. Alternative Graduation, Experience and Examination -

(1) A graduate of other academic programs of two (2) years or more, approved by the Board, which shall include the Board-approved core curriculum in surveying and a specific record of six (6) years or more of progressive combined office and field experience satisfactory to the Board on land

surveying projects of a grade and character which indicates to the Board that the applicant may be competent to practice land surveying who has passed ~~an eight-hour written~~ a Board-approved NCEES examination in the fundamentals of surveying, as provided in division (1) of subparagraph b of paragraph 2 of this subsection shall be admitted to a ~~six-hour written~~ Board-approved NCEES examination in the principles and practice of surveying and a ~~two-hour~~ Board-approved Oklahoma Law and Surveying ~~written~~ examination. Upon passing such examination, the applicant shall be granted a certificate of licensure to practice land surveying in this state, if otherwise qualified. Provided, after July 1, 2016, two-year academic programs shall no longer qualify, and four-year academic programs approved by the Board shall be required.

(2) An applicant who provides proof of completion of sixty (60) credit hours, approved by the Board, which shall include the Board-approved core curriculum in surveying, and a specific record of six (6) years or more of progressive combined office and field experience satisfactory to the

Board on land surveying projects of a grade and character which indicates to the Board that the applicant may be competent to practice land surveying, who has also passed ~~an eight-hour written~~ a Board-approved NCEES examination in the fundamentals of surveying as provided in division (2) of subparagraph b of paragraph 2 of this subsection, shall be admitted to a ~~six-hour written~~ Board-approved examination in the principles and practice of surveying and a ~~two-hour~~ Board-approved Oklahoma Law and Surveying ~~written~~ examination. Upon passing such examinations, the applicant shall be granted a certificate of licensure to practice land surveying in this state, if otherwise qualified. Provided, after July 1, 2016, two-year academic programs shall no longer qualify, and four-year academic programs approved by the Board shall be required.

d. Long Established Practice and Examination - An applicant with a specific record of nine (9) years or more of practice in land surveying of a grade and character satisfactory to the Board which indicates to the Board that the applicant may be competent to

practice land surveying shall be admitted to ~~an eight-hour written~~ a Board-approved NCEES examination in the fundamentals of land surveying, and, if passed, then shall be admitted to a ~~six-hour written~~ Board-approved NCEES examination in the principles and practice of surveying and a ~~two-hour~~ Board-approved Oklahoma Law and Surveying ~~written~~ examination. Upon passing such examinations, the applicant shall be granted a certificate of licensure to practice land surveying in this state, if otherwise qualified. Provided, after July 1, 2014, "Long Established Practice and Examination", as specified in this paragraph, shall not be considered by the Board as minimum evidence that an applicant is qualified for licensure as a professional land surveyor.

2. As a land surveyor intern:

a. Graduation and Examination -

(1) A graduate of a surveying program of four (4) years or more approved by the Board, or an applicant who has completed sixty (60) semester hours or more of academic requirements for graduation, shall be admitted to ~~an eight-hour written~~ a Board-approved NCEES examination in the fundamentals of surveying. Upon passing such

examination and providing proof of graduation, the applicant shall be certified or enrolled as a land surveyor intern, if otherwise qualified.

(2) A graduate of a surveying program of two (2) years or more approved by the Board or an applicant who has completed forty-five (45) semester hours or more of academic requirements for graduation from a two-year surveying program approved by the Board shall be admitted to ~~an eight-hour written~~ a Board-approved NCEES examination in the fundamentals of surveying. Upon passing such examination and providing proof of graduation, the applicant shall be certified or enrolled as a land surveyor intern, if otherwise qualified. Provided, after July 1, 2020, the provisions in this paragraph shall not be considered by the Board as minimum evidence that an applicant is qualified for licensure as a professional land surveyor.

b. Alternative Graduation, Experience and Examination -

(1) A graduate of other academic programs of two (2) years or more approved by the Board, which shall include the Board-approved core curriculum in surveying, or an applicant who has completed

forty-five (45) semester hours or more of academic requirements for graduation, including twenty-one (21) semester hours or more of the core curriculum, from another academic program of two (2) years or more approved by the Board, shall be admitted to ~~an eight-hour written~~ a Board-approved NCEES examination in the fundamentals of surveying. Upon passing such examination, providing proof of graduation and providing proof of a specific record of one (1) year or more of progressive experience satisfactory to the Board on land surveying projects of a grade and character which indicates to the Board that the applicant may be competent to practice land surveying, the applicant shall be certified or enrolled as a land surveyor intern, if otherwise qualified. Provided, after July 1, 2016, two-year academic programs shall no longer qualify, and four-year academic programs approved by the Board shall be required.

(2) An applicant who provides proof of completion of sixty (60) credit hours approved by the Board, which shall include the Board-approved core curriculum in surveying, or an applicant who has

completed forty-five (45) semester hours or more of academic requirements for graduation, including twenty-one (21) semester hours or more of the core curriculum, shall be admitted to ~~an eight-hour written~~ a Board-approved NCEES examination in the fundamentals of surveying. Upon passing such examination and providing proof of a specific record of one (1) year or more of progressive experience satisfactory to the Board on land surveying projects of a grade and character which indicates to the Board that the applicant may be competent to practice land surveying, the applicant shall be certified or enrolled as a land surveyor intern, if otherwise qualified. Provided, after July 1, 2016, two-year academic programs shall no longer qualify, and four-year academic programs approved by the Board shall be required.

SECTION 5. AMENDATORY 59 O.S. 2011, Section 475.15, is amended to read as follows:

Section 475.15 A. The Board shall issue to any applicant who, in the opinion of the Board, has met the requirements of Section 475.1 et seq. of this title, a certificate of licensure giving the licensee proper authority to practice in this state. The

certificate of licensure for a professional engineer shall carry the designation "Professional Engineer" and for a professional land surveyor, "Professional Land Surveyor". It shall give the full name of the licensee with the licensure number and shall be signed by the Chair and the Secretary under the seal of the Board.

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

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

must be done in a manner that is in direct control and personal supervision of the professional engineer or professional land surveyor and must conform to the specifications in the Board rules regarding digital or electronic signatures. A professional engineer, land surveyor or firm shall retain a hard copy or electronic copy of all technical submissions produced for a minimum of ten (10) years following the date of preparation.

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

SECTION 6. AMENDATORY 59 O.S. 2011, Section 475.18, is amended to read as follows:

Section 475.18 A. ~~The~~ As provided in subsections A and B of Section 475.8 of this title, the Board shall have the power to deny, place on probation, suspend, revoke or refuse to issue~~, restore or renew~~ a certificate ~~of authorization for a firm, or a certificate of licensure of,~~ or ~~place on probation,~~ license, or fine ~~or~~, reprimand ~~any firm, professional engineer, professional land surveyor or engineer intern or land surveyor intern who~~, issue orders, levy

administrative fines or seek criminal penalties, if a person or entity is found guilty of:

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

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

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

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

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

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

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

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

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

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

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

12. Providing false testimony or information to the Board;

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

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

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

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

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

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

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

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

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

~~4. Levy an administrative penalty.~~

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

SECTION 7. AMENDATORY 59 O.S. 2011, Section 475.21, is amended to read as follows:

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

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

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

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

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

C. The Secretary of State shall not issue a certificate of incorporation to an applicant or a registration as a foreign firm to a firm which includes among the objectives for which it is established any of the words "Engineer", "Engineering", "Surveyor", "Land Surveying" or any modification or derivation thereof unless the Board(s) of Licensure for these professions has issued for said

applicant a certificate of authorization or a letter indicating the eligibility of such applicant to receive such a certificate. The firm applying shall supply such certificate or letter from the Board with its application for incorporation or registration.

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

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

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

G. Out-of-state firms authorized to perform engineering services in Oklahoma may have one or more branch offices located in Oklahoma only if the firm has a professional engineer designated responsible and in charge of the firm's professional practice in this state. The professional engineer designated for this purpose shall be required to spend a majority of normal business hours at

one or more branch offices located in Oklahoma and be duly licensed as a professional engineer in this state. The professional engineer designated shall be responsible for:

1. Maintaining the firm's certificate of authorization;

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

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

SECTION 8. This act shall become effective July 1, 2012.

SECTION 9. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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