

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 1496 By: Newberry of the Senate
3 and
4 Hall of the House
5
6

7 [engineers - non-licensees - surrender of license -
8 scholarships and programs - employees -
9 qualifications - effective date]

10 AMENDMENT NO. 1. Strike the stricken title, enacting clause and
11 entire bill and insert

12
13 "An Act relating to engineers; amending 59 O.S. 2011,
14 Sections 475.2, as amended by Section 1, Chapter
15 139, O.S.L. 2012, 475.3, as amended by Section 1,
16 Chapter 56, O.S.L. 2014, 475.4, 475.8, as amended by
17 Section 2, Chapter 139, O.S.L. 2012, 475.9, as
18 amended by Section 3, Chapter 139, O.S.L. 2012,
19 475.10, 475.11, 475.13, 475.14, as amended by
20 Section 5, Chapter 139, O.S.L. 2012, 475.15, as
21 amended by Section 6, Chapter 139, O.S.L. 2012,
22 475.16, 475.18, as last amended by Section 3,
23 Chapter 183, O.S.L. 2015, 475.19, 475.20, 475.21, as
24 amended by Section 8, Chapter 139, O.S.L. 2012 and
475.22 (59 O.S. Supp. 2015, Sections 475.2, 475.3,
475.8, 475.9, 475.14, 475.15, 475.18 and 475.21),
which relate to definitions, qualifications of board
members, powers of board, expenditures, annual
reports, rosters, qualifications for licensure,
applications, examinations, certificates, term of
certificates, disciplinary actions, allegation of
violations, civil and criminal penalties, condition
for practice and exceptions; modifying definitions;
modifying language; applying act to nonlicensees;
authorizing surrender of license; providing for
scholarships and programs; classifying employees;

1 modifying qualifications for certain licensure;
2 deleting language; requiring continuing education;
3 deleting surrender of license; providing legal
4 counsel to be paid from board funds; providing for a
5 managing agent; providing for temporary permit;
6 construing acts of certain agent for land surveying
7 purposes; granting the Construction Industries Board
8 certain powers; repealing 59 O.S. 2011, Section
9 475.12, as amended by Section 4, Chapter 139, O.S.L.
10 2012 (59 O.S. Supp. 2015, Section 475.12), which
11 relates to qualification for licensure or
12 certification; providing for codification; and
13 providing an effective date.

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

SECTION 1. AMENDATORY 59 O.S. 2011, Section 475.2, as amended by Section 1, Chapter 139, O.S.L. 2012 (59 O.S. Supp. 2015, 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" or "P.E." means a person who has been duly licensed as a professional engineer as provided in Section 475.1 et seq. of this title and the regulations issued by the Board pursuant thereto;

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

6 4. "Practice of engineering" means any service or creative
7 work, ~~the adequate performance of which requires~~ requiring
8 engineering education, training and experience in the application of
9 ~~special knowledge of the mathematical, physical and engineering~~
10 ~~sciences~~ engineering principles and the interpretation of
11 engineering data to engineering activities that may impact the life,
12 health, property and welfare of the public. The services may
13 include, but are not limited to, such services or creative work as:

- 14 a. consultation,
- 15 b. investigation,
- 16 c. evaluation,
- 17 d. planning and design of engineering works and systems,
- 18 e. planning the engineering use of land and water,
- 19 f. teaching of advanced engineering subjects or courses
20 related thereto,
- 21 g. engineering research,
- 22 h. engineering surveys,
- 23 i. engineering studies, ~~and~~
- 24 j. engineering reports,

1 k. written engineering opinions,

2 l. the inspection or review of construction for the
3 purposes of ~~assuring~~ ensuring compliance with drawings
4 and specifications, and

5 m. engineering reports or like material developed in
6 connection with expert witness testimony or
7 anticipated testimony,

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

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

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

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

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

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

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

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

10 7. a. "Practice of land surveying" means any authoritative
11 service or work performed to a stated accuracy, the
12 adequate performance of which involves the application
13 of special knowledge of the principles of mathematics,
14 methods of measurement, and the law for the
15 determination and preservation of land boundaries.

16 "Practice of land surveying" includes, without
17 limitation:

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

- 1 ~~(4)~~ monumenting the subdivision of land parcels into
2 smaller parcels and the preparation of the
3 descriptions in connection therewith,
4 ~~(5)~~
5 (4) measuring and platting underground mine workings,
6 ~~(6)~~
7 (5) creation, preparation of the control or
8 modification of electronic or computerized data
9 including portions of geographic information
10 systems and land information systems, relative to
11 the performance of the practice of land
12 surveying,
13 ~~(7)~~
14 (6) establishment, restoration, and rehabilitation of
15 land survey monuments and bench marks,
16 ~~(8)~~
17 (7) preparation of land survey plats, condominium
18 plats, monument records, and survey reports,
19 ~~(9)~~
20 (8) surveying, monumenting, and platting of
21 easements, and rights-of-way,
22 ~~(10)~~
23 (9) measuring, locating, or establishing lines,
24 angles, elevations, natural and man-made features

1 in the air, on the surface of the earth, within
2 underground workings, and on the beds of bodies
3 of water for the purpose of determining areas and
4 volumes for a survey, the configuration or
5 contour of the earth's surface, and the position
6 of fixed objects on the earth's surface,

7 ~~(11)~~

8 (10) geodetic surveying, ~~and~~

9 ~~(12)~~

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

13 (12) surveying reports or like material developed in
14 connection with expert witness testimony or
15 anticipated testimony.

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

1 land surveyor or that such person is registered,
2 licensed, or qualified under Section 475.1 et seq. of
3 this title; represents qualifications or ability to
4 perform; or who does practice land surveying.

