

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1282

By: Wallace

4
5
6 AS INTRODUCED

7 An Act relating to professions and occupations;
8 amending 59 O.S. 2011, Sections 475.1, 475.2, as
9 amended by Section 1, Chapter 139, O.S.L. 2012,
10 475.3, as amended by Section 1, Chapter 56, O.S.L.
11 2014, 475.4, 475.8, as amended by Section 2, Chapter
12 139, O.S.L. 2012, 475.9, as amended by Section 3,
13 Chapter 139, O.S.L. 2012, 475.10, 475.11, 475.13,
14 475.14, as amended by Section 5, Chapter 139, O.S.L.
15 2012, 475.15, as amended by Section 6, Chapter 139,
16 O.S.L. 2012, 475.16, 475.18, as last amended by
17 Section 3, Chapter 183, O.S.L. 2015, 475.19, 475.20,
18 475.21, as amended by Section 8, Chapter 139, O.S.L.
19 2012 and 475.22 (59 O.S. Supp. 2016, Sections 475.2,
20 475.3, 475.8, 475.9, 475.14, 475.15, 475.18 and
21 475.21), which relate to engineering and land
22 surveying; modifying definitions, qualifications of
23 board members, powers of board, expenditures, annual
24 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
managing agent; providing for temporary permit;
construing acts of certain agent for land surveying
purposes; repealing 59 O.S. 2011, Section 475.12, as
amended by Section 4, Chapter 139, O.S.L. 2012 (59
O.S. Supp. 2016, Section 475.12), which relates to
qualifications for eligibility for licensure as

1 engineer or land surveyor; providing for
2 codification; and providing an effective date.

3
4 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

7 Section 475.1 In order to safeguard life, health and property,
8 and to promote the public welfare, the practice of engineering and
9 the practice of land surveying in this state are hereby declared to
10 be subject to regulation in the public interest. It shall be
11 unlawful to practice or to offer to practice engineering or land
12 surveying in this state, as defined in the provisions of Section
13 475.1 et seq. of this title, or to use in connection with any name
14 or otherwise assume or advertise any title or description tending to
15 convey the impression that any person is an engineer, professional
16 engineer, professional structural engineer, land surveyor or
17 professional land surveyor, unless such person has been duly
18 licensed or authorized under the provisions of Section 475.1 et seq.
19 of this title. The practice of engineering or land surveying shall
20 be deemed a privilege granted by the state through the State Board
21 of Licensure for Professional Engineers and Land Surveyors, based on
22 the qualifications of the individual as evidenced by a certificate
23 of licensure, which shall not be transferable.

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

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

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

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

16 3. "Professional Structural Engineer", "P.E.", "S.E." or "S.E."
17 means an individual who has been duly licensed as a professional
18 engineer by the Board, and who has been further authorized by the
19 Board to use the title Professional Structural Engineer, P.E., S.E.
20 or S.E. and perform structural engineering analysis and design
21 services for "significant structures", as defined by Board rule,
22 based upon education, experience and examinations as described in
23 subsection D of Section 9 of this act;
24

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

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

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

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

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

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

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

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

19 ~~5.~~ 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~~ requirement for education ~~and~~
7 ~~experience,~~ and has passed an examination in the fundamental land
8 surveying subjects, as provided in Section 475.1 et seq. of this
9 title and regulations issued by the Board pursuant thereto;

10 ~~7.~~ 8. a. "Practice of land surveying" means any authoritative
11 service or work performed to a stated accuracy, the
12 adequate performance of which involves the application
13 of special knowledge of the principles of mathematics,
14 methods of measurement, and the law for the
15 determination and preservation of land boundaries.

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

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

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

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

7 ~~(11)~~

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

9 ~~(12)~~

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

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

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

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

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

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

5 ~~8.~~ 9. "Board" means the State Board of Licensure for
6 Professional Engineers and Land Surveyors;

7 ~~9.~~ 10. "Responsible charge" means direct control and personal
8 supervision of engineering ~~work~~ or land surveying work;

9 ~~10.~~ 11. "Rules of professional conduct for professional
10 engineers and professional land surveyors" means those rules
11 promulgated by the Board;

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

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

23 ~~13.~~ 14. "Core curriculum" means the Board-approved land
24 surveying courses adopted by Board policy, developed to ensure that

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 B. The Board shall obtain an office, secure such facilities,
10 and employ, direct, discharge and define the duties and salaries of
11 an Executive Director, Principal Assistant, Director of Enforcement,
12 Board Investigator and all other such clerical or other assistants
13 as are necessary for the proper performance of its work. Effective
14 November 1, 2017, all employees of the Board, current or future,
15 shall be considered in the unclassified service and shall not be
16 placed under the classified service. The Board shall make
17 expenditures from the fund created in subsection A of this section
18 for any purpose which, in the opinion of the Board, is reasonably
19 necessary for the proper performance of its duties under Section
20 475.1 et seq. of this title, including examination administration
21 fees, the expenses of the Board's delegates to meetings of and
22 membership fees to the National Council of Examiners for Engineering
23 and Surveying, meaning the national nonprofit organization composed
24 of engineering and land surveying licensing boards commonly called

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

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

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

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

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

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

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

17 SECTION 8. AMENDATORY 59 O.S. 2011, Section 475.11, is
18 amended to read as follows:

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

23
24

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

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

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

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

16 3. Submitting three professional or character references.

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

20 1. Be of good character and reputation;

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

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

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

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

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

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

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

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

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

24

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

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

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

1 at a minimum, fifteen (15) years of progressive
2 experience on engineering projects which indicate to
3 the Board the applicant may be competent to practice
4 engineering. The Board shall evaluate all elements of
5 the application, according to Board rules, to assess
6 waiver requests.

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

- 13 a. an individual with a bachelor's degree in engineering
14 pursuant to subparagraph a of paragraph 1 of this
15 section: four (4) years of experience after the
16 bachelor's degree is conferred,
- 17 b. an individual with a bachelor's degree in a Board-
18 approved related science degree program pursuant to
19 subparagraph b of paragraph 1 of this section: six (6)
20 years of experience after the bachelor's degree is
21 conferred,
- 22 c. an individual with a master's degree in engineering
23 pursuant to subparagraph c or d of paragraph 1 of this
24

1 section: three (3) years of experience after the
2 master's degree is conferred, or

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

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

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

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

19 A. Certification or Enrollment as a Land Surveyor Intern.
20 Passing of the NCEES Fundamentals of Surveying (FS) examination and
21 completion of one of the following shall be considered as minimum
22 evidence that the applicant is qualified for certification or
23 enrollment as a land surveyor intern:
24

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

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

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

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

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

19 1. Be of good character and reputation;

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

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

23 and

24

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

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

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

20 D. Initial Licensure as a Professional Land Surveyor. An
21 individual meeting the education requirements pursuant to subsection
22 A of this section for a land surveyor intern shall meet the
23 following land surveying experience requirements as described in
24 Board rules, which shall include combined office and field

1 experience satisfactory to the Board on projects of a grade and
2 character which indicate to the Board the applicant may be competent
3 to practice land surveying:

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

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

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

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

19 A. Professional Structural Engineer, P.E., S.E., or S.E.
20 Professional engineers licensed in Oklahoma who were approved by the
21 Board to claim structural engineering, with or without an S.E., as
22 an area of competence prior to November 1, 2017, shall submit the
23 following by application and prescribed fees, if applicable, for
24 Board consideration as minimum evidence that the applicant is

1 qualified to use the title "Professional Structural Engineer",
2 "P.E., S.E.", "S.E.", or any similar variation using the "S.E."
3 designation, and perform structural engineering analysis and design
4 services for "significant structures", as defined by Board rule:

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

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

13 3. Proof of structural engineering education, including ten
14 (10) professional development hours of continuing education related
15 to the technical aspects of structural engineering in the two (2)
16 years preceding the date of application, and original transcripts
17 submitted directly to the Board office from the university or
18 college showing coursework or degrees obtained since the individuals
19 original professional engineer application to the Board, if
20 applicable; or

21 4. Proof of successful completion of one of the following
22 structural engineering examination paths below:

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

- b. an equivalent sixteen-hour state-written examination prior to January 1, 2004,
- c. the NCEES Structural II exam plus an equivalent eight-hour state-written structural examination prior to January 1, 2011, or
- d. the NCEES sