

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL 1282

By: Wallace of the House

and

Newberry of the Senate

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9 COMMITTEE SUBSTITUTE

10 An Act relating to professions and occupations;
11 amending 59 O.S. 2011, Sections 475.1, 475.2, as
12 amended by Section 1, Chapter 139, O.S.L. 2012,
13 475.3, as amended by Section 1, Chapter 56, O.S.L.
14 2014, 475.4, 475.8, as amended by Section 2, Chapter
15 139, O.S.L. 2012, 475.9, as amended by Section 3,
16 Chapter 139, O.S.L. 2012, 475.10, 475.11, 475.13,
17 475.14, as amended by Section 5, Chapter 139, O.S.L.
18 2012, 475.15, as amended by Section 6, Chapter 139,
19 O.S.L. 2012, 475.16, 475.18, as last amended by
20 Section 3, Chapter 183, O.S.L. 2015, 475.19, 475.20,
21 475.21, as amended by Section 8, Chapter 139, O.S.L.
22 2012 and 475.22 (59 O.S. Supp. 2016, Sections 475.2,
23 475.3, 475.8, 475.9, 475.14, 475.15, 475.18 and
24 475.21), which relate to engineering and land
surveying; modifying definitions, qualifications of
board members, powers of board, expenditures, annual
reports, rosters, qualifications for licensure,
applications, examinations, certificates, term of
certificates, disciplinary actions, allegation of
violations, civil and criminal penalties, condition
for practice and exceptions; modifying definitions;
modifying language; applying act to nonlicensees;
authorizing surrender of license; providing for
scholarships and programs; classifying employees;
modifying qualifications for certain licensure;
deleting language; requiring continuing education;
deleting surrender of license; providing legal
counsel to be paid from board funds; providing for a

1 managing agent; providing for temporary permit;
2 construing acts of certain agent for land surveying
3 purposes; repealing 59 O.S. 2011, Section 475.12, as
4 amended by Section 4, Chapter 139, O.S.L. 2012 (59
5 O.S. Supp. 2016, Section 475.12), which relates to
6 qualifications for eligibility for licensure as
7 engineer or land surveyor; providing for
8 codification; and providing an effective date.

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

SECTION 1. AMENDATORY 59 O.S. 2011, Section 475.1, is
amended to read as follows:

Section 475.1. In order to safeguard life, health and property,
and to promote the public welfare, the practice of engineering and
the practice of land surveying in this state are hereby declared to
be subject to regulation in the public interest. It shall be
unlawful to practice or to offer to practice engineering or land
surveying in this state, as defined in the provisions of Section
475.1 et seq. of this title, or to use in connection with any name
or otherwise assume or advertise any title or description tending to
convey the impression that any person is an engineer, professional
engineer, professional structural engineer, land surveyor or
professional land surveyor, unless such person has been duly
licensed or authorized under the provisions of Section 475.1 et seq.
of this title. The practice of engineering or land surveying shall
be deemed a privilege granted by the state through the State Board
of Licensure for Professional Engineers and Land Surveyors, based on

1 the qualifications of the individual as evidenced by a certificate
2 of licensure, which shall not be transferable.

3 SECTION 2. AMENDATORY 59 O.S. 2011, Section 475.2, as
4 amended by Section 1, Chapter 139, O.S.L. 2012 (59 O.S. Supp. 2016,
5 Section 475.2), is amended to read as follows:

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

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

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

18 3. "Professional Structural Engineer", "P.E.", "S.E." or "S.E."
19 means an individual who has been duly licensed as a professional
20 engineer by the Board, and who has been further authorized by the
21 Board to use the title Professional Structural Engineer, P.E. S.E.,
22 or S.E., and perform structural engineering analysis and design
23 services for significant structures based upon education, experience
24 and examinations as described in subsection D of Section 11 of this

1 act. For purposes of this definition, the term "significant
2 structures" may be defined by Board rule; provided however, such
3 definition shall not include any structure that is a residential
4 structure;

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

10 4. ~~5.~~ "Practice of engineering" means any service or creative
11 work, ~~the adequate performance of which requires~~ requiring
12 engineering education, training and experience in the application of
13 ~~special knowledge of the mathematical, physical and engineering~~
14 ~~sciences~~ engineering principles and the interpretation of
15 engineering data to engineering activities that may impact the life,
16 health, property and welfare of the public. The services may
17 include, but are not limited to, such services or creative work as:

- 18 a. consultation,
- 19 b. investigation,
- 20 c. evaluation,
- 21 d. planning and design of engineering works and systems,
- 22 e. planning the engineering use of land and water,
- 23 f. teaching of advanced engineering subjects or courses
24 related thereto,

- 1 g. engineering research,
- 2 h. engineering surveys,
- 3 i. engineering studies, ~~and~~
- 4 j. engineering reports,
- 5 k. written engineering opinions,
- 6 l. the inspection or review of construction for the
- 7 purposes of ~~assuring~~ ensuring compliance with drawings
- 8 and specifications~~†,~~ and
- 9 m. engineering reports or like material developed in
- 10 connection with expert witness testimony or
- 11 anticipated testimony,

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

23 Design review and integration includes the design review and
24 integration of those technical submissions prepared by others,

1 including as appropriate and without limitation, engineers,
2 architects, landscape architects, land surveyors, and other
3 professionals working under the direction of the engineer. The
4 definition of design review and integration by engineers does not
5 restrict the services other licensed professional disciplines are
6 authorized to offer or perform by statute or regulation.

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

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

23 ~~5.~~ 6. "Professional land surveyor" or "land surveyor" or
24 "P.L.S." means a person who has been duly licensed as a professional

1 land surveyor pursuant to Section 475.1 et seq. of this title and
2 the regulations issued by the Board pursuant thereto; and is a
3 person who, by reason of special knowledge in the technique of
4 measuring land and use of the basic principles of mathematics, the
5 related physical and applied sciences and the relevant requirements
6 of law for adequate evidence and all requisite to surveying of real
7 property, acquired by education and experience, is qualified to
8 engage in the practice of land surveying;

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

14 ~~7.~~ 8. a. "Practice of land surveying" means any authoritative
15 service or work performed to a stated accuracy, the
16 adequate performance of which involves the application
17 of special knowledge of the principles of mathematics,
18 methods of measurement, and the law for the
19 determination and preservation of land boundaries.

20 "Practice of land surveying" includes, without
21 limitation:

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

- 1 (2) obtaining and evaluating evidence for the
2 accurate determination of land boundaries,
3 ~~(3) determination of the areas and elevations of land~~
4 ~~parcels for a survey,~~
5 ~~(4)~~ monumenting the subdivision of land parcels into
6 smaller parcels and the preparation of the
7 descriptions in connection therewith,
8 ~~(5)~~
9 (4) measuring and platting underground mine workings,
10 ~~(6)~~
11 (5) creation, preparation of the control or
12 modification of electronic or computerized data
13 including portions of geographic information
14 systems and land information systems, relative to
15 the performance of the practice of land
16 surveying,
17 ~~(7)~~
18 (6) establishment, restoration, and rehabilitation of
19 land survey monuments and bench marks,
20 ~~(8)~~
21 (7) preparation of land survey plats, condominium
22 plats, monument records, and survey reports,
23 ~~(9)~~
24

1 (8) surveying, monumenting, and platting of
2 easements, and rights-of-way,

3 ~~(10)~~

4 (9) measuring, locating, or establishing lines,
5 angles, elevations, natural and man-made features
6 in the air, on the surface of the earth, within
7 underground workings, and on the beds of bodies
8 of water for the purpose of determining areas and
9 volumes for a survey, the configuration or
10 contour of the earth's surface, or the position
11 of fixed objects on the earth's surface,

12 ~~(11)~~

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

14 ~~(12)~~

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

18 (12) surveying reports or like material developed in
19 connection with expert witness testimony or
20 anticipated testimony.

21 b. A person or entity shall be construed to practice or
22 offer to practice land surveying, within the meaning
23 and intent of Section 475.1 et seq. of this title who
24 does any one of the following: practices any branch

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

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

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

10 ~~8.~~ 9. "Board" means the State Board of Licensure for
11 Professional Engineers and Land Surveyors;

12 ~~9.~~ 10. "Responsible charge" means direct control and personal
13 supervision of engineering ~~work~~ or land surveying work;

14 ~~10.~~ 11. "Rules of professional conduct for professional
15 engineers and professional land surveyors" means those rules
16 promulgated by the Board;

17 ~~11.~~ 12. "Firm" means any form of business or entity, ~~a private~~
18 ~~practitioner employing other licensed engineers, surveyors or~~
19 ~~licensed design professionals, or any person or entity using one or~~
20 ~~more fictitious names~~ other than an individual operating as a sole
21 proprietorship under his or her name;

22 ~~12.~~ 13. "Direct control" and "personal supervision" whether
23 used separately or together mean active and personal management of
24 the firm's personnel and practice to maintain charge of, and

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

4 ~~13.~~ 14. "Core curriculum" means the Board-approved land
5 surveying courses adopted by Board policy, developed to ensure that
6 professional land surveyor applicants meet the minimum educational
7 requirements for licensure;

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

20 16. "Authoritative" means being presented as trustworthy and
21 competent when used to describe products, processes, applications or
22 data resulting from the practice of engineering or land surveying;
23 and

24

1 17. "Disciplinary action" means any final written decision or
2 settlement taken against an individual or firm by a licensing board
3 based upon a violation of the Board's laws and rules.

4 SECTION 3. AMENDATORY 59 O.S. 2011, Section 475.3, as
5 amended by Section 1, Chapter 56, O.S.L. 2014 (59 O.S. Supp. 2016,
6 Section 475.3), is amended to read as follows:

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

21 B. Each member of the Board shall file with the Secretary of
22 State a written oath or affirmation for the faithful discharge of
23 official duties.

1 C. Appointments to the Board shall be in such manner and for
2 such period of time so that no two terms, with the exception of the
3 lay member, shall expire in the same year. On the expiration of the
4 term of any member, except the lay member, the Governor shall in the
5 manner herein provided appoint for a term of six (6) years a
6 professional engineer or professional land surveyor having the
7 qualifications required in Section 475.4 of this title. The lay
8 member of the Board shall be appointed by the Governor to a term
9 coterminous with that of the Governor. The lay member shall serve
10 at the pleasure of the Governor. Provided, the lay member may
11 continue to serve after the expiration of the member's term until
12 such time as a successor is appointed. Members may be reappointed
13 to succeed themselves. Each member may hold office until the
14 expiration of the term for which appointed or until a successor has
15 been duly appointed and has qualified. In the event of a vacancy on
16 the Board due to resignation, death or for any cause resulting in an
17 unexpired term, if not filled within three (3) months, the Board may
18 appoint a provisional member to serve in the interim until the
19 Governor acts.

20 SECTION 4. AMENDATORY 59 O.S. 2011, Section 475.4, is
21 amended to read as follows:

22 Section 475.4. Each professional engineer member of the Board
23 shall be a citizen of the United States and resident of this state.
24 The member shall have been engaged in the lawful practice of

1 engineering as a professional engineer for at least ten (10) years.
2 The member shall have been in responsible charge of engineering
3 projects for at least five (5) years and shall be a licensed
4 professional engineer in this state. Each professional land
5 surveyor member of the Board shall be a citizen of the United States
6 and a resident of this state. The member shall have been engaged in
7 the lawful practice of land surveying as a professional land
8 surveyor for at least ten (10) years. The member shall have been in
9 responsible charge of land surveying projects for at least five (5)
10 years and shall be a licensed professional land surveyor in this
11 state.

12 SECTION 5. AMENDATORY 59 O.S. 2011, Section 475.8, as
13 amended by Section 2, Chapter 139, O.S.L. 2012 (59 O.S. Supp. 2016,
14 Section 475.8), is amended to read as follows:

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

1 Section 475.1 et seq. of this title and shall be applicable to firms
2 holding a certificate of authorization. The Board shall adopt and
3 have an official seal, which shall be affixed to each certificate
4 issued. The Board shall have the further power and authority to:

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

7 2. Establish continuing education requirements for renewal of
8 professional engineering and professional land ~~surveyor~~ surveying
9 licenses;

10 3. Promulgate rules concerning the ethical marketing of
11 professional engineering and professional land surveying services;
12 and

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

22 B. The Board is hereby authorized to levy administrative
23 penalties against any person or entity who or which violates any of
24 the provisions of Section 475.1 et seq. of this title or any rule or

1 regulation promulgated pursuant thereto. The Board is hereby
2 authorized to initiate disciplinary, prosecutorial and injunctive
3 proceedings against any person or entity who or which has violated
4 any of the provisions of Section 475.1 et seq. of this title or any
5 rule or regulation of the Board promulgated pursuant thereto. The
6 Board shall investigate alleged violations of the provisions of
7 Section 475.1 et seq. of this title or of the rules or regulations,
8 orders or final decisions of the Board.

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

21 D. In carrying into effect the provisions of Section 475.1 et
22 seq. of this title, the Board, under the hand of its Chair, Vice
23 Chair, or Executive Director and the seal of the Board, may subpoena
24 witnesses and compel their attendance, and may also require the

1 submission of books, papers, documents or other pertinent data, in
2 any disciplinary matters, or in any case wherever a violation of
3 Section 475.1 et seq. of this title is alleged. Upon failure or
4 refusal to comply with any such order of the Board, or upon failure
5 to honor its subpoena, as herein provided, the Board may apply to a
6 court of proper jurisdiction for an order to enforce compliance with
7 same.

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

17 F. The Board may subject an applicant for licensure or a
18 licensee to such examinations as it deems necessary to determine the
19 applicant's or licensee's qualifications. The Board may dispose of
20 a formal complaint against a licensee for a violation of Section
21 475.1 et seq. of this title by an order that a licensee shall
22 complete the examinations as the Board deems necessary to determine
23 the qualifications of the licensee, and upon the initial failure or
24 refusal to successfully complete the examination, within the time

1 ordered, place conditions on the license of the licensee to practice
2 and order other remedies until competence is demonstrated.

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

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

23 I. The Board may use its funds to establish and conduct
24 instructional programs for persons who are currently licensed to

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

22 SECTION 6. AMENDATORY 59 O.S. 2011, Section 475.9, as
23 amended by Section 3, Chapter 139, O.S.L. 2012 (59 O.S. Supp. 2016,
24 Section 475.9), is amended to read as follows:

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

14 B. The Board shall obtain an office, secure such facilities,
15 and employ, direct, discharge and define the duties and salaries of
16 an Executive Director, Principal Assistant, Director of Enforcement,
17 Board Investigator and all other such clerical or other assistants
18 as are necessary for the proper performance of its work. Effective
19 November 1, 2017, all employees of the Board, current or future,
20 shall be considered in the unclassified service and shall not be
21 placed under the classified service. The Board shall make
22 expenditures from the fund created in subsection A of this section
23 for any purpose which, in the opinion of the Board, is reasonably
24 necessary for the proper performance of its duties under Section

1 475.1 et seq. of this title, including examination administration
2 fees, the expenses of the Board's delegates to meetings of and
3 membership fees to the National Council of Examiners for Engineering
4 and Surveying, meaning the national nonprofit organization composed
5 of engineering and land surveying licensing boards commonly called
6 NCEES, and any of its subdivisions, as provided in the State Travel
7 Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma
8 Statutes. Under no circumstances shall the total amount of warrants
9 issued in payment of the expenses and compensation provided for in
10 Section 475.1 et seq. of this title exceed the amount of monies in
11 the fund.

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

14 Section 475.10. A. The State Board of Licensure for
15 Professional Engineers and Land Surveyors shall keep a record of its
16 proceedings and of all applications for licensure, which record
17 shall show:

- 18 1. The name, date of birth and last-known mailing and email
19 address of each applicant;
- 20 2. The date of application;
- 21 3. The place of business of the applicant;
- 22 4. The education, experience and other qualifications of the
23 applicant;
- 24 5. The type of examination required;

- 1 6. Whether or not the applicant was rejected;
- 2 7. Whether or not a certificate of licensure was granted;
- 3 8. The date of the action of the Board; and
- 4 9. Such other information as may be deemed necessary by the
- 5 Board.

6 B. The record of the Board shall be prima facie evidence of the

7 proceedings of the Board and a transcript thereof, duly certified by

8 the Secretary or Executive Director of the Board under seal, shall

9 be admissible as evidence with the same force and effect as if the

10 original were produced.

11 C. The Board shall submit, upon request from the Governor, a

12 report of its transactions of the preceding year, including a

13 complete statement of the receipts and expenditures of the Board,

14 attested by affidavits of its ~~Chairman~~ Chair and its Secretary.

15 D. Board records and papers of the following class may be kept

16 confidential by the Board: examination materials, file records of

17 examination problem solutions, exam scores or results, letters of

18 inquiry and reference concerning applicants, transcripts of college

19 courses and grades, email addresses, ongoing investigation files,

20 closed complaints, information otherwise protected by law and all

21 other matters of like confidential nature.

22 SECTION 8. AMENDATORY 59 O.S. 2011, Section 475.11, is

23 amended to read as follows:

24

1 Section 475.11. Complete rosters showing the names and last-
2 known mailing addresses of all professional engineers and
3 professional land surveyors shall be maintained and made available
4 to the licensees and the public.

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

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

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

17 2. Passing the National Council of Examiners for Engineering
18 and Surveying (NCEES) Fundamentals of Engineering (FE) examination;
19 and

20 3. Submitting three professional or character references.

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

24 1. Be of good character and reputation;

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

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

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

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

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

1 in the judgement of the Board, the standard was a reasonable
2 standard at the time the original license was issued, the individual
3 may, upon application, be considered by the Board according to the
4 provisions in the Board rules; or

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

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

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

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

24

- d. a master's degree in engineering from an EAC/M-ABET-accredited program, or
- e. an earned doctoral degree in engineering acceptable to the Board.

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

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

- a. the FE examination may be taken at any time according to NCEES examination policy and procedures, but is recommended to be taken during the student's senior year of college,

- 1 b. the PE examination may be taken by a graduate of an
2 approved degree program pursuant to this section, or
3 c. the Board may waive the FE examination requirement for
4 the issuance of a license if the applicant possesses,
5 at a minimum, fifteen (15) years of progressive
6 experience on engineering projects which indicate to
7 the Board the applicant may be competent to practice
8 engineering. The Board shall evaluate all elements of
9 the application, according to Board rules, to assess
10 waiver requests.

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

- 17 a. an individual with a bachelor's degree in engineering
18 pursuant to subparagraph a of paragraph 1 of this
19 subsection: four (4) years of experience after the
20 bachelor's degree is conferred,
21 b. an individual with a bachelor's degree in a Board-
22 approved related science degree program pursuant to
23 subparagraph b of paragraph 1 of this subsection: six
24

1 (6) years of experience after the bachelor's degree is
2 conferred,

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

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

10 5. Partial experience credit may be awarded for experience
11 earned prior to conferment of the qualifying degree, at the
12 discretion of the Board, as described in Board rules. In no case
13 shall the experience credit exceed one-half (1/2) of that required
14 for approved qualifying experience. The experience credit shall not
15 be claimed if the applicant is also claiming the experience time as
16 experience credit for a cooperative education program.

17 6. EAC/ABET-accredited engineering cooperative education
18 programs may be considered as experience credit earned prior to the
19 qualifying degree if the program meets the experience requirement
20 pursuant to this subsection. Otherwise, a maximum of six (6) months
21 experience may be claimed. Experience credit for a cooperative
22 education program shall not be claimed if the applicant also claims
23 the experience time as experience credit earned prior to the degree.
24

1 SECTION 10. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 475.12b of Title 59, unless
3 there is created a duplication in numbering, reads as follows:

4 A. Certification or Enrollment as a Land Surveyor Intern.
5 Passing of the NCEES Fundamentals of Surveying (FS) examination and
6 completion of one of the following shall be considered as minimum
7 evidence that the applicant is qualified for certification or
8 enrollment as a land surveyor intern:

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

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

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

19 4. Completing sixty (60) college credit hours approved by the
20 Board which shall include the Board-approved core curriculum,
21 providing proof of successful completion of the required college
22 credit hours and submitting three character or professional
23 references.

24

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

4 1. Be of good character and reputation;

5 2. Satisfy the education and experience criteria set forth in
6 this section;

7 3. Pass the applicable examinations set forth in this section;

8 and

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

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

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

1 or examinations of such duration as established by the Board, which
2 shall include questions on laws, procedures and practices pertaining
3 to land surveying in Oklahoma.

4 D. Initial Licensure as a Professional Land Surveyor. An
5 individual meeting the education requirements pursuant to subsection
6 A of this section for a land surveyor intern shall meet the
7 following land surveying experience requirements as described in
8 Board rules, which shall include combined office and field
9 experience satisfactory to the Board on projects of a grade and
10 character which indicate to the Board the applicant may be competent
11 to practice land surveying:

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

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

19 Upon completion of the education and experience requirements,
20 passing the NCEES Fundamentals of Surveying (FS) examination, the
21 NCEES Principles and Practice of Surveying (PS) examination, and the
22 Oklahoma Law and Surveying (OLS) examination, the applicant shall be
23 licensed as a professional land surveyor, if otherwise qualified.

24

1 SECTION 11. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 475.12c of Title 59, unless
3 there is created a duplication in numbering, reads as follows:

4 A. "Professional Structural Engineer", "P.E., S.E.", or "S.E."
5 Professional engineer licensed in Oklahoma who were approved by the
6 Board to claim structural engineering, with or without an "S.E.", as
7 an area of competence prior to November 1, 2017, shall submit the
8 following by application and prescribed fees, if applicable, for
9 Board consideration as minimum evidence that the applicant is
10 qualified to use the title "Professional Structural Engineer",
11 "P.E., S.E.", "S.E.", or any similar variation using the "S.E."
12 designation and perform structural engineering analysis and design
13 services for significant structures:

14 1. Certified copies of all formal or informal disciplinary
15 actions taken against their professional engineer license in any
16 state or jurisdiction, if applicable; and

17 2. Proof of structural engineering experience by way of a list
18 of representative projects completed, or courses taught, as
19 described on Board-approved application forms, and three references
20 by licensed professional engineers having personal knowledge of and
21 verifying the applicant's structural engineering experience; and

22 3. Proof of structural engineering education, including ten
23 (10) professional development hours of continuing education related
24 to the technical aspects of structural engineering in the two (2)

1 years preceding the date of application, and original transcripts
2 submitted directly to the Board office from the university or
3 college showing coursework or degrees obtained since the individuals
4 original professional engineer application to the Board, if
5 applicable; or

6 4. Proof of successful completion of one of the following
7 structural engineering examination paths below:

8 a. the NCEES Structural I and Structural II exams taken
9 prior to January 1, 2011,

10 b. an equivalent sixteen-hour state-written examination
11 prior to January 1, 2004,

12 c. the NCEES Structural II exam plus an equivalent eight-
13 hour state-written structural examination prior to
14 January 1, 2011, or

15 d. the NCEES sixteen-hour S.E. examination taken after
16 January 1, 2011.

17 B. Professional engineers submitting proof pursuant to
18 paragraph 4 of subsection A of this section shall submit a properly
19 completed application form, including certified copies of all formal
20 or informal disciplinary actions taken against their professional
21 engineering license in any state or jurisdiction, if applicable, for
22 Board consideration as minimum evidence that the applicant is
23 qualified to use the title "Professional Structural Engineer",
24 "P.E., S.E.", "S.E.", or any similar variation using the "S.E."

1 designation and perform structural engineering analysis and design
2 services for significant structures.

3 C. Professional engineers licensed in Oklahoma who were
4 approved by the Board to claim structural engineering with an "S.E."
5 as an area of competence prior to November 1, 2017, who do not
6 submit an application form and prescribed fees, if applicable, for
7 Board consideration as minimum evidence that the applicant is
8 qualified to use the title "Professional Structural Engineer",
9 "P.E., S.E.", "S.E.", or any variation using the "S.E." designation
10 and perform structural engineering analysis and design services for
11 significant structures by October 31, 2019, shall be notified in
12 writing that their file will be amended to state structural
13 engineering without an "S.E." as their area of competence.

14 D. Comity 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.", "S.E.", or any variation using
17 the "S.E." designation and perform structural engineering analysis
18 and design services for significant structures who apply after
19 November 1, 2017, shall submit the following by application and
20 prescribed fees for Board consideration as minimum evidence that the
21 applicant is qualified:

22 1. Certified copies of all formal or informal disciplinary
23 actions taken against their professional engineer license in any
24 state or jurisdiction, if applicable;

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

6 3. Proof of structural engineering education, including ten
7 (10) professional development hours of continuing education related
8 to the technical aspects of structural engineering in the two (2)
9 years preceding the date of application, and original transcripts
10 submitted directly to the Board office from the university or
11 college showing coursework or degrees obtained since the
12 individual's original professional engineer application to the
13 Board, if applicable; and

14 4. Proof of successful completion of one of the following
15 structural engineering examination paths below:

- 16 a. the NCEES Structural I and Structural II exams taken
17 prior to January 1, 2011,
- 18 b. an equivalent sixteen-hour state-written examination
19 prior to 2004,
- 20 c. the NCEES Structural II exam plus an equivalent eight-
21 hour state-written structural examination prior to
22 January 1, 2011, or
- 23 d. the NCEES sixteen-hour S.E. Examination taken after
24 January 1, 2011.

1 E. Initial applicants for a professional engineer license who
2 wish to also apply for authorization to use the title "Professional
3 Structural Engineer", "P.E., S.E.", "S.E.", or any variation using
4 the "S.E." designation and to perform structural engineering
5 analysis and design services for significant structures who apply
6 after November 1, 2017, and before October 31, 2019, shall submit
7 the following by application and prescribed fees for Board
8 consideration as minimum evidence that the applicant is qualified,
9 in addition to all requirements in Section 475.1 et seq. of Title 59
10 of the Oklahoma Statutes:

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

16 2. Proof of structural engineering education and original
17 transcripts submitted directly to the Board office from the
18 university or college showing coursework or degrees obtained.

19 F. Beginning November 1, 2020, the following shall be
20 considered as minimum evidence for all applicants who wish to apply
21 to the Board for authorization that the applicant is qualified to
22 use the title "Professional Structural Engineer", "P.E., S.E.",
23 "S.E.", or any variation using the "S.E." designation and to perform
24

1 structural engineering analysis and design services for significant
2 structures:

3 1. Holds a professional engineer license in good standing in
4 the State of Oklahoma;

5 2. Successfully completed at least one of the following
6 structural engineering examination paths:

7 a. the NCEES Structural I and Structural II exams taken
8 prior to January 1, 2011,

9 b. an equivalent sixteen-hour state-written examination
10 prior to January 1, 2004,

11 c. the NCEES Structural II exam plus an equivalent eight-
12 hour state-written structural examination prior to
13 January 1, 2011, or

14 d. the NCEES sixteen-hour S.E. Examination taken after
15 January 1, 2011; and

16 3. The record of experience supplied to the Board and verified
17 by reference indicates structural engineering projects or teaching
18 experience equivalent to the years of experience required in
19 paragraph 4 of subsection D of Section 9 of this act, according to
20 the education degree program completed by the applicant.

21 G. Professional engineers who have indicated in their official
22 board records that they have competence in structural engineering
23 may offer and perform structural engineering services and use the
24 term structural engineer or structural engineering to describe their

1 qualifications or services. However, only licensed professional
2 engineers who have been authorized by this Board to do so may use
3 the title "Professional Structural Engineer", "P.E., S.E.", "S.E.",
4 or any title using the "S.E." designation and to perform structural
5 engineering analysis and design services for significant structures.

6 H. The Board may adopt rules defining significant structures
7 and establish standards of competence in structural engineering
8 analysis and design relating to seismic or other influences which
9 have a direct impact on the life, health, safety, property and
10 welfare of the public.

11 SECTION 12. AMENDATORY 59 O.S. 2011, Section 475.13, is
12 amended to read as follows:

13 Section 475.13. A. 1. Application for licensure as a
14 professional engineer or professional land surveyor or certification
15 as an engineer intern or land surveyor intern shall be on a form
16 prescribed and furnished by the Board. It shall contain statements
17 made under oath, showing the applicant's education and a detailed
18 summary of technical and engineering or land surveying experience
19 and shall include the names and complete mailing addresses of the
20 references, none of whom may be members of the Board or immediate
21 family members of the applicant.

22 2. The Board may accept the certified information contained in
23 a valid council record issued by the National Council of Examiners
24 for Engineering and Surveying for professional engineer or

1 professional land surveyor applicants in lieu of the same
2 information that is required on the form prescribed and furnished by
3 the Board.

4 B. 1. The application fees shall be established by Board
5 rules.

6 2. The certification fee for a firm shall be established by
7 Board rules.

8 3. Should the Board deny the issuance of a certificate of
9 licensure to any applicant, including the application of a firm for
10 a certificate of authorization, the fee shall be retained as an
11 application fee.

12 SECTION 13. AMENDATORY 59 O.S. 2011, Section 475.14, as
13 amended by Section 5, Chapter 139, O.S.L. 2012 (59 O.S. Supp. 2016,
14 Section 475.14), is amended to read as follows:

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

17 B. Examinations may be taken only after the applicant has met
18 other minimum requirements as set forth in ~~Section 475.12~~ Sections
19 9, 10 and 11 of this ~~title~~ act, and has been authorized to seek
20 admission through NCEES or approved by the Board for admission to
21 one or more of the following examinations:

- 22 1. Fundamentals of Engineering;
- 23 2. Principles and Practice of Engineering;
- 24 3. Structural Engineering;

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

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

9 D. The applicant shall pay all fees established by the Board
10 for examination documents and grading. The required fees shall be
11 paid by the applicant in advance of the examination.

12 E. The Board may prepare and adopt specifications for the
13 examinations in engineering and land surveying. They shall be made
14 available to the public and to any person interested in being
15 licensed as a professional engineer or as a professional land
16 surveyor.

17 F. For any examination that is administered by NCEES using
18 computer-based testing, a candidate shall only be admitted pursuant
19 to Board policy and administered the examination during a specified
20 time period as frequently as prescribed by NCEES policies and
21 procedures.

22 SECTION 14. AMENDATORY 59 O.S. 2011, Section 475.15, as
23 amended by Section 6, Chapter 139, O.S.L. 2012 (59 O.S. Supp. 2016,
24 Section 475.15), is amended to read as follows:

1 Section 475.15. A. The Board shall issue to any applicant who,
2 in the opinion of the Board, has met the requirements of Section
3 475.1 et seq. of this title, a certificate of licensure giving the
4 licensee proper authority to practice in this state. The
5 certificate of licensure for a professional engineer shall carry the
6 designation "Professional Engineer" and for a professional land
7 surveyor, "Professional Land Surveyor". It shall give the full name
8 of the licensee with the licensure number and shall be signed by the
9 Chair and the Secretary under the seal of the Board.

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

14 C. Each licensee hereunder may, upon licensure, obtain a seal,
15 the design and use of which are described in Board rules. It shall
16 be unlawful for a licensee to affix, or permit his or her seal or
17 signature to be affixed, to any document after the expiration or
18 revocation of a license, or for the purpose of aiding or abetting
19 any other person to evade or attempt to evade any provision of
20 Section 475.1 et seq. of this title. Whenever the seal is applied,
21 the document must be signed by the licensee thereby certifying that
22 he or she is competent in the subject matter and was in responsible
23 charge of the work product. Documents must be sealed and signed in
24 accordance with the Board rules whenever presented to a client, a

1 user or any public or governmental agency. Whenever the seal is
2 applied, the signature of the licensee and date of signature shall
3 be placed adjacent to or across the seal. Drawings, reports or
4 documents that are signed using a digital or electronic signature
5 must be done in a manner that is in direct control and personal
6 supervision of the professional engineer or professional land
7 surveyor and must conform to the specifications in the Board rules
8 regarding digital or electronic signatures.

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

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

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

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

1 B. It shall be the duty of the Executive Director to notify
2 every person licensed under Section 475.1 et seq. of this title, and
3 every firm holding a certificate of authorization under Section
4 475.1 et seq. of this title, of the date of the expiration of ~~said~~
5 the certificate of licensure or certificate of authorization, and
6 the amount of the fee required for its renewal. ~~Such notice shall~~
7 ~~be mailed to the licensee or firm at the last known address as shown~~
8 ~~in the records of the Board at least one (1) month in advance of the~~
9 ~~date of the expiration of the certificate.~~

10 C. Renewal may be ~~affected~~ effected at any time prior to or
11 during the month of expiration by the payment of a fee as
12 established by the Board. Renewal of an expired certificate may be
13 ~~affected~~ effected under rules promulgated by the Board regarding
14 requirements for reexamination and penalty fees.

15 D. If a licensee is granted inactive status, the licensee may
16 return to active status by notifying the Board in advance of his or
17 her intention, by paying appropriate fees and by meeting all
18 requirements of the Board, including demonstration of continuing
19 professional competency as a condition of reinstatement.

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

1 SECTION 16. AMENDATORY 59 O.S. 2011, Section 475.18, as
2 last amended by Section 3, Chapter 183, O.S.L. 2015 (59 O.S. Supp.
3 2016, Section 475.18), is amended to read as follows:

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

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

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

17 3. Conviction of or entry of a plea of guilty or nolo
18 contendere to a felony crime that substantially relates to the
19 practice of engineering or land surveying or poses a reasonable
20 threat to public safety; or conviction of or entry of a plea of
21 guilty or nolo contendere to a misdemeanor, an essential element of
22 which is dishonesty or is a violation of the practice of engineering
23 or land surveying;

24

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

4 5. ~~Violation of the laws or rules of~~ Disciplinary action,
5 including voluntary surrender of a professional engineer's or
6 professional land surveyor's license in order to avoid disciplinary
7 action by another state, territory, the District of Columbia, a
8 foreign country, the United States government, or any other
9 governmental agency, if at least one of the ~~violations~~ grounds for
10 discipline is the same or substantially equivalent to those
11 contained in this section;

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

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

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

21 9. Violation of any terms imposed by the Board, or using a seal
22 or practicing professional engineering or professional land
23 surveying while the professional engineer's license or professional
24

1 land surveyor's license is suspended, revoked, nonrenewed, retired
2 or inactive;

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

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

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

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

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

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

22 16. Failing to obtain the required professional development
23 hours, as approved by the Board, Board staff or Continuing Education
24 Committee as required by an audit.

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 for the firm as required by Section 475.1 et seq. of
11 this title may be subject to disciplinary action ~~of individual~~
12 ~~licensure~~.

13 D. As used in this section:

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

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

22 SECTION 17. AMENDATORY 59 O.S. 2011, Section 475.19, is
23 amended to read as follows:

24

1 Section 475.19. A. ~~Any person may bring allegations of~~
2 ~~violations of Section 475.1 et seq. of this title against any~~
3 ~~person, licensee, or against any firm~~ Investigations and inquiries
4 concerning the professional licensed activities of licensees, or any
5 person or entity who may be in violation of the Board's statutes and
6 rules, may be initiated pursuant to the request of the Investigative
7 Committee or the public. In the event of such an investigation, all
8 licensees have a duty to provide all information requested by the
9 Board within thirty (30) days or a later time if agreed to by the
10 licensee and the Board. All allegations shall be timely
11 investigated by the Board and, unless determined unfounded or
12 trivial by the Board, or unless settled by mutual accord, shall be
13 filed as a formal ~~complaints~~ notice of charges by the Board.

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

24

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

9 D. Any ~~person, licensee, or firm,~~ named respondent aggrieved by
10 any action of the Board in levying a fine, denying, suspending,
11 refusing to issue, restore or renew or revoking the certificate of
12 licensure of the person, or its certificate of authorization, may
13 appeal therefrom to the proper court under normal civil procedures.

14 E. The Board may, upon petition of an individual licensee or
15 firm holding a certificate of authorization, reissue a certificate
16 of licensure or authorization, provided that a majority of the
17 members of the Board vote in favor of such issuance.

18 SECTION 18. AMENDATORY 59 O.S. 2011, Section 475.20, is
19 amended to read as follows:

20 Section 475.20. A. Criminal penalties:

21 Any person or entity who practices, or offers to practice,
22 engineering or land surveying in this state without being licensed
23 by the State Board of Licensure for Professional Engineers and Land
24 Surveyors in accordance with the provisions of Section 475.1 et seq.

1 of this title, or any person or entity using or employing the words
2 "engineer" or "engineering" or "land surveyor" or "land surveying"
3 or any modification or derivative thereof in its name or form of
4 business or activity except as authorized in Section 475.1 et seq.
5 of this title, or any person presenting or attempting to use the
6 certificate of licensure or the seal of another, or any person who
7 ~~shall give~~ gives false or forged evidence of any kind to the Board
8 or to any member thereof in obtaining or attempting to obtain a
9 certificate of licensure, or any person who ~~shall~~ falsely
10 ~~impersonate~~ impersonates any other licensee of like or different
11 name, or any person who ~~shall attempt~~ attempts to use an expired,
12 suspended, revoked, or nonexistent certificate of licensure, or who
13 ~~shall practice~~ practices or ~~offer~~ offers to practice when not
14 qualified, or any person who falsely claims to be registered or
15 licensed under Section 475.1 et seq. of this title, or any person
16 who ~~shall violate~~ violates any of the provisions of Section 475.1 et
17 seq. of this title, shall be guilty of a misdemeanor, punishable by
18 a fine of not less than Two Hundred Fifty Dollars (\$250.00), nor
19 more than Two Thousand Dollars (\$2,000.00).

20 B. Administrative penalties:

21 1. Any person or entity who has been determined by the Board to
22 have violated any provision of Section 475.1 et seq. of this title,
23 or any rule, regulation or order issued pursuant to such provisions,
24 may be liable for an administrative penalty of not less than Two

1 Hundred Fifty Dollars (\$250.00) nor more than Ten Thousand Dollars
2 (\$10,000.00) for each separate violation.

3 2. The amount of the penalty shall be assessed by the Board
4 pursuant to the provisions of ~~subsection~~ paragraph 1 of this ~~section~~
5 subsection, after notice and hearing. In determining the amount of
6 the penalty, the Board shall include, but not be limited to,
7 consideration of the nature, circumstances and gravity of the
8 violation, and with respect to the person or entity found to have
9 committed the violation, the degree of culpability, the effect on
10 ability of the person or entity to continue to do business and any
11 show of good faith in attempting to achieve compliance with the
12 provisions of Section 475.1 et seq. of this title. All monies
13 collected from administrative penalties shall be deposited with the
14 State Treasurer and placed in the "Professional Engineers and Land
15 Surveyors Fund".

16 3. Any certificate of licensure or certificate of authorization
17 holder may ~~elect~~ request to surrender the certificate of licensure
18 or certificate of authorization in lieu of an administrative action,
19 but shall be permanently barred from obtaining a reissuance of the
20 certificate of ~~registration~~ licensure or certificate of
21 authorization. All such requests shall be presented to the Board
22 for approval.

23 C. Legal Counsel:
24

1 The Attorney General of this state or an assistant shall act as
2 legal advisor to the Board and render such legal assistance as may
3 be necessary in carrying out the provisions of Section 475.1 et seq.
4 of this title. The Board may employ counsel ~~and~~ whose compensation
5 and expenses shall be paid from Board funds for necessary legal
6 assistance to aid in the enforcement of such provisions, and the
7 compensation and expenses therefor shall be paid from funds of the
8 Board and carrying out the provisions of Section 475.1 et seq. of
9 this title.

10 SECTION 19. AMENDATORY 59 O.S. 2011, Section 475.21, as
11 amended by Section 8, Chapter 139, O.S.L. 2012 (59 O.S. Supp. 2016,
12 Section 475.21), is amended to read as follows:

13 Section 475.21. A. The practice of or offer to practice
14 engineering or land surveying by firms authorized under Section
15 475.1 et seq. of this title, or by more than one person acting
16 individually through a firm, is permitted provided:

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

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

23 B. An engineering or land surveying firm ~~desiring~~ requiring a
24 certificate of authorization shall file with the Board an

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

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

17 C. The Secretary of State shall not issue a certificate of
18 incorporation to an applicant, approve for filing articles of
19 organization for a limited liability company, approve for filing a
20 certificate of limited partnership or accept a registration as a
21 foreign firm to a firm which includes in the firm's name or among
22 the objectives for which it is established any of the words
23 "Engineer", "Engineering", "Surveyor", "Land Surveying" or any
24 modification or derivation thereof unless the Board(s) of Licensure

1 for these professions has issued for ~~said~~ the applicant a
2 certificate of authorization or a letter indicating the eligibility
3 of such applicant to receive such a certificate. The firm applying
4 shall supply such certificate or letter from the Board with its
5 application for incorporation or registration.

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

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

14 F. ~~An engineer or land surveyor designated in responsible~~
15 ~~charge of the professional activities of a firm for the purposes of~~
16 ~~this section shall be a full-time employee of the firm. A licensee~~
17 ~~who performs only part-time, occasional, or consulting services for~~
18 ~~a firm shall not qualify as a person designated in responsible~~
19 ~~charge~~ Effective November 1, 2017, all firms applying for a
20 certificate of authorization shall designate a managing agent.

21 Managing agent. A firm offering either engineering or surveying
22 services shall designate an engineer or surveyor, respectively, to
23 be the managing agent for the firm. A firm offering both
24 engineering and land surveying services must have a licensed

1 professional engineer and licensed professional land surveyor listed
2 as managing agent. A licensee may not be designated as a managing
3 agent for more than one firm without prior Board approval. The
4 managing agent must hold a position of recognized authority within
5 the firm to be designated as the managing agent. In the case of a
6 corporation, a licensee must be an officer, principal, director or
7 shareholder of the firm to be designated as the managing agent. In
8 the case of a limited liability company or limited liability
9 partnership, the licensee must be a member of the firm to be
10 designated as the managing agent. In the case of a limited
11 partnership, the licensee must be a general partner of the firm to
12 be designated as the managing agent. In the case of a partnership,
13 the licensee must be an owner of the firm to be designated as the
14 managing agent. If the ownership is less than fifty percent (50%)
15 ownership, an explanation must be included as to the extent of
16 authority this partner holds regarding engineering or surveying
17 decisions, respectively, as it pertains to paragraphs 1 through 3 of
18 this subsection. A licensee who is a full-time employee of a firm
19 and holds a position of recognized authority within the firm but
20 does not hold one of the above-stated titles may request Board
21 approval to be named the managing agent by submitting a letter to
22 the Board on firm letterhead signed by a person within the firm
23 holding one of the above-stated titles, describing the special
24 circumstances surrounding the requested exception and the extent of

1 authority this employee holds regarding engineering or surveying
2 decisions, respectively, as it pertains to paragraphs 1 through 3 of
3 this subsection. A licensee who is self-employed, an independent
4 contractor or who renders consulting engineering or surveying
5 services to, or for, a firm shall not be designated as a managing
6 agent. Firms holding a certificate of authorization with this Board
7 prior to November 1, 2017, must be in compliance with this provision
8 of law by November 1, 2019. The managing agent's responsibilities
9 include:

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

13 2. Overall administrative supervision of the firm's licensed
14 and subordinate personnel performing engineering or surveying work
15 in Oklahoma; and

16 3. Institution and adherence of policies of the firm that are
17 in accordance with Section 475.1 et seq. of this title, Section 3-
18 116 et seq. of Title 65 of the Oklahoma Statutes and the rules of
19 the Board.

20 G. Out-of-state firms authorized to offer or perform
21 professional engineering or professional land surveying services in
22 Oklahoma may have one or more branch offices located in Oklahoma
23 only if the firm has a professional engineer or professional land
24 surveyor, respectively, designated ~~responsible and in charge of the~~

1 ~~firm's professional practice~~ as the managing agent in this state
2 Oklahoma. The professional engineer or professional land surveyor
3 designated for this purpose shall be required to spend a majority of
4 normal business hours at one or more branch offices located in
5 Oklahoma and be duly licensed as a professional engineer or
6 professional land surveyor, respectively, in this state. The
7 professional engineer or professional land surveyor designated
8 managing agent shall be responsible for:

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

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

15 3. The institution of and adherence to policies of the firm
16 that shall be in accordance with ~~the Rules of Professional Conduct~~
17 Section 475.1 et seq. of this title, Section 3-116 et seq. of Title
18 65 of the Oklahoma Statutes and the rules promulgated by the Board.

19 SECTION 20. AMENDATORY 59 O.S. 2011, Section 475.22, is
20 amended to read as follows:

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

23 1. Other professions. The practice of any other legally
24 recognized profession;

1 2. Temporary ~~permit~~ license:

2 a. Professional engineer. The practice or offer to
3 practice engineering by a person not a resident of or
4 having no established place of business in this state
5 is allowed; provided, such person is legally qualified
6 by licensure to practice engineering, as defined in
7 Section 475.2 of this title, in the applicant's ~~own~~
8 resident state or country jurisdiction and who has
9 made application for licensure to this Board. Such
10 person shall make application for temporary ~~permit~~
11 license to the Board, in ~~writing, and after~~ a manner
12 prescribed by the Board. After payment of a temporary
13 ~~permit license fee may be granted,~~ a written ~~permit~~
14 license may be granted to perform a particular job for
15 a definite period of time, to expire at the earliest
16 ~~of the~~ issuance of a professional engineering license
17 by this Board, ~~the rejection of the application for~~
18 ~~licensure or a time limit stated in the temporary~~
19 ~~permit; provided, however, no.~~ Further, such person
20 shall not have been disciplined in any jurisdiction by
21 a Board of licensure for engineering, land surveying
22 or architecture, and shall not have been convicted in
23 any jurisdiction of a felony. Further, such person
24 shall submit a complete permanent professional

1 engineer application to the Board within thirty (30)
2 days of the date of issuance of the temporary license
3 with all required properly completed forms and fees.
4 Failure to submit a permanent professional engineer
5 application for Board consideration within the
6 designated thirty-day time period may be considered a
7 violation of Section 475.1 et seq. of this title and
8 Board rules. No right to practice engineering shall
9 accrue to such applicant by reason of a temporary
10 permit license for any works not set forth in said
11 permit the license, and

12 b. Professional land surveyor. The practice of land
13 surveying under a temporary permit by a person
14 licensed as a professional land surveyor in another
15 state is not considered to be in the best interest of
16 the public and therefore shall not be granted;

17 3. Employees and subordinates. The work of an employee or a
18 subordinate of a person holding a certificate of licensure under
19 Section 475.1 et seq. of this title, or an employee of a person
20 practicing lawfully under paragraph 2 of this section is allowed;
21 provided, such work does not include final engineering or land
22 surveying designs or decisions and is done under the direct
23 supervision of and verified by a person holding a certificate of
24

1 licensure under Section 475.1 et seq. of this title or a person
2 practicing lawfully under paragraph 2 of this section; ~~and~~

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

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

1 surveying, and do not violate any part of Sections 475.1 through
2 475.22a of this title or the bylaws and rules of the Board.

3 SECTION 21. REPEALER 59 O.S. 2011, Section 475.12, as
4 amended by Section 4, Chapter 139, O.S.L. 2012 (59 O.S. Supp. 2016,
5 Section 475.12), is hereby repealed.

6 SECTION 22. This act shall become effective November 1, 2017.

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