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

1 ~~These actions do not constitute the practice of land~~
2 ~~surveying, and do not violate any part of Section~~
3 ~~475.1 through 475.22a of this title or the Bylaws and~~
4 ~~Rules of the Board;~~

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

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

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

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

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

22 13. "Core curriculum" means the Board-approved land surveying
23 courses adopted by Board policy, developed to ensure that
24

1 professional land surveyor applicants meet the minimum educational
2 requirements for licensure;

3 14. "Related science degree" means a bachelor's degree from an
4 Engineering Technology Accreditation Commission/Accreditation Board
5 for Engineering and Technology (ETAC/ABET) accredited engineering
6 technology program of four (4) years or more. A degree of four (4)
7 years or more in architectural, mathematical, physical or
8 engineering sciences may be considered as a related science degree
9 if it was obtained from an accredited university with an Engineering
10 Accreditation Commission/Accreditation Board for Engineering and
11 Technology (EAC/ABET) or ETAC/ABET accreditation in a program of
12 engineering and shall include a minimum of eight (8) hours of
13 mathematics beyond trigonometry, including calculus, and twenty (20)
14 hours of engineering sciences or related sciences, including
15 physics. Nonaccredited technology or engineering degree programs
16 shall meet the above requirements to be considered a related science
17 degree; and

18 15. "Authoritative" means being presented as trustworthy and
19 competent when used to describe products, processes, applications or
20 data resulting from the practice of engineering or land surveying.

21 SECTION 2. AMENDATORY 59 O.S. 2011, Section 475.3, as
22 amended by Section 1, Chapter 56, O.S.L. 2014 (59 O.S. Supp. 2015,
23 Section 475.3), is amended to read as follows:

24

1 Section 475.3 A. The State Board of Licensure for Professional
2 Engineers and Land Surveyors is hereby re-created, to continue until
3 July 1, 2020, in accordance with the provisions of the Oklahoma
4 Sunset Law, whose duty it shall be to administer the provisions of
5 Section 475.1 et seq. of this title. The Board shall consist of
6 four professional engineers and two professional land surveyors, at
7 least one of whom is not a professional engineer, all of whom shall
8 be appointed by the Governor, with the advice and consent of the
9 Senate. The Governor shall also appoint one lay member. The
10 professional engineers and professional land surveyors shall be
11 appointed by the Governor ~~preferably from a list of nominees~~
12 ~~submitted by the respective professional engineering or land~~
13 ~~surveying societies of this state,~~ and shall have the qualifications
14 required by Section 475.4 of this title.

15 B. Each member of the Board shall file with the Secretary of
16 State a written oath or affirmation for the faithful discharge of
17 official duties.

18 C. Appointments to the Board shall be in such manner and for
19 such period of time so that no two terms, with the exception of the
20 lay member, shall expire in the same year. On the expiration of the
21 term of any member, except the lay member, the Governor shall in the
22 manner herein provided appoint for a term of six (6) years a
23 professional engineer or professional land surveyor having the
24 qualifications required in Section 475.4 of this title. The lay

1 member of the Board shall be appointed by the Governor to a term
2 coterminous with that of the Governor. The lay member shall serve
3 at the pleasure of the Governor. Provided, the lay member may
4 continue to serve after the expiration of the member's term until
5 such time as a successor is appointed. Members may be reappointed
6 to succeed themselves. Each member may hold office until the
7 expiration of the term for which appointed or until a successor has
8 been duly appointed and has qualified. In the event of a vacancy on
9 the Board due to resignation, death or for any cause resulting in an
10 unexpired term, if not filled within three (3) months, the Board may
11 appoint a provisional member to serve in the interim until the
12 Governor acts.

13 SECTION 3. AMENDATORY 59 O.S. 2011, Section 475.4, is
14 amended to read as follows:

15 Section 475.4 Each professional engineer member of the Board
16 shall be a citizen of the United States and resident of this state.
17 The member shall have been engaged in the lawful practice of
18 engineering as a professional engineer for at least ten (10) years.
19 The member shall have been in responsible charge of engineering
20 projects for at least five (5) years and shall be a licensed
21 professional engineer in this state. Each professional land
22 surveyor member of the Board shall be a citizen of the United States
23 and a resident of this state. The member shall have been engaged in
24 the lawful practice of land surveying as a professional land

1 surveyor for at least ten (10) years. The member shall have been in
2 responsible charge of land surveying projects for at least five (5)
3 years and shall be a licensed professional land surveyor in this
4 state.

5 SECTION 4. AMENDATORY 59 O.S. 2011, Section 475.8, as
6 amended by Section 2, Chapter 139, O.S.L. 2012 (59 O.S. Supp. 2015,
7 Section 475.8), is amended to read as follows:

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

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

24

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

4 3. Promulgate rules concerning the ethical marketing of
5 professional engineering and professional land surveying services;
6 and

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

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

1 Section 475.1 et seq. of this title or of the rules or regulations,
2 orders or final decisions of the Board.

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

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

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

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

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

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

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

4 H. The Board may give scholarships, as determined by the Board,
5 to an individual or individuals advancing toward obtaining an
6 Engineering Accreditation Commission (EAC), Technology Accreditation
7 Commission, Accreditation Board for Engineering and Technology
8 (TAC/ABET) or Board-approved accredited degree in engineering or
9 land surveying at an Oklahoma higher education institution, and take
10 such other action as may be reasonably necessary or appropriate to
11 effectuate the rules of the State Board of Licensure for
12 Professional Engineers and Land Surveyors. The Board may, at its
13 discretion, contract with other state agencies and nonprofit
14 corporations for the endowment, management and administration of
15 scholarships. The requirements of such scholarships shall be
16 determined by the Board. However, nothing contained herein shall be
17 construed as requiring the Board to endow or award any scholarship.

18 I. The Board may use its funds to establish and conduct
19 instructional programs for persons who are currently licensed to
20 practice engineering or land surveying, as well as refresher courses
21 for persons interested in obtaining adequate instruction or programs
22 of study to qualify them for licensure to practice engineering or
23 land surveying. The Board may expend its funds for these purposes
24 and may conduct, sponsor and arrange for instructional programs and

1 also may carry out instructional programs through extension courses
2 or other media. The Board may enter into plans or agreements with
3 community colleges, public or private institutions of higher
4 learning, the State Board of Education or with the Oklahoma
5 Department of Career and Technology Education for the purpose of
6 planning, scheduling or arranging courses, instruction, extension
7 courses or in assisting in obtaining courses of study or programs in
8 the fields of engineering and land surveying. The Board shall
9 encourage the educational institutions in Oklahoma to offer courses
10 necessary to complete the educational requirements of Section 475.1
11 et seq. of this title. For the purpose of carrying out these
12 objectives, the Board may adopt rules as may be necessary for the
13 educational programs, instruction, extension services or for
14 entering into plans or contracts with persons or educational
15 institutions and the Oklahoma Department of Career and Technology
16 Education.

17 SECTION 5. AMENDATORY 59 O.S. 2011, Section 475.9, as
18 amended by Section 3, Chapter 139, O.S.L. 2012 (59 O.S. Supp. 2015,
19 Section 475.9), is amended to read as follows:

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

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

9 B. The Board shall obtain an office, secure such facilities,
10 and employ, direct, discharge and define the duties and salaries of
11 an Executive Director, Principal Assistant, Director of Enforcement,
12 Board Investigator and all other such clerical or other assistants
13 as are necessary for the proper performance of its work. All
14 current classified positions allocated to the Board shall be
15 considered unclassified on November 1, 2016. The Board shall make
16 expenditures from the fund created in subsection A of this section
17 for any purpose which, in the opinion of the Board, is reasonably
18 necessary for the proper performance of its duties under Section
19 475.1 et seq. of this title, including examination administration
20 fees, the expenses of the Board's delegates to meetings of and
21 membership fees to the National Council of Examiners for Engineering
22 and Surveying, meaning the national nonprofit organization composed
23 of engineering and land surveying licensing boards commonly called
24 NCEES, and any of its subdivisions, as provided in the State Travel

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

6 SECTION 6. AMENDATORY 59 O.S. 2011, Section 475.10, is
7 amended to read as follows:

8 Section 475.10 A. The State Board of Licensure for
9 Professional Engineers and Land Surveyors shall keep a record of its
10 proceedings and of all applications for licensure, which record
11 shall show:

- 12 1. The name, date of birth and last-known address of each
13 applicant;
- 14 2. The date of application;
- 15 3. The place of business of the applicant;
- 16 4. The education, experience and other qualifications of the
17 applicant;
- 18 5. The type of examination required;
- 19 6. Whether or not the applicant was rejected;
- 20 7. Whether or not a certificate of licensure was granted;
- 21 8. The date of the action of the Board; and
- 22 9. Such other information as may be deemed necessary by the
23 Board.

24

1 B. The record of the Board shall be prima facie evidence of the
2 proceedings of the Board and a transcript thereof, duly certified by
3 the Secretary or Executive Director of the Board under seal, shall
4 be admissible as evidence with the same force and effect as if the
5 original were produced.

6 C. The Board shall submit, upon request from the Governor, a
7 report of its transactions of the preceding year, including a
8 complete statement of the receipts and expenditures of the Board,
9 attested by affidavits of its ~~Chairman~~ Chair and its Secretary.

10 D. Board records and papers of the following class may be kept
11 confidential by the Board: examination materials, file records of
12 examination problem solutions, exam scores or results, letters of
13 inquiry and reference concerning applicants, transcripts of college
14 courses and grades, email addresses, ongoing investigation files,
15 closed complaints, information otherwise protected by law and all
16 other matters of like confidential nature.

17 SECTION 7. AMENDATORY 59 O.S. 2011, Section 475.11, is
18 amended to read as follows:

19 Section 475.11 Complete rosters showing the names and last-
20 known mailing addresses of all professional engineers and
21 professional land surveyors shall be maintained and made available
22 to the licensees and the public.

23
24

1 SECTION 8. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 475.12a of Title 59, unless
3 there is created a duplication in numbering, reads as follows:

4 A. Certification or Enrollment as an Engineer Intern. The
5 following shall be considered as minimum evidence that the applicant
6 is qualified for certification as an engineer intern:

7 1. Graduating from an engineering program of four (4) years or
8 more accredited by the Engineering Accreditation Commission of the
9 Accreditation Board for Engineering and Technology (EAC/ABET), or
10 the equivalent, or a related science degree program approved by the
11 State Board of Licensure for Professional Engineers and Land
12 Surveyors, or an engineering master's degree program from an
13 institution that offers EAC/ABET-accredited programs;

14 2. Passing the National Council of Examiners for Engineering
15 and Surveying Fundamentals of Engineering (NCEES/FE) examination;
16 and

17 3. Submitting three professional or character references.

18 B. Licensure as a Professional Engineer. To be eligible for
19 licensure as a professional engineer, an individual shall meet all
20 of the following requirements:

21 1. Be of good character and reputation;

22 2. Satisfy the education and experience criteria set forth in
23 this section;

24

1 3. Pass the applicable examinations set forth in this section;
2 and

3 4. Submit five references acceptable to the Board, three of
4 which shall be professional engineers having personal knowledge of
5 the applicant's engineering experience.

6 C. Comity Licensure for a Professional Engineer. The following
7 shall be considered as minimum evidence satisfactory to the Board
8 that the applicant is qualified for licensure by comity as a
9 professional engineer:

10 1. An individual holding a certificate of licensure to engage
11 in the practice of engineering issued by a proper authority of any
12 state or jurisdiction, based on requirements that do not conflict
13 with the provisions of Section 475.1 et seq. of Title 59 of the
14 Oklahoma Statutes and possessing credentials that are, in the
15 judgment of the Board, of a standard not lower than that specified
16 in the applicable licensure act in effect in Oklahoma at the time
17 such certificate was issued may, upon application, be licensed
18 without further examination except as required to examine the
19 applicant's knowledge of statutes, rules and other requirements
20 unique to this state. If the requirements that were met were of a
21 standard lower than that specified in the applicable licensure act
22 in effect in this state at the time such certificate was issued, but
23 in the judgment of the Board the standard was a reasonable standard
24 at the time the original license was issued, the individual may,

1 upon application, be considered by the Board according to the
2 provisions in the Board rules; or

3 2. An individual holding an active Council Record with NCEES,
4 whose qualifications as evidenced by the Council Record meet the
5 requirements of Section 475.1 et seq. of Title 59 of the Oklahoma
6 Statutes, may, upon application, be licensed without further
7 examination except as required to examine the applicant's knowledge
8 of statutes, rules and other requirements unique to Oklahoma.

9 D. Initial Licensure as a Professional Engineer. An applicant
10 who presents evidence of meeting the applicable education,
11 examination and experience requirements pursuant to this subsection
12 shall be eligible for licensure as a professional engineer.

13 1. Education Requirements. An individual seeking licensure as
14 a professional engineer shall possess one or more of the following
15 education qualifications:

- 16 a. a bachelor's degree in engineering from an EAC/ABET-
17 accredited program, or the equivalent,
- 18 b. a bachelor's degree in a Board-approved related
19 science degree program,
- 20 c. a master's degree in engineering from an institution
21 that offers EAC/ABET-accredited programs,
- 22 d. a master's degree in engineering from an EAC/ABET-
23 accredited program, or

24

1 e. an earned doctoral degree in engineering acceptable to
2 the Board.

3 2. Non-U.S., non-EAC/ABET-accredited degrees which are not
4 approved by the Board may be considered following a degree
5 evaluation by an evaluation service approved by the Board. The
6 maximum equivalency granted for degrees found not to be
7 substantially equivalent to an EAC/ABET degree shall be that of a
8 related science degree. Deficiencies outlined in the degree
9 evaluation may be corrected with further education approved by the
10 Board which may allow the applicant's education to be advanced to an
11 equivalent status. Non-U.S., non-EAC/ABET-accredited degrees
12 approved by the Board may be considered without a degree evaluation.
13 The maximum equivalency granted for these Board-approved degrees
14 shall be that of an equivalent degree.

15 3. Examination Requirements. An individual seeking licensure
16 as a professional engineer shall take and pass the NCEES
17 Fundamentals of Engineering (FE) examination and the NCEES
18 Principles and Practice of Engineering (PE) examination as follows:

- 19 a. the FE examination may be taken at any time according
20 to NCEES examination policy and procedures, but is
21 recommended to be taken during the student's senior
22 year of college,
- 23 b. the PE examination may be taken by a graduate of an
24 approved degree program pursuant to this section, or

1 c. the Board may waive the FE examination requirement for
2 the issuance of a license if the applicant possesses,
3 at a minimum, fifteen (15) years of progressive
4 experience on engineering projects which indicates to
5 the Board the applicant may be competent to practice
6 engineering. The Board shall evaluate all elements of
7 the application, according to Board rules, to assess
8 waiver requests.

9 4. Experience Requirements. An individual seeking licensure as
10 a professional engineer shall present evidence of a specific record
11 of progressive engineering experience satisfying one of the
12 following. This experience should be progressive and of a grade and
13 character that indicate to the Board that the applicant may be
14 competent to practice engineering:

- 15 a. an individual with a bachelor's degree in engineering
16 pursuant to subparagraph a of paragraph 1 of this
17 subsection: four (4) years of experience after the
18 bachelor's degree is conferred,
- 19 b. an individual with a bachelor's degree in a Board-
20 approved related science degree program pursuant to
21 subparagraph b of paragraph 1 of this subsection: six
22 (6) years of experience after the bachelor's degree is
23 conferred,

1 c. an individual with a master's degree in engineering
2 pursuant to subparagraph c or d of paragraph 1 of this
3 subsection: three (3) years of experience after the
4 master's degree is conferred, or

5 d. an individual with an earned doctoral degree
6 acceptable to the Board: two (2) years of experience
7 after the doctoral degree is conferred.

8 5. Partial experience credit may be awarded for experience
9 earned prior to conferment of the qualifying degree, at the
10 discretion of the Board, as described in Board rules. In no case
11 shall the experience credit exceed one-half (1/2) of that required
12 for approved qualifying experience.

13 6. EAC/ABET-accredited engineering cooperative education
14 programs may be considered as experience credit earned prior to the
15 qualifying degree if the program meets the experience requirement
16 pursuant to this subsection. Otherwise, a maximum of six (6) months
17 experience may be claimed.

18 SECTION 9. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 475.12b of Title 59, unless
20 there is created a duplication in numbering, reads as follows:

21 A. Certification or Enrollment as a Land Surveyor Intern.
22 Passing of the NCEES Fundamentals of Surveying (FS) examination and
23 completion of one of the following shall be considered as minimum
24

1 evidence that the applicant is qualified for certification or
2 enrollment as a land surveyor intern:

3 1. Graduating from a surveying program of four (4) years or
4 more approved by the Board, providing proof of graduation and
5 submitting three character or professional references;

6 2. Graduating from a surveying program of two (2) years or more
7 approved by the Board, providing proof of graduation and submitting
8 three character or professional references;

9 3. Graduating from a program of two (2) years or more approved
10 by the Board which shall include the Board-approved core curriculum,
11 providing proof of graduation and submitting three character or
12 professional references; or

13 4. Completing sixty (60) college credit hours approved by the
14 Board which shall include the Board-approved core curriculum,
15 providing proof of successful completion of the required college
16 credit hours and submitting three character or professional
17 references.

18 B. Licensure as a Professional Land Surveyor. To be eligible
19 for licensure as a professional land surveyor, an individual shall
20 meet all of the following requirements:

21 1. Be of good character and reputation;

22 2. Satisfy the education and experience criteria set forth in
23 this section;

24

1 3. Pass the applicable examinations set forth in this section;
2 and

3 4. Submit five references acceptable to the Board, three of
4 which shall be professional land surveyors having personal knowledge
5 of the applicant's surveying experience.

6 C. Comity Licensure for a Professional Land Surveyor. The
7 following shall be considered as minimum evidence satisfactory to
8 the Board that the applicant is qualified for licensure by comity as
9 a professional land surveyor:

10 An individual holding a certificate of licensure to engage in
11 the practice of land surveying issued by a proper authority of any
12 state or jurisdiction, based on requirements that do not conflict
13 with the provisions of Section 475.1 et seq. of Title 59 of the
14 Oklahoma Statutes, and possessing credentials that are, in the
15 judgment of the Board, of a standard not lower than that specified
16 in the applicable licensure act in effect in this state at the time
17 such certificate was issued may, upon application, which may include
18 a Council Record with NCEES, be licensed upon passing an examination
19 or examinations of such duration as established by the Board, which
20 shall include questions on laws, procedures and practices pertaining
21 to land surveying in Oklahoma.

22 D. Initial Licensure as a Professional Land Surveyor. An
23 individual meeting the education requirements pursuant to subsection
24 A of this section for a land surveyor intern shall meet the

1 following land surveying experience requirements as described in
2 Board rules, which shall include combined office and field
3 experience satisfactory to the Board on projects of a grade and
4 character which indicate to the Board the applicant may be competent
5 to practice land surveying:

6 1. An individual meeting the experience requirements in
7 paragraph 1 of subsection A of this section: four (4) years of total
8 experience including two (2) years which shall follow the date of
9 the conferment of the degree; or

10 2. An individual meeting the experience requirements in
11 paragraphs 2, 3, and 4 of subsection A of this section: six (6)
12 years of total experience.

13 Upon completion of the education and experience requirements,
14 passing the NCEES Fundamentals of Surveying (FS) examination, the
15 NCEES Principles and Practice of Surveying (PS) examination, and the
16 Oklahoma Law and Surveying (OLS) examination, the applicant shall be
17 licensed as a professional land surveyor, if otherwise qualified.

18 SECTION 10. AMENDATORY 59 O.S. 2011, Section 475.13, is
19 amended to read as follows:

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

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

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

11 B. 1. The application fees shall be established by Board
12 rules.

13 2. The certification fee for a firm shall be established by
14 Board rules.

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

19 SECTION 11. AMENDATORY 59 O.S. 2011, Section 475.14, as
20 amended by Section 5, Chapter 139, O.S.L. 2012 (59 O.S. Supp. 2015,
21 Section 475.14), is amended to read as follows:

22 Section 475.14 A. ~~The examination~~ Examinations shall be held
23 at such times and places as the Board directs.

24

1 B. Examinations may be taken only after the applicant has met
2 other minimum requirements as set forth in ~~Section 475.12~~ Sections 8
3 and 9 of this ~~title act~~, and has been authorized to seek admission
4 through NCEES or approved by the Board for admission to one or more
5 of the following examinations:

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

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

16 D. The applicant shall pay all fees established by the Board
17 for examination documents and grading. The required fees shall be
18 paid by the applicant in advance of the examination.

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

1 F. For any examination that is administered by NCEES using
2 computer-based testing, a candidate shall only be admitted pursuant
3 to Board policy and administered the examination during a specified
4 time period as frequently as prescribed by NCEES policies and
5 procedures.

6 SECTION 12. AMENDATORY 59 O.S. 2011, Section 475.15, as
7 amended by Section 6, Chapter 139, O.S.L. 2012 (59 O.S. Supp. 2015,
8 Section 475.15), is amended to read as follows:

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

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

22 C. Each licensee hereunder may, upon licensure, obtain a seal,
23 the design and use of which are described in Board rules. It shall
24 be unlawful for a licensee to affix, or permit his or her seal or

1 signature to be affixed, to any document after the expiration or
2 revocation of a license, or for the purpose of aiding or abetting
3 any other person to evade or attempt to evade any provision of
4 Section 475.1 et seq. of this title. Whenever the seal is applied,
5 the document must be signed by the licensee thereby certifying that
6 he or she is competent in the subject matter and was in responsible
7 charge of the work product. Documents must be sealed and signed in
8 accordance with the Board rules whenever presented to a client, a
9 user or any public or governmental agency. Whenever the seal is
10 applied, the signature of the licensee and date of signature shall
11 be placed adjacent to or across the seal. Drawings, reports or
12 documents that are signed using a digital or electronic signature
13 must be done in a manner that is in direct control and personal
14 supervision of the professional engineer or professional land
15 surveyor and must conform to the specifications in the Board rules
16 regarding digital or electronic signatures.

17 D. A professional engineer, professional land surveyor or firm
18 shall retain a hard copy or electronic copy of all technical
19 submissions produced for a minimum of ten (10) years following the
20 date of preparation.

21 ~~D.~~ E. The Board shall issue to any applicant who, in the
22 opinion of the Board, has met the requirements of Section 475.1 et
23 seq. of this title, a certificate as an engineer intern or land
24 surveyor intern which indicates that his or her name has been

1 recorded as such in the Board office. The engineer intern or land
2 surveyor intern certificate does not authorize the holder to
3 practice as a professional engineer or professional land surveyor.

4 SECTION 13. AMENDATORY 59 O.S. 2011, Section 475.16, is
5 amended to read as follows:

6 Section 475.16 A. The Board shall issue certificates of
7 licensure and certificates of authorization for firms for a term of
8 twenty-four (24) months.

9 B. It shall be the duty of the Executive Director to notify
10 every person licensed under Section 475.1 et seq. of this title, and
11 every firm holding a certificate of authorization under Section
12 475.1 et seq. of this title, of the date of the expiration of said
13 certificate of licensure or certificate of authorization, and the
14 amount of the fee required for its renewal. ~~Such notice shall be
15 mailed to the licensee or firm at the last known address as shown in
16 the records of the Board at least one (1) month in advance of the
17 date of the expiration of the certificate.~~

18 C. Renewal may be ~~affected~~ effected at any time prior to or
19 during the month of expiration by the payment of a fee as
20 established by the Board. Renewal of an expired certificate may be
21 ~~affected~~ effected under rules promulgated by the Board regarding
22 requirements for reexamination and penalty fees.

23 D. If a licensee is granted inactive status, the licensee may
24 return to active status by notifying the Board in advance of his or

1 her intention, by paying appropriate fees, and by meeting all
2 requirements of the Board, including demonstration of continuing
3 professional competency as a condition of reinstatement.

4 E. Every licensee is required to comply with the Board's rules
5 regarding continuing education or meet the Model NCEES Continuing
6 Professional Competency standard requirement, which is equivalent to
7 fifteen (15) professional development hours per calendar year with
8 no allowable carryover, as a condition of license renewal.

9 SECTION 14. AMENDATORY 59 O.S. 2011, Section 475.18, as
10 last amended by Section 3, Chapter 183, O.S.L. 2015 (59 O.S. Supp.
11 2015, Section 475.18), is amended to read as follows:

12 Section 475.18 A. As provided in subsections A and B of
13 Section 475.8 of this title, the Board shall have the power to deny,
14 place on probation, suspend, revoke or refuse to issue a certificate
15 or license, or fine, reprimand, issue orders, levy administrative
16 fines or seek other penalties, if a person or entity is found guilty
17 of:

18 1. ~~The practice of any~~ Any fraud or deceit in obtaining or
19 attempting to obtain or renew a certificate of licensure, or a
20 certificate of authorization or in taking the examinations
21 administered by the Board or its authorized representatives;

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

1 3. Conviction of or entry of a plea of guilty or nolo
2 contendere to a felony crime that substantially relates to the
3 practice of engineering or land surveying or poses a reasonable
4 threat to public safety; or conviction of or entry of a plea of
5 guilty or nolo contendere to a misdemeanor, an essential element of
6 which is dishonesty or is a violation of the practice of engineering
7 or land surveying;

8 4. Failure to comply with any of the provisions of Section
9 475.1 et seq. of this title or any of the rules or regulations
10 pertaining thereto;

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

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

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

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

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

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

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

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

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

19 14. Performing engineering or surveying services outside any of
20 the licensee's areas of competence or areas of competence designated
21 in the official Board records; and

22 15. Violating the Oklahoma Minimum Standards for the Practice
23 of Land Surveying.

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

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

12 D. As used in this section:

13 1. "Substantially relates" means the nature of criminal conduct
14 for which the person was convicted has a direct bearing on the
15 fitness or ability to perform one or more of the duties or
16 responsibilities necessarily related to the occupation; and

17 2. "Poses a reasonable threat" means the nature of criminal
18 conduct for which the person was convicted involved an act or threat
19 of harm against another and has a bearing on the fitness or ability
20 to serve the public or work with others in the occupation.

21 SECTION 15. AMENDATORY 59 O.S. 2011, Section 475.19, is
22 amended to read as follows:

23 Section 475.19 A. Any person may bring allegations of
24 violations of Section 475.1 et seq. of this title against any

1 person, licensee, or ~~against any~~ firm. All allegations shall be
2 timely investigated by the Board and, unless determined unfounded or
3 trivial by the Board, or unless settled by mutual accord, shall be
4 filed as a formal complaints notice of charges by the Board.

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

15 C. If, after such hearing, a majority of the quorum of the
16 empaneled Board vote in favor of sustaining any one or more of the
17 charges, the Board shall reprimand, fine for each count or separate
18 offense, levy administrative penalties pursuant to Section 475.20 of
19 this title, place on probation for a period of time and subject to
20 such conditions as the Board may specify, refuse to issue, restore,
21 renew, suspend or revoke the individual's certificate of licensure,
22 or the firm's certificate of authorization.

23 D. Any ~~person, licensee, or firm,~~ named respondent aggrieved by
24 any action of the Board in levying a fine, denying, suspending,

1 refusing to issue, restore or renew or revoking the certificate of
2 licensure of the person, or its certificate of authorization, may
3 appeal therefrom to the proper court under normal civil procedures.

4 E. The Board may, upon petition of an individual licensee or
5 firm holding a certificate of authorization, reissue a certificate
6 of licensure or authorization, provided that a majority of the
7 members of the Board vote in favor of such issuance.

8 SECTION 16. AMENDATORY 59 O.S. 2011, Section 475.20, is
9 amended to read as follows:

10 Section 475.20 A. Criminal penalties:

11 Any person or entity who practices, or offers to practice,
12 engineering or land surveying in this state without being licensed
13 by the State Board of Licensure for Professional Engineers and Land
14 Surveyors in accordance with the provisions of Section 475.1 et seq.
15 of this title, or any person or entity using or employing the words
16 "engineer" or "engineering" or "land surveyor" or "land surveying"
17 or any modification or derivative thereof in its name or form of
18 business or activity except as authorized in Section 475.1 et seq.
19 of this title, or any person presenting or attempting to use the
20 certificate of licensure or the seal of another, or any person who
21 ~~shall give~~ gives false or forged evidence of any kind to the Board
22 or to any member thereof in obtaining or attempting to obtain a
23 certificate of licensure, or any person who ~~shall~~ falsely
24 ~~impersonate~~ impersonates any other licensee of like or different

1 name, or any person who ~~shall attempt~~ attempts to use an expired,
2 suspended, revoked, or nonexistent certificate of licensure, or who
3 ~~shall practice~~ practices or ~~offer~~ offers to practice when not
4 qualified, or any person who falsely claims to be registered or
5 licensed under Section 475.1 et seq. of this title, or any person
6 who ~~shall violate~~ violates any of the provisions of Section 475.1 et
7 seq. of this title, shall be guilty of a misdemeanor, punishable by
8 a fine of not less than Two Hundred Fifty Dollars (\$250.00), nor
9 more than Two Thousand Dollars (\$2,000.00).

10 B. Administrative penalties:

11 1. Any person or entity who has been determined by the Board to
12 have violated any provision of Section 475.1 et seq. of this title,
13 or any rule, regulation or order issued pursuant to such provisions,
14 may be liable for an administrative penalty of not less than Two
15 Hundred Fifty Dollars (\$250.00) nor more than Ten Thousand Dollars
16 (\$10,000.00) for each separate violation.

17 2. The amount of the penalty shall be assessed by the Board
18 pursuant to the provisions of ~~subsection~~ paragraph 1 of this ~~section~~
19 subsection, after notice and hearing. In determining the amount of
20 the penalty, the Board shall include, but not be limited to,
21 consideration of the nature, circumstances and gravity of the
22 violation, and with respect to the person or entity found to have
23 committed the violation, the degree of culpability, the effect on
24 ability of the person or entity to continue to do business and any

1 show of good faith in attempting to achieve compliance with the
2 provisions of Section 475.1 et seq. of this title. All monies
3 collected from administrative penalties shall be deposited with the
4 State Treasurer and placed in the "Professional Engineers and Land
5 Surveyors Fund".

6 3. Any certificate of licensure or certificate of authorization
7 holder may ~~elect~~ request to surrender the certificate of licensure
8 or certificate of authorization in lieu of an administrative action,
9 but shall be permanently barred from obtaining a reissuance of the
10 certificate of ~~registration~~ licensure or certificate of
11 authorization. All such requests shall be presented to the Board
12 for approval.

13 C. Legal Counsel:

14 The Attorney General of this state or an assistant shall act as
15 legal advisor to the Board and render such legal assistance as may
16 be necessary in carrying out the provisions of Section 475.1 et seq.
17 of this title. The Board may employ counsel ~~and~~ whose compensation
18 and expenses shall be paid from Board funds for necessary legal
19 assistance to aid in the enforcement of such provisions, and the
20 compensation and expenses therefor shall be paid from funds of the
21 Board and carrying out the provisions of Section 475.1 et seq. of
22 this title.

23

24

1 SECTION 17. AMENDATORY 59 O.S. 2011, Section 475.21, as
2 amended by Section 8, Chapter 139, O.S.L. 2012 (59 O.S. Supp. 2015,
3 Section 475.21), is amended to read as follows:

4 Section 475.21 A. The practice of or offer to practice
5 engineering or land surveying by firms authorized under Section
6 475.1 et seq. of this title, or by more than one person acting
7 individually through a firm, is permitted provided:

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

12 2. ~~Said~~ The firm has been issued a certificate of authorization
13 by the Board.

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

24

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

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

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

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

3 ~~F. An engineer or land surveyor designated in responsible~~
4 ~~charge of the professional activities of a firm for the purposes of~~
5 ~~this section shall be a full-time employee of the firm. A licensee~~
6 ~~who performs only part-time, occasional, or consulting services for~~
7 ~~a firm shall not qualify as a person designated in responsible~~
8 ~~charge~~ Effective November 1, 2016, all firms applying for a
9 certificate of authorization shall designate a managing agent.

10 Managing agent. A firm shall designate a professional engineer
11 or professional land surveyor to be the managing agent for the firm.
12 A firm offering both engineering and land surveying services shall
13 have a licensed professional engineer and licensed professional land
14 surveyor listed as a managing agent. A licensee shall not be
15 designated as a managing agent for more than one firm without prior
16 Board approval. A licensee shall be an officer, principal,
17 director, manager, member, partner or owner of the firm, or hold a
18 position of recognized authority within the firm, to be designated
19 as the managing agent. A licensee who renders occasional, part-time
20 or consulting engineering or surveying services to or for a firm
21 shall not be designated as a managing agent. Firms holding a
22 certificate of authorization with the Board prior to November 1,
23 2016, shall be in compliance with this provision of law by November
24 1, 2018. The managing agent's responsibilities include:

1 1. Renewal of the firm's certificate of authorization and
2 notification to the Board of any change in managing agent or firm's
3 contact information;

4 2. Overall administrative supervision of the firm's licensed
5 and subordinate personnel performing engineering or surveying work
6 in Oklahoma; and

7 3. Institution of and adherence to the policies of the firm
8 that are in accordance with Section 475.1 et seq. of this title,
9 Section 3-116 et seq. of Title 65 of the Oklahoma Statutes and the
10 rules of the Board.

11 G. All firms authorized to offer or perform professional land
12 surveying services in Oklahoma shall have a full-time professional
13 land surveyor physically present at each office to be in responsible
14 charge of and in direct control and supervision of the work. Out-
15 of-state firms authorized to offer or perform engineering services
16 in Oklahoma may have one or more branch offices located in Oklahoma
17 only if the firm has a professional engineer designated responsible
18 and in charge of the firm's professional practice as managing agent
19 in this state. The professional engineer designated for this
20 purpose shall be required to spend a majority of normal business
21 hours at one or more branch offices located in Oklahoma and be duly
22 licensed as a professional engineer in this state. The professional
23 engineer or professional land surveyor designated managing agent
24 shall be responsible for:

1 1. Maintaining and renewal of the firm's certificate of
2 authorization and notification to the Board of any change in
3 managing agent or firm's contact information;

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

7 3. The institution of and adherence to policies of the firm
8 that shall be in accordance with ~~the Rules of Professional Conduct~~
9 Section 475.1 et seq. of this title, Section 3-116 et seq. of Title
10 65 of the Oklahoma Statutes and the rules promulgated by the Board.

11 SECTION 18. AMENDATORY 59 O.S. 2011, Section 475.22, is
12 amended to read as follows:

13 Section 475.22 Section 475.1 et seq. of this title shall not be
14 construed to prevent:

15 1. Other Professions. The practice of any other legally
16 recognized profession;

17 2. Temporary Permit:

18 a. Professional engineer. The practice or offer to
19 practice engineering by a person not a resident of or
20 having no established place of business in this state
21 is allowed; provided, such person is legally qualified
22 by licensure to practice engineering, as defined in
23 Section 475.2 of this title, in the applicant's ~~own~~
24 resident state or ~~country~~ jurisdiction and who has

1 made application for licensure to this Board. Such
2 person shall make application for temporary permit to
3 the Board, in ~~writing~~ a manner prescribed by the
4 Board, and after payment of a temporary permit fee may
5 be granted a written permit to perform a particular
6 job for a definite period of time, to expire the
7 earliest of the issuance of a license by this Board,
8 the rejection of the application for licensure or a
9 time limit stated in the temporary permit, ~~provided,~~
10 ~~however, no.~~ Further, such person shall not have been
11 disciplined in any jurisdiction by a board of
12 licensure for engineering, land surveying or
13 architecture, and shall not have been convicted in any
14 jurisdiction of a felony. Further, such person shall
15 submit a complete permanent professional engineer
16 application to the Board within thirty (30) days of
17 the date of issuance of the temporary permit with all
18 required properly completed forms and fees. Failure
19 to submit a permanent professional engineer
20 application for Board consideration may be considered
21 a violation of Section 475.1 et seq. of this title and
22 Board rules. No right to practice engineering shall
23 accrue to such applicant by reason of a temporary
24 permit for any works not set forth in said permit, and

1 b. Professional land surveyor. The practice of land
2 surveying under a temporary permit by a person
3 licensed as a professional land surveyor in another
4 state is not considered to be in the best interest of
5 the public and therefore shall not be granted;

6 3. Employees and subordinates. The work of an employee or a
7 subordinate of a person holding a certificate of licensure under
8 Section 475.1 et seq. of this title, or an employee of a person
9 practicing lawfully under paragraph 2 of this section is allowed;
10 provided, such work does not include final engineering or land
11 surveying designs or decisions and is done under the direct
12 supervision of and verified by a person holding a certificate of
13 licensure under Section 475.1 et seq. of this title or a person
14 practicing lawfully under paragraph 2 of this section; ~~and~~

15 4. Material Takeoff. Providing a list of material derived from
16 measuring and interpreting a set of blueprints or plans, otherwise
17 known as a "material takeoff" or advising a person on such a
18 "material takeoff" shall not constitute the practice of engineering;
19 and

20 5. Agent of a purchaser of land surveying services. A person
21 shall not be construed to practice or offer to practice land
22 surveying, within the meaning and intent of Section 475.1 et seq. of
23 this title, who merely acts as an agent of a purchaser of land
24 surveying services. Agents of a purchaser of land surveying

1 services include, but are not limited to, real estate agents and
2 brokers, title companies, attorneys providing title examination
3 services and persons who or firms which coordinate the acquisition
4 and use of land surveying services. The coordination of land
5 surveying services includes, but is not limited to, sales and
6 marketing of services, discussion of requirements of land surveys,
7 contracting to furnish land surveys, review of land surveys, the
8 requesting of revisions of land surveys, making any and all
9 modifications to surveys with the written consent of the
10 professional land surveyor, furnishing final revised copies to the
11 professional land surveyor showing all revisions, the distribution
12 of land surveys and receiving payment for such services. These
13 actions do not constitute the practice of land surveying and do not
14 violate any part of Section 475.1 et seq. of this title or the rules
15 promulgated pursuant thereto.

16 SECTION 19. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 1000.4a of Title 59, unless
18 there is created a duplication in numbering, reads as follows:

19 A. The Construction Industries Board shall have the following
20 powers:

21 1. To establish and maintain an Internet website, social media
22 page or other web presence, as necessary for the conveyance of
23 information regarding the Board or any of the trades the Board
24

1 regulates. Any costs associated with this paragraph shall be paid
2 from the revolving funds administered by the Board; and

3 2. To enter into contracts with the Oklahoma Department of
4 Career and Technology Education for any accredited vocational or
5 technical school or system of education institution in the State of
6 Oklahoma receiving state appropriations and offering programs in
7 secondary and postsecondary instruction that provide electrical,
8 mechanical, plumbing or roofing trade coursework for the purpose of:

9 a. developing and implementing instructional courses on
10 Oklahoma statutes and rules that govern the
11 electrical, mechanical, plumbing and roofing trades,
12 which courses can be in conjunction with instruction
13 in performing trade work or instruction on statewide-
14 adopted trade codes, or both, for the advancement of
15 the electrical, mechanical, plumbing and roofing
16 trades, or

17 b. developing and implementing a workforce development
18 program that will create interest in the pursuit of a
19 skilled trade career. The workforce development
20 program may consist of, but is not limited to, use of
21 the Internet, community and school presentations,
22 research and instruction on the electrical,
23 mechanical, plumbing and roofing trades.

24

1 B. All contracts pursuant to this section shall be approved by
2 the Construction Industries Board in accordance with the Oklahoma
3 Open Meeting Act. Costs of the education and workforce development
4 programs shall be paid from the Skilled Trade Education and
5 Workforce Development Fund established herein and funded by
6 administrative fines or penalties as described in this section.

7 C. Fines or penalties collected by the Board and deposited in
8 the Oklahoma Mechanical Licensing Revolving Fund, Electrical
9 Revolving Fund, Plumbing Licensing Revolving Fund or Roofing
10 Contractor Registration Fund may be transferred to a separate
11 Skilled Trade Education and Workforce Development Fund for the use
12 of the following:

13 1. To develop instructional materials on Oklahoma laws,
14 statutes and rules, as they relate to the plumbing, mechanical,
15 electrical and roofing trades and state licensing standards;

16 2. To cover the cost of equipment, materials, personnel and any
17 other costs of developing and implementing the trade curriculum; and

18 3. To cover the cost of equipment, materials, personnel and any
19 other costs of developing and implementing the workforce development
20 program used to promote the plumbing, mechanical, electrical and
21 roofing trades as careers in Oklahoma.

22 D. The Skilled Trade Education and Workforce Development Fund
23 monies shall be used only for the advancement of trade-related
24

1 education and workforce development, and only if available based
2 upon statutory limitations.

3 E. There is hereby created in the State Treasury a revolving
4 fund for the Construction Industries Board to be designated the
5 "Skilled Trade Education and Workforce Development Fund". The fund
6 shall be a continuing fund, not subject to fiscal year limitations.
7 The fund shall consist of an annual transfer of fully adjudicated
8 fine revenue received in the Oklahoma Mechanical Licensing Revolving
9 Fund, Electrical Revolving Fund, Plumbing Licensing Revolving Fund
10 or Roofing Contractor Registration Fund as determined pursuant to
11 this section. Funds will be transferred only from the prior fiscal
12 year. If actual receipts, not including fine receipts, exceed
13 actual expenses and outstanding encumbrances, then one hundred
14 percent (100%) of all fully adjudicated fine revenue received will
15 be transferred from each specific trade revolving fund: the
16 Oklahoma Mechanical Licensing Revolving Fund, Electrical Revolving
17 Fund, Plumbing Licensing Revolving Fund or Roofing Contractor
18 Registration Fund.

19 F. If at any time the receipts in the Oklahoma Mechanical
20 Licensing Revolving Fund, Electrical Revolving Fund, Plumbing
21 Licensing Revolving Fund or Roofing Contractor Registration Fund,
22 not including fine receipts, are less than actual expenses and
23 outstanding encumbrances, then the difference of fine receipts over
24

1 actual expenses and outstanding encumbrances, if any, shall be
2 transferred.

3 G. If at any time the annual receipts in the Oklahoma
4 Mechanical Licensing Revolving Fund, Electrical Revolving Fund,
5 Plumbing Licensing Revolving Fund or Roofing Contractor Registration
6 Fund, including fine receipts, are less than the actual expenses and
7 outstanding encumbrances, there will be no transfer of funds for
8 that period.

9 H. All monies accruing to the credit of the Skilled Trade
10 Education and Workforce Development Fund may be budgeted and
11 expended by the Construction Industries Board for workforce
12 development as it relates to the skilled trades and to contract for
13 the services identified in Section 1000.4 of Title 59 of the
14 Oklahoma Statutes. Expenditures from the fund shall be made upon
15 warrants issued by the State Treasurer against claims filed as
16 prescribed by law with the Director of the Office of Management and
17 Enterprise Services for approval and payment.

18 SECTION 20. REPEALER 59 O.S. 2011, Section 475.12, as
19 amended by Section 4, Chapter 139, O.S.L. 2012 (59 O.S. Supp. 2015,
20 Section 475.12), is hereby repealed.

21 SECTION 21. This act shall become effective November 1, 2016."
22
23
24

1 Passed the House of Representatives the 18th day of April, 2016.

2
3
4 Presiding Officer of the House of
5 Representatives

6 Passed the Senate the ____ day of _____, 2016.

7
8
9 Presiding Officer of the Senate