

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 SENATE BILL 1496

By: Newberry

4
5
6 AS INTRODUCED

7 An Act relating to engineers; amending 59 O.S. 2011,
8 Sections 475.2, as amended by Section 1, Chapter 139,
9 O.S.L. 2012, 475.3, as amended by Section 1, Chapter
10 56, O.S.L. 2014, 475.4, 475.8, as amended by Section
11 2, Chapter 139, O.S.L. 2012, 475.9, as amended by
12 Section 3, Chapter 139, O.S.L. 2012, 475.10, 475.11,
13 475.12, as amended by Section 4, Chapter 139, O.S.L.
14 2012, 475.13, 475.14, as amended by Section 5,
15 Chapter 139, O.S.L. 2012, 475.15, as amended by
16 Section 6, Chapter 139, O.S.L. 2012, 475.16, 475.18,
17 as last amended by Section 3, Chapter 183, O.S.L.
18 2015, 475.19, 475.20, 475.21, as amended by Section
19 8, Chapter 139, O.S.L. 2012 and 475.22 (59 O.S. Supp.
20 2015, Sections 475.2, 475.3, 475.8, 475.9, 475.12,
21 475.14, 475.15, 475.18 and 475.21), which relate to
22 definitions, qualifications of board members, powers
23 of board, expenditures, annual reports, rosters,
24 qualifications for licensure, applications;
examinations, certificates, term of certificates,
disciplinary actions, allegation of violations, civil
and criminal penalties, condition for practice, and
exceptions; adding definitions; modifying
definitions; modifying language; applying act to non-
licensees; authorizing surrender of license;
providing for scholarships and programs; classifying
employees; changing qualifications for licensure;
deleting language; stating application fee for
certain designation; requiring continuing education;
deleting surrender of license; providing legal
counsel to be paid from board funds; providing for a
managing agent; providing for temporary permit;
construing acts of certain agent for land surveying
purposes; and providing an effective date.

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

2 SECTION 1. AMENDATORY 59 O.S. 2011, Section 475.2, as
3 amended by Section 1, Chapter 139, O.S.L. 2012 (59 O.S. Supp. 2015,
4 Section 475.2), is amended to read as follows:

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

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

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

17 3. "Professional structural engineer" or "S.E." means a
18 licensed professional engineer who has been granted the authority to
19 use the title "Professional Structural Engineer", "S.E.", "P.E.", or
20 any variation using the "S.E." designation based upon specific
21 structural engineering requirements including education, experience
22 and examination as described in subsection E of Section 475.12 of
23 this title;
24

1 4. "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.~~ 5. "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 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.~~ 6. "Professional land surveyor" or "land surveyor" or
20 "P.L.S." means a person who has been duly licensed as a professional
21 land surveyor pursuant to Section 475.1 et seq. of this title and
22 the regulations issued by the Board pursuant thereto; and is a
23 person who, by reason of special knowledge in the technique of
24 measuring land and use of the basic principles of mathematics, the

1 related physical and applied sciences and the relevant requirements
2 of law 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.~~ 7. "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.~~ 8. a. "Practice of land surveying" means any authorities
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 modifying
8 electronic or computerized data including

9 portions of geographic information systems and
10 land information systems, relative to the

11 performance of the practice of land surveying,

12 ~~(7)~~

13 (6) establishment, restoration, and rehabilitation of
14 land survey monuments and bench marks,

15 ~~(8)~~

16 (7) preparation of land survey plats, condominium
17 plats, monument records, and survey reports,

18 ~~(9)~~

19 (8) surveying, monumenting, and platting of
20 easements, and rights-of-way,

21 ~~(10)~~

22 (9) measuring, locating, or establishing lines,
23 angles, elevations, natural and man-made features
24 in the air, on the surface of the earth, within

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

6 ~~(11)~~

7 (10) geodetic surveying, and

8 ~~(12)~~

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

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

~~e. 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;~~

1 ~~8.~~ 9. "Board" means the State Board of Licensure for
2 Professional Engineers and Land Surveyors;

3 ~~9.~~ 10. "Responsible charge" means direct control and personal
4 supervision of engineering work or land surveying;

5 ~~10.~~ 11. "Rules of professional conduct for professional
6 engineers and land surveyors" means those rules promulgated by the
7 Board;

8 ~~11.~~ 12. "Firm" means any form of business entity, a private
9 practitioner employing other licensed professional engineers,
10 licensed professional land surveyors ~~or~~, licensed design
11 professionals, or any person or entity using one or more fictitious
12 names;

13 ~~12.~~ 13. "Direct control" and "personal supervision" whether
14 used separately or together mean active and personal management of
15 the firm's personnel and practice to maintain charge of, and
16 concurrent direction over, engineering or land surveying decisions
17 and the instruments of professional services to which the licensee
18 affixes the seal, signature, and date; ~~and~~

19 ~~13.~~ 14. "Core curriculum" means the Board-approved land
20 surveying courses adopted by Board policy, developed to ensure that
21 land surveyor applicants meet the minimum educational requirements
22 for licensure;

23 15. "Related science degree" means a bachelor's degree from an
24 ETAC/ABET accredited engineering technology program of four (4)

1 years or more. A degree of four (4) years or more in architecture,
2 mathematical, physical or engineering sciences may be considered as
3 a related science degree if it was obtained from an accredited
4 university with an EAC/ABNET or ETAC/ABET accreditation in a program
5 of engineering and must include a minimum of eight (8) hours of
6 mathematics beyond trigonometry, including calculus, and twenty (20)
7 hours of engineering sciences or related sciences, including
8 physics. Non-accredited technology or engineering degree programs
9 must meet the above requirements to be considered a related science
10 degree; and

11 16. "Authoritative" means being presented as trustworthy and
12 competent when used to describe products, processes, applications or
13 data resulting from the practice of land surveying.

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

17 Section 475.3. A. The State Board of Licensure for
18 Professional Engineers and Land Surveyors is hereby re-created, to
19 continue until July 1, 2020, in accordance with the provisions of
20 the Oklahoma Sunset Law, whose duty it shall be to administer the
21 provisions of Section 475.1 et seq. of this title. The Board shall
22 consist of four professional engineers and two professional land
23 surveyors, at least one of whom is not a professional engineer, all
24 of whom shall be appointed by the Governor, with the advice and

1 consent of the Senate. The Governor shall also appoint one lay
2 member. The professional engineers and professional land surveyors
3 shall be appointed by the Governor ~~preferably from a list of~~
4 ~~nominees submitted by the respective professional engineering or~~
5 ~~land surveying societies of this state,~~ and shall have the
6 qualifications required by Section 475.4 of this title.

7 B. Each member of the Board shall file with the Secretary of
8 State a written oath or affirmation for the faithful discharge of
9 official duties.

10 C. Appointments to the Board shall be in such manner and for
11 such period of time so that no two terms, with the exception of the
12 lay member, shall expire in the same year. On the expiration of the
13 term of any member, except the lay member, the Governor shall in the
14 manner herein provided appoint for a term of six (6) years a
15 professional engineer or professional land surveyor having the
16 qualifications required in Section 475.4 of this title. The lay
17 member of the Board shall be appointed by the Governor to a term
18 coterminous with that of the Governor. The lay member shall serve
19 at the pleasure of the Governor. Provided, the lay member may
20 continue to serve after the expiration of the member's term until
21 such time as a successor is appointed. Members may be reappointed
22 to succeed themselves. Each member may hold office until the
23 expiration of the term for which appointed or until a successor has
24 been duly appointed and has qualified. In the event of a vacancy on

1 the Board due to resignation, death or for any cause resulting in an
2 unexpired term, if not filled within three (3) months, the Board may
3 appoint a provisional member to serve in the interim until the
4 Governor acts.

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

7 Section 475.4. Each professional engineer member of the Board
8 shall be a citizen of the United States and resident of this state.

9 The member shall have been engaged in the lawful practice of
10 engineering as a professional engineer for at least ten (10) years.

11 The member shall have been in responsible charge of engineering
12 projects for at least five (5) years and shall be a licensed

13 professional engineer in this state. Each professional land

14 surveyor member of the Board shall be a citizen of the United States
15 and a resident of this state. The member shall have been engaged in

16 the lawful practice of land surveying as a professional land

17 surveyor for at least ten (10) years. The member shall have been in

18 responsible charge of land surveying projects for at least five (5)

19 years and shall be a licensed professional land surveyor in this
20 state.

21 SECTION 4. AMENDATORY 59 O.S. 2011, Section 475.8, as
22 amended by Section 2, Chapter 139, O.S.L. 2012 (59 O.S. Supp. 2015,
23 Section 475.8), is amended to read as follows:
24

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

- 17 1. Establish and amend minimum standards for the practice of
18 engineering and land surveying;
- 19 2. Establish continuing education requirements for renewal of
20 professional engineering and professional land surveyor licenses;
- 21 3. Promulgate rules concerning the ethical marketing of
22 professional engineering and professional land surveying services;
23 and
24

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

10 5. The Board may elect to accept the surrender of any
11 certificate of licensure or certificate of authorization by a
12 licensee in lieu of an administrative fine, but the licensee shall
13 be permanently barred from obtaining a re-issuance of the
14 surrendered certificate of licensure or certificate of authority.

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

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 EAC,
6 TAC/ABET or Board-approved accredited degree in engineering or land
7 surveying at an Oklahoma higher education institution, and take such
8 other action as may be reasonably necessary or appropriate to
9 effectuate the State Board of Licensure for Professional Engineers
10 and Land Surveyor's Board. The Board may, at its discretion,
11 contract with other state agencies and nonprofit corporations for
12 the endowment, management, and administration of scholarships. The
13 requirements of such scholarships shall be determined by the Board.
14 However, nothing contained herein shall be construed as requiring
15 the Board to endow or award any scholarship.

16 I. The Board may use its funds to establish and conduct
17 instructional programs for persons who are currently licensed to
18 practice engineering or land surveying, as well as refresher courses
19 for persons interested in obtaining adequate instruction or programs
20 of study to qualify them for licensure to practice engineering or
21 land surveying. The Board may expend its funds for these purposes
22 and may conduct, sponsor, and arrange for instructional programs and
23 also may carry out instructional programs through extension courses
24 or other media. The Board may enter into plans or agreements with

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

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

17 Section 475.9. A. The Executive Director of the State Board of
18 Licensure for Professional Engineers and Land Surveyors shall be
19 responsible for accounting for all monies derived under the
20 provisions of Section 475.1 et seq. of this title. This fund shall
21 be known as the "Professional Engineers and Land Surveyors Fund",
22 and shall be deposited with the State Treasurer, and shall be paid
23 out only upon requisitions submitted by the Secretary or Executive
24 Director. All monies in this fund are hereby specifically

1 appropriated for the use of the Board, and at the end of each fiscal
2 year the Board shall pay into the General Revenue Fund of the state
3 an amount equal to ten percent (10%) of all licensure and
4 certification fees in compliance with Section 211 of Title 62 of the
5 Oklahoma Statutes.

6 B. The Board shall obtain an office, secure such facilities,
7 and employ, direct, discharge and define the duties and salaries of
8 an Executive Director, Principal Assistant, Director of Enforcement,
9 Board Investigator and all other such clerical or other assistants
10 as are necessary for the proper performance of its work. All
11 employees of the Board, current or future, shall be considered in
12 the unclassified service and shall not be placed under the
13 classified service. The Board shall make expenditures from the fund
14 created in subsection A of this section for any purpose which, in
15 the opinion of the Board, is reasonably necessary for the proper
16 performance of its duties under Section 475.1 et seq. of this title,
17 including examination administration fees, the expenses of the
18 Board's delegates to meetings of and membership fees to the National
19 Council of Examiners for Engineering and Surveying, meaning the
20 national nonprofit organization composed of engineering and land
21 surveying licensing boards commonly called NCEES, and any of its
22 subdivisions, as provided in the State Travel Reimbursement Act,
23 Section 500.1 et seq. of Title 74 of the Oklahoma Statutes
24

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

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

7 Section 475.10. A. The Board shall keep a record of its
8 proceedings and of all applications for licensure, which record
9 shall show:

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

22 B. The record of the Board shall be prima facie evidence of the
23 proceedings of the Board and a transcript thereof, duly certified by
24 the Secretary or Executive Director under seal, shall be admissible

1 as evidence with the same force and effect as if the original were
2 produced.

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

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

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

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

20 SECTION 8. AMENDATORY 59 O.S. 2011, Section 475.12, as
21 amended by Section 4, Chapter 139, O.S.L. 2012 (59 O.S. Supp. 2015,
22 Section 475.12), is amended to read as follows:

23 Section 475.12. ~~A. Engineer~~

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

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

13 ~~1. As a professional engineer:~~

14 ~~a. Licensure by Comity or Endorsement - A person holding~~
15 ~~a certificate of registration or licensure to engage~~
16 ~~in the practice of engineering issued by a proper~~
17 ~~authority of a jurisdiction or possession of the~~
18 ~~United States or the District of Columbia, based on~~
19 ~~requirements that do not conflict with the provisions~~
20 ~~of Section 475.1 et seq. of this title and possessing~~
21 ~~credentials that are, in the judgment of the Board, of~~
22 ~~a standard not lower than that specified in the~~
23 ~~applicable licensure act in effect in this state at~~
24 ~~the time such certificate was issued, may, upon~~

1 ~~application, be licensed without further examination~~
2 ~~except as required to present evidence of knowledge of~~
3 ~~statutes, rules and design requirements unique to this~~
4 ~~state.~~

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

1 ~~of a license if the applicant possesses sufficient~~
2 ~~progressive experience on engineering projects to~~
3 ~~indicate to the Board that the applicant may be~~
4 ~~competent to practice engineering. The Board shall~~
5 ~~evaluate all elements of the application, according to~~
6 ~~Board rules, to assess waiver requests.~~

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

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

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

24 ~~2. As an engineer intern:~~

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

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

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

1 ~~satisfactory to the Board, the applicant shall be~~
2 ~~certified or enrolled as an engineer intern, if~~
3 ~~otherwise qualified.~~

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

19 ~~B. Land Surveyor~~

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

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

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

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

12 ~~1. As a land surveyor:~~

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

1 ~~include questions on laws, procedures and practices~~
2 ~~pertaining to land surveying in this state.~~

3 ~~b. Graduation, Experience and Examination~~

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

~~e. 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~~

1 ~~experience satisfactory to the Board on land~~
2 ~~surveying projects of a grade and character which~~
3 ~~indicates to the Board that the applicant may be~~
4 ~~competent to practice land surveying who has~~
5 ~~passed a Board-approved NCEES examination in the~~
6 ~~fundamentals of surveying, as provided in~~
7 ~~division (1) of subparagraph b of paragraph 2 of~~
8 ~~this subsection shall be admitted to a Board-~~
9 ~~approved NCEES examination in the principles and~~
10 ~~practice of surveying and a Board-approved~~
11 ~~Oklahoma Law and Surveying examination. Upon~~
12 ~~passing such examination, the applicant shall be~~
13 ~~granted a certificate of licensure to practice~~
14 ~~land surveying in this state, if otherwise~~
15 ~~qualified.~~

16 ~~(2) An applicant who provides proof of completion of~~
17 ~~sixty (60) credit hours, approved by the Board,~~
18 ~~which shall include the Board-approved core~~
19 ~~curriculum in surveying, and a specific record of~~
20 ~~six (6) years or more of progressive combined~~
21 ~~office and field experience satisfactory to the~~
22 ~~Board on land surveying projects of a grade and~~
23 ~~character which indicates to the Board that the~~
24 ~~applicant may be competent to practice land~~

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

12 ~~d. Long Established Practice and Examination - An~~
13 ~~applicant with a specific record of nine (9) years or~~
14 ~~more of practice in land surveying of a grade and~~
15 ~~character satisfactory to the Board which indicates to~~
16 ~~the Board that the applicant may be competent to~~
17 ~~practice land surveying shall be admitted to a Board-~~
18 ~~approved NCEES examination in the fundamentals of land~~
19 ~~surveying, and, if passed, then shall be admitted to a~~
20 ~~Board-approved NCEES examination in the principles and~~
21 ~~practice of surveying and a Board-approved Oklahoma~~
22 ~~Law and Surveying examination. Upon passing such~~
23 ~~examinations, the applicant shall be granted a~~
24 ~~certificate of licensure to practice land surveying in~~

1 ~~this state, if otherwise qualified. Provided, after~~
2 ~~July 1, 2014, "Long Established Practice and~~
3 ~~Examination", as specified in this paragraph, shall~~
4 ~~not be considered by the Board as minimum evidence~~
5 ~~that an applicant is qualified for licensure as a~~
6 ~~professional land surveyor.~~

7 ~~2. As a land surveyor intern:~~

8 ~~a. Graduation and Examination~~

9 ~~(1) A graduate of a surveying program of four (4)~~
10 ~~years or more approved by the Board, or an~~
11 ~~applicant who has completed sixty (60) semester~~
12 ~~hours or more of academic requirements for~~
13 ~~graduation, shall be admitted to a Board-approved~~
14 ~~NCEES examination in the fundamentals of~~
15 ~~surveying. Upon passing such examination and~~
16 ~~providing proof of graduation, the applicant~~
17 ~~shall be certified or enrolled as a land surveyor~~
18 ~~intern, if otherwise qualified.~~

19 ~~(2) A graduate of a surveying program of two (2)~~
20 ~~years or more approved by the Board or an~~
21 ~~applicant who has completed forty five (45)~~
22 ~~semester hours or more of academic requirements~~
23 ~~for graduation from a two-year surveying program~~
24 ~~approved by the Board shall be admitted to a~~

1 ~~Board-approved NCEES examination in the~~
2 ~~fundamentals of surveying. Upon passing such~~
3 ~~examination and providing proof of graduation,~~
4 ~~the applicant shall be certified or enrolled as a~~
5 ~~land surveyor intern, if otherwise qualified.~~

6 ~~b. Alternative Graduation, Experience and Examination~~

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

1 ~~applicant shall be certified or enrolled as a~~
2 ~~land surveyor intern, if otherwise qualified.~~

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

21 Education, experience, and examinations are required for
22 licensure as a professional engineer, professional land surveyor, or
23 professional engineer authorized to use the S.E. designation. Any
24 person making application for licensure or issued a license prior

1 to the effective date of this act shall be required to meet the
2 qualifications for application or licensure existing at the time of
3 application or licensure. On and after the effective date of this
4 act, the following qualifications shall be required:

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

8 1. Graduating from an engineering program of four (4) years or
9 more accredited by the Engineering Accreditation Commission of ABET
10 (EAC/ABET), or the equivalent, or a related science degree program
11 approved by the Board, or an engineering master's degree program
12 from an institution that offers EAC/ABET accredited programs,

13 2. Passing the NCEES Fundamentals of Engineering (FE)
14 examination, and

15 3. Submitting three professional or character references.

16 B. Licensure as a Professional Engineer.

17 1. General Requirements. To be eligible for licensure, an
18 individual must meet all of the following requirements:

19 a. be of good character and reputation,

20 b. satisfy the education criteria set forth below,

21 c. satisfy the experience criteria set forth below,

22 d. pass the applicable examinations set forth below,

23 e. submit five references acceptable to the Board, three

24 of which shall be professional engineers having

1 personal knowledge of the applicant's engineering
2 experience;

3 2. Comity Licensure for a Professional Engineer. The following
4 shall be considered as minimum evidence satisfactory to the Board
5 that the applicant is qualified for licensure by comity as a
6 professional engineer:

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

1 was issued, the individual may, upon application, be
2 considered by the Board according to the provisions in
3 the Board rules, or

4 b. an individual holding an active Council Record with
5 NCEES, whose qualifications as evidenced by the
6 Council Record meet the requirements of Section 475.1
7 et seq. of this title, may, upon application, be
8 licensed without further examination except as
9 required to examine the applicant's knowledge of
10 statutes, rules, and other requirements unique to
11 Oklahoma;

12 3. Initial Licensure as a Professional Engineer. An applicant
13 who presents evidence of meeting the applicable education,
14 examination, and experience requirements as described below shall be
15 eligible for licensure as a professional engineer.

16 a. Education Requirements. An individual seeking
17 licensure as a professional engineer shall possess one
18 or more of the following education qualifications:
19 (1) a bachelor's degree in engineering from an
20 EAC/ABET-accredited program, or the equivalent,
21 (2) a bachelor's degree in a Board-approved related
22 science degree program,

1 (3) a master's degree in engineering from an
2 institution that offers EAC/ABET-accredited
3 programs,

4 (4) a master's degree in engineering from an EAC/M-
5 ABET-accredited program,

6 (5) an earned doctoral degree in engineering
7 acceptable to the Board.

8 Non-U.S., non-EAC/ABET accredited degrees which are
9 not approved by the Board may be considered following a
10 degree evaluation by an evaluation service approved by
11 the Board. The maximum equivalency granted for degrees
12 found not to be substantially equivalent to an EAC/ABET
13 degree shall be that of a related science degree.

14 Deficiencies outlined in the degree evaluation may be
15 corrected with further education approved by the Board
16 which may allow the applicant's education to be
17 advanced to an equivalent status.

18 Non-U.S., non-EAC/ABET accredited degrees approved by
19 the Board may be considered without a degree
20 evaluation. The maximum equivalency granted for these
21 Board approved degrees shall be that of an equivalent
22 degree.

23 b. Examination Requirements. An individual seeking
24 licensure as a professional engineer shall take and

1 pass the NCEES Fundamentals of Engineering (FE)
2 examination and the NCEES Principles and Practice of
3 Engineering (PE) examination as described below:

4 (1) the FE examination may be taken at any time
5 according to NCEES examination policy and
6 procedures, but is recommended to be taken during
7 the student's senior year of college,

8 (2) the PE examination may be taken by a graduate of
9 an approved degree program as outlined above,

10 (3) the Board may waive the fundamentals of
11 engineering examination requirement for the
12 issuance of a license if the applicant possesses
13 at a minimum, fifteen (15) years of progressive
14 experience on engineering projects to indicate
15 to the Board the applicant may be competent to
16 practice engineering. The Board shall evaluate
17 all elements of the application, according to
18 Board rules, to assess waiver requests,

19 c. Experience Requirements. An individual seeking
20 licensure as a professional engineer shall present
21 evidence of a specific record of progressive
22 engineering experience satisfying one of the following
23 described below. This experience should be progressive
24 and of a grade and character that indicate to the

1 Board that the applicant may be competent to practice
2 engineering:

3 (1) an individual with a bachelor's degree in
4 engineering per division 1 of subparagraph a of
5 subsection 3 of this section: four (4) years of
6 experience after the bachelor's degree is
7 conferred,

8 (2) a bachelor's degree in a Board-approved related
9 science degree program per division 2 of
10 subparagraph a of subsection 3 of this section:
11 six (6) years of experience after the bachelor's
12 degree is conferred,

13 (3) an individual with a master's degree in
14 engineering per division 3 or 4 of subparagraph a
15 of subsection 3 of this section and three (3)
16 years of experience after the master's degree is
17 conferred,

18 (4) an individual with an earned doctoral degree
19 acceptable to the Board and two (2) years of
20 experience after the doctoral degree is
21 conferred.

22 Partial experience credit may be awarded for
23 experience earned prior to conferment of the
24 qualifying degree, at the discretion of the Board, as

1 described in Board rules. In no case shall the
2 experience credit exceed one half of that required
3 for approved qualifying experience.

4 EAC/ABET accredited engineering cooperative education
5 programs may be considered as experience credit
6 earned prior to the qualifying degree if the program
7 meets the experience requirement as described above.
8 Otherwise, a maximum of six (6) months experience may
9 be claimed.

10 C. Certification or Enrollment as a Land Surveyor Intern.

11 Completion of one of the following shall be considered as minimum
12 evidence that the applicant is qualified for certification or
13 enrollment as a land surveyor intern:

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

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

20 3. Graduating from a program of two (2) years or more approved
21 by the Board which shall include the Board-approved core
22 curriculum, providing proof of graduation, and three character or
23 professional references; or
24

1 4. Completion of sixty (60) college-credit hours approved by
2 the Board which shall include the Board-approved core curriculum,
3 providing proof of successful completion of the required college
4 credit hours, and three character or professional references.

5 In addition to satisfying one of the above requirements, the
6 applicant shall pass the NCEES Fundamentals of Surveying (FS)
7 examination.

8 D. Licensure as a Professional Land Surveyor

9 1. General Requirements. To be eligible for licensure, an
10 individual must meet all of the following requirements:

- 11 a. Be of good character and reputation,
- 12 b. Satisfy the education criteria set forth below,
- 13 c. Satisfy the experience criteria set forth below,
- 14 d. Pass the applicable examinations set forth below,
- 15 e. Submit five references acceptable to the Board, three
16 of which shall be professional land surveyors having
17 personal knowledge of the applicant's surveying
18 experience;

19 2. Comity Licensure for a Professional Land Surveyor. The
20 following shall be considered as minimum evidence satisfactory to
21 the Board that the applicant is qualified for licensure by comity as
22 a professional land surveyor:

- 23 a. an individual holding a certificate of licensure to
24 engage in the practice of land surveying issued by a

1 proper authority of any state or jurisdiction, based
2 on requirements that do not conflict with the
3 provisions of Section 475.1 et seq. of this title, and
4 possessing credentials that are, in the judgment of
5 the Board, of a standard not lower than that specified
6 in the applicable licensure act in effect in this
7 jurisdiction at the time such certificate was issued
8 may, upon application, which may include a Council
9 Record with NCEES, be licensed upon passing a written
10 examination of such duration as established by the
11 Board, which shall include questions on laws,
12 procedures and practices pertaining to land surveying
13 in Oklahoma; or

14 3. Initial Licensure as a Professional Land Surveyor. An
15 individual meeting the education requirements as outlined above for
16 a land surveyor intern shall meet the following land surveying
17 experience requirements as described in Board rules, which shall
18 include combined office and field experience satisfactory to the
19 Board on projects of a grade and character which indicates to the
20 Board the applicant may be competent to practice land surveying:

21 a. an individual meeting the experience requirements in
22 paragraph 1 of subsection C of this section and four
23 (4) years of total experience including two (2) years
24

1 which must follow the date of the conferment of the
2 degree,

- 3 b. an individual meeting the experience requirements in
4 paragraphs 2, 3 and 4 of subsection C of this section
5 and six (6) years of total experience.

6 Upon completion of the education and experience requirements, and
7 passing the NCEES Fundamentals of Surveying (FS) examination, the
8 individual shall be admitted to the NCEES Principles and Practice of
9 Surveying (PS) examination and the Oklahoma Law and Surveying (OLS)
10 examination. Upon passing these examinations, the applicant shall
11 be licensed as a professional land surveyor, if otherwise qualified.

12 E. Professional Structural Engineer - S.E.

13 1. Professional engineers licensed in Oklahoma who were
14 approved by the Board to claim structural engineering (with or
15 without an S.E.) as an area of competence prior to November 1, 2017,
16 must submit the following by application and prescribed fees, if
17 applicable, for Board consideration as minimum evidence that the
18 applicant is qualified to use the title "Professional Structural
19 Engineer", "P.E., S.E.", or any variation using the "S.E."
20 designation:

- 21 a. certified copies of all formal or informal
22 disciplinary actions taken against their professional
23 engineer license in any state or jurisdiction, if
24 applicable,

1 b. proof of structural engineering experience by way of a
2 list of representative projects completed, or courses
3 taught, as described on Board approved application
4 forms, and three references by licensed professional
5 engineers having personal knowledge of and verifying
6 the applicant's structural engineering experience, and

7 c. proof of structural engineering education, including
8 ten (10) professional development hours of continuing
9 education related to the technical aspects of
10 structural engineering in the two (2) years preceding

11 the date of application, and original transcripts
12 submitted directly to the Board office from the
13 university or college showing coursework or degrees
14 obtained since the individuals original professional
15 engineer application to the Board, if applicable; or

16 d. proof of successful completion of one of the following
17 structural engineering examination paths below:

18 (1) the NCEES Structural I and Structural II exams
19 taken prior to January 1, 2011,

20 (2) an equivalent 16-hour state-written examination
21 prior to 2004,

22 (3) the NCEES Structural II exam plus an equivalent
23 8-hour state-written structural examination prior
24 to January 1, 2011, or

1 (4) the NCEES 16-hour SE Examination taken after
2 January 1, 2011.

3 Professional engineers submitting proof of
4 subparagraph d of paragraph 1 of this subsection will
5 not be required to pay an application fee, but must
6 submit a properly completed application form,
7 including certified copies of all formal or informal
8 disciplinary actions taken against their professional
9 engineer license in any state or jurisdiction, if
10 applicable, for Board consideration as minimum
11 evidence that the applicant is qualified to use the
12 title "Professional Structural Engineer", "P.E.,
13 S.E.", or any variation using the "S.E." designation.

14 2. Professional engineers licensed in Oklahoma who were
15 approved by the Board to claim structural engineering (with an S.E.)
16 as an area of competence prior to November 1, 2017 who do not submit
17 an application form and prescribed fees, if applicable, for Board
18 consideration as minimum evidence that the applicant is qualified to
19 use the title "Professional Structural Engineer", "P.E., S.E.", or
20 any variation using the "S.E." designation by October 31, 2021 shall
21 be notified in writing that their file may be amended to designate
22 "structural engineering (without an S.E.)" as their area of
23 competence.

1 3. Comity applicants for a professional engineer license who
2 wish to apply for authorization to use the title "Professional
3 Structural Engineer", "P.E., S.E.", or any variation using the
4 "S.E." designation, who apply after November 1, 2017 must submit the
5 following by application and prescribed fees for Board consideration
6 as minimum evidence that the applicant is qualified:

7 a. certified copies of all formal or informal
8 disciplinary actions taken against their professional
9 engineer license in any state or jurisdiction, if
10 applicable,

11 b. proof of structural engineering experience by way of a
12 list of representative projects completed, or courses
13 taught, as described on Board approved application
14 forms, and three references by licensed professional
15 engineers having personal knowledge of and verifying
16 the applicant's structural engineering experience, and

17 c. proof of structural engineering education, including
18 ten (10) professional development hours of continuing
19 education related to the technical aspects of
20 structural engineering in the two (2) years preceding
21 the date of application, and original transcripts
22 submitted directly to the Board office from the
23 university or college showing coursework or degrees
24

1 obtained since the individuals original professional
2 engineer application to the Board, if applicable, or
3 d. proof of successful completion of one of the following
4 structural engineering examination paths below:

5 (1) the NCEES Structural I and Structural II exams
6 taken prior to January 1, 2011,

7 (2) an equivalent 16-hour state-written examination
8 prior to 2004,

9 (3) the NCEES Structural II exam plus an equivalent
10 8-hour state-written structural examination prior
11 to January 1, 2011, or

12 (4) the NCEES 16-hour SE Examination taken after
13 January 1, 2011.

14 4. Initial applicants for a professional engineer license who
15 wish to also apply for authorization to use the title "Professional
16 Structural Engineer", "P.E., S.E.", or any variation using the
17 "S.E." designation, who apply after November 1, 2017, and before
18 October 31, 2021, must submit the following by application and
19 prescribed fees for Board consideration as minimum evidence that the
20 applicant is qualified, in addition to all required requirements in
21 Section 475.1 et seq. of this title:

22 a. proof of structural engineering experience by way of a
23 list of representative projects completed, or courses
24 taught, as described on Board approved application

1 forms, and three references by licensed professional
2 engineers having personal knowledge of and verifying
3 the applicant's structural engineering experience, and
4 b. proof of structural engineering education and original
5 transcripts submitted directly to the Board office
6 from the university or college showing coursework or
7 degrees obtained.

8 5. Beginning November 1, 2021, the following shall be
9 considered as minimum evidence for all applicants who wish to apply
10 to the Board for authorization that the applicant is qualified to
11 use the title "Professional Structural Engineer", "P.E., S.E.", or
12 any variation using the "S.E." designation, even if the applicant's
13 application was approved by the Board prior to this date:

14 a. holds a professional engineer license in good standing
15 in the state of Oklahoma, and

16 b. successfully completed at least one of the following
17 structural engineering examination paths:

18 (1) the NCEES Structural I and Structural II exams
19 taken prior to January 1, 2011,

20 (2) an equivalent 16-hour state-written examination
21 prior to 2004,

22 (3) the NCEES Structural II exam plus an equivalent
23 8-hour state-written structural examination prior
24 to January 1, 2011, or

1 (4) the NCEES 16-hour SE Examination taken after
2 January 1, 2011, or

3 c. The record of experience supplied to the Board and
4 verified by reference indicates structural engineering
5 projects or teaching experience equivalent to the
6 years of experience required in subparagraph c of
7 paragraph 3 of subsection B of Section 475.12 of this
8 title according to the education degree program
9 completed by the applicant.

10 6. The Professional Structural Engineer (S.E.) title as defined
11 in Section 475.1 et seq. of this title does not prohibit other
12 licensed professional engineers with competence in structural
13 engineering from offering and/or practicing structural engineering
14 in the state of Oklahoma who are otherwise qualified. Professional
15 engineers who have indicated in their official board records that
16 they have competence in structural engineering may offer and perform
17 structural engineering services and use the term "structural
18 engineer" or "structural engineering" to describe their
19 qualifications and/or services. However, only licensed professional
20 engineers who have been authorized by this Board to do so may use
21 the title "Professional Structural Engineer", P.E., S.E. or any
22 title using the "S.E." designation.

23 SECTION 9. AMENDATORY 59 O.S. 2011, Section 475.13, is
24 amended to read as follows:

1 Section 475.13. A. 1. Application for licensure as a
2 professional engineer, ~~or~~ professional land surveyor, designation as
3 a S.E., or certification as an engineer intern or land surveyor
4 intern shall be on a form prescribed and furnished by the Board. It
5 shall contain statements made under oath, showing the applicant's
6 education and a detailed summary of technical and engineering or
7 land surveying experience and shall include the names and complete
8 mailing addresses of the references, none of whom may be members of
9 the Board or immediate family members.

10 2. The Board may accept the certified information contained in
11 a valid council record issued by the National Council of Examiners
12 for Engineering and Surveying for professional engineer,
13 professional structural engineer (S.E.) or professional land
14 surveyor applicants in lieu of the same information that is required
15 on the form prescribed and furnished by the Board.

16 B. 1. The application fees shall be established by Board
17 rules.

18 2. The application fee for individuals applying to use the
19 Professional Structural Engineer(S.E.) designation who currently
20 hold a P.E. license in good standing in Oklahoma shall be the same
21 as the professional engineer application fee or original license,
22 unless the applicant meets one of the examination paths described in
23 Section 475.12 of this title wherefore the application fee may be
24 waived.

1 3. The certification fee for a firm shall be established by
2 Board rules.

3 ~~3.~~ 4. Should the Board deny the issuance of a certificate of
4 licensure to any applicant, including the application of a firm for
5 a certificate of authorization, the fee shall be retained as an
6 application fee.

7 SECTION 10. AMENDATORY 59 O.S. 2011, Section 475.14, as
8 amended by Section 5, Chapter 139, O.S.L. 2012 (59 O.S. Supp. 2015,
9 Section 475.14), is amended to read as follows:

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

12 B. Examinations may be taken only after the applicant has met
13 other minimum requirements as set forth in Section 475.12 of this
14 title, and has been authorized to seek admission through NCEES or
15 approved by the Board for admission to one or more of the following
16 examinations:

- 17 1. Fundamentals of Engineering;
- 18 2. Principles and Practice of Engineering;
- 19 3. Fundamentals of Surveying;
- 20 4. Principles and Practice of Surveying;
- 21 5. Oklahoma Law and Surveying; and
- 22 6. Oklahoma Law and Engineering.

23 C. A candidate failing an examination may apply for the next
24 available examination, as prescribed by NCEES policies and

1 procedures, which may be granted upon payment of an application fee
2 established by the Board if applicable.

3 D. The applicant shall pay all fees established by the Board
4 for examination documents and grading. The required fees shall be
5 paid by the applicant in advance of the examination.

6 E. The Board may prepare and adopt specifications for the
7 examinations in engineering and land surveying. They shall be made
8 available to the public and to any person interested in being
9 licensed as a professional engineer or as a professional land
10 surveyor.

11 F. For any examination that is administered by NCEES using
12 computer-based testing, a candidate shall only be administered the
13 examination during a specified time period as frequently as
14 prescribed by NCEES policies and procedures.

15 SECTION 11. AMENDATORY 59 O.S. 2011, Section 475.15, as
16 amended by Section 6, Chapter 139, O.S.L. 2012 (59 O.S. Supp. 2015,
17 Section 475.15), is amended to read as follows:

18 Section 475.15. A. The Board shall issue to any applicant who,
19 in the opinion of the Board, has met the requirements of Section
20 475.1 et seq. of this title, a certificate of licensure giving the
21 licensee proper authority to practice in this state. The
22 certificate of licensure for a professional engineer shall carry the
23 designation "Professional Engineer", for a professional engineer
24 authorized to use the S.E. title shall carry the designation

1 "Professional Structural Engineer", and for a professional land
2 surveyor, "Professional Land Surveyor". It shall give the full name
3 of the licensee with the licensure number and shall be signed by the
4 Chair and the Secretary under the seal of the Board.

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

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

1 supervision of the professional engineer or professional land
2 surveyor and must conform to the specifications in the Board rules
3 regarding digital or electronic signatures.

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

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

15 SECTION 12. AMENDATORY 59 O.S. 2011, Section 475.16, is
16 amended to read as follows:

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

20 B. It shall be the duty of the Executive Director to notify
21 every person licensed under Section 475.1 et seq. of this title, and
22 every firm holding a certificate of authorization under Section
23 475.1 et seq. of this title, of the date of the expiration of said
24 certificate of licensure or certificate of authorization, and the

1 amount of the fee required for its renewal. ~~Such notice shall be~~
2 ~~mailed to the licensee or firm at the last-known address as shown in~~
3 ~~the records of the Board at least one (1) month in advance of the~~
4 ~~date of the expiration of the certificate.~~

5 C. Renewal may be affected at any time prior to or during the
6 month of expiration by the payment of a fee as established by the
7 Board. Renewal of an expired certificate may be affected under
8 rules promulgated by the Board regarding requirements for
9 reexamination and penalty fees.

10 D. If a licensee is granted inactive status, the licensee may
11 return to active status by notifying the Board in advance of this
12 intention, by paying appropriate fees, and by meeting all
13 requirements of the Board, including demonstration of continuing
14 professional competency as a condition of reinstatement.

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

20 F. Beginning July 1, 2018, the following requirements shall be
21 effective regarding continuing education:

22 1. Self-study shall no longer qualify for continuing education
23 credit;
24

1 2. A limit of one-half of the required hours may be obtained
2 from an online or web based environment, unless the hours are
3 obtained from an online college or university meeting the criteria
4 listed in the Board rules; and

5 3. Proof of physical disability or other approved documentation
6 showing a hardship may be considered as an exemption to the
7 requirements in paragraphs 1 and 2 of subsection F of Section 475.16
8 of this title.

9 SECTION 13. 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 land
6 surveyor's seal, or permitting the professional engineer's or
7 professional land surveyor's seal or signature to be affixed to any
8 specifications, reports, drawings, plans, design information,
9 construction documents, calculations, other documents, or revisions
10 thereof, which have not been prepared by, or under the direct
11 control and personal supervision of the professional engineer or
12 land surveyor in responsible charge;

13 11. Engaging in dishonorable, unethical or unprofessional
14 conduct of a character likely to deceive, defraud or harm the
15 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.
24

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 14. 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 hearing shall be fixed by the
6 Board, and a copy of the charges, together with a notice of the time
7 and place of hearing, shall be personally served on or mailed to the
8 last-known address of such person, licensee, or entity, at least
9 thirty (30) days before the date fixed for the hearing. At any
10 hearing, the accused shall have the right to appear in person or by
11 counsel, or both, to cross-examine witnesses in their defense, and
12 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 15. 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 Professional Engineers and Land Surveyors in
14 accordance with the provisions of Section 475.1 et seq. of this
15 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 false or forged evidence of any kind to the Board or to
22 any member thereof in obtaining or attempting to obtain a
23 certificate of licensure, or any person who shall falsely
24 impersonate any other licensee of like or different name, or any

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

9 B. Administrative penalties:

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

16 2. The amount of the penalty shall be assessed by the Board
17 pursuant to the provisions of subsection 1 of this section, after
18 notice and hearing. In determining the amount of the penalty, the
19 Board shall include, but not be limited to, consideration of the
20 nature, circumstances and gravity of the violation, and with respect
21 to the person or entity found to have committed the violation, the
22 degree of culpability, the effect on ability of the person or entity
23 to continue to do business and any show of good faith in attempting
24 to achieve compliance with the provisions of Section 475.1 et seq.

1 of this title. All monies collected from administrative penalties
2 shall be deposited with the State Treasurer and placed in the
3 "Professional Engineers and Land Surveyors Fund".

4 ~~3. Any certificate of licensure or certificate of authorization~~
5 ~~holder may elect to surrender the certificate of licensure or~~
6 ~~certificate of authorization in lieu of an administrative action,~~
7 ~~but shall be permanently barred from obtaining a reissuance of the~~
8 ~~certificate of registration or certificate of authorization.~~

9 C. Legal Counsel:

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

19 SECTION 16. AMENDATORY 59 O.S. 2011, Section 475.21, as
20 amended by Section 8, Chapter 139, O.S.L. 2012 (59 O.S. Supp. 2015,
21 Section 475.21), is amended to read as follows:

22 Section 475.21. A. The practice of or offer to practice
23 engineering or land surveying by firms authorized under Section
24

1 475.1 et seq. of this title, or by more than one person acting
2 individually through a firm, is permitted provided:

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

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

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

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

1 by reason of employment or other relationship with a firm holding a
2 certificate of authorization.

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

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

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

21 ~~F. An engineer or land surveyor designated in responsible~~
22 ~~charge of the professional activities of a firm for the purposes of~~
23 ~~this section shall be a full-time employee of the firm. A licensee~~
24 ~~who performs only part-time, occasional, or consulting services for~~

1 ~~a firm shall not qualify as a person designated in responsible~~
2 ~~charge~~ Effective November 1, 2016, all firms applying for a
3 certificate of authorization shall designate a managing agent.

4 1. Managing Agent - A firm shall designate a professional
5 engineer and/or professional land surveyor to be the managing agent
6 for the firm. The managing agent is responsible for the engineering
7 and/or surveying work offered or performed by the firm for projects
8 within Oklahoma. A licensee may not be designated as a managing
9 agent for more than one firm without prior Board approval. A
10 licensee must be an officer, principal, director, manager, member,
11 partner or owner of the firm, or hold a position of recognized
12 authority within the firm, to be designated as the managing agent.
13 Firms holding a certificate of authorization with this Board prior
14 to November 1, 2016, must be in compliance with this provision of
15 law by November 1, 2018. The managing agent's responsibilities
16 include:

- 17 a. renewal of the firm's certificate of authorization and
18 notification to the Board of any change in managing
19 agent,
- 20 b. overall administrative supervision of the firm's
21 licensed and subordinate personnel performing
22 engineering or surveying work in Oklahoma, and
- 23
24

1 c. institution of and adherence to the policies of the
2 firm that are in accordance with Section 475.1 et seq.
3 of this title and the Rules of this Board.

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

- 18 1. Maintaining the firm's certificate of authorization;
- 19 2. Overall administrative supervision of the firm's licensed
20 and subordinate personnel who provide the engineering work in this
21 state; and
- 22 3. The institution of and adherence to policies of the firm
23 that shall be in accordance with ~~the Rules of Professional Conduct~~

1 Section 475.1 et seq. of this title and the rules promulgated by the
2 Board.

3 SECTION 17. AMENDATORY 59 O.S. 2011, Section 475.22, is
4 amended to read as follows:

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

7 1. Other Professions. The practice of any other legally
8 recognized profession;

9 2. Temporary Permit:

10 a. Professional engineer. The practice or offer to
11 practice engineering by a person not a resident of or
12 having no established place of business in this state
13 is allowed; provided, such person is legally qualified
14 by licensure to practice engineering, as defined in
15 Section 475.2 of this title, in the applicant's ~~own~~
16 resident state or country jurisdiction and who has
17 made application for licensure to this Board. Such
18 person shall make application for temporary permit to
19 the Board, in ~~writing~~ a manner prescribed by the
20 Board, and after payment of a temporary permit fee may
21 be granted a written permit to perform a particular
22 job for a definite period of time, to expire the
23 earliest of the issuance of a license by this Board,
24 the rejection of the application for licensure or a

1 time limit stated in the temporary permit; ~~provided,~~
2 ~~however, no.~~ Further, such person may not have been
3 disciplined in any jurisdiction by a Board of
4 licensure for engineering, land surveying, or
5 architecture, and may not have been convicted in any
6 jurisdiction of a felony. Further, such person shall
7 submit a complete permanent professional engineer
8 application to this Board within thirty (30) days of
9 the date of issuance of the Temporary Permit with all
10 required properly completed forms and fees. Failure
11 to submit a permanent professional engineer
12 application for Board consideration may be considered
13 a violation of Section 475.1 et seq. of this title and
14 Board rules. No right to practice engineering shall
15 accrue to such applicant by reason of a temporary
16 permit for any works not set forth in said permit, and

17 b. Professional land surveyor. The practice of land
18 surveying under a temporary permit by a person
19 licensed as a professional land surveyor in another
20 state is not considered to be in the best interest of
21 the public and therefore shall not be granted;

22 3. Employees and subordinates. The work of an employee or a
23 subordinate of a person holding a certificate of licensure under
24 Section 475.1 et seq. of this title, or an employee of a person

1 practicing lawfully under paragraph 2 of this section is allowed;
2 provided, such work does not include final engineering or land
3 surveying designs or decisions and is done under the direct
4 supervision of and verified by a person holding a certificate of
5 licensure under Section 475.1 et seq. of this title or a person
6 practicing lawfully under paragraph 2 of this section; ~~and~~

7 4. Material Takeoff. Providing a list of material derived from
8 measuring and interpreting a set of blueprints or plans, otherwise
9 known as a "material takeoff" or advising a person on such a
10 "material takeoff" shall not constitute the practice of engineering;
11 and

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

1 professional land surveyor, and furnishing final revised copies to
2 the professional land surveyor showing all revisions, the
3 distribution of land surveys, and receiving payment for such
4 services. These actions do not constitute the practice of land
5 surveying, and do not violate any part of Sections 475.1 et seq. of
6 this title or the rules promulgated thereto.

7 SECTION 18. This act shall become effective November 1, 2016.
8

9 55-2-2241 NP 2/18/2016 6:58:05 PM
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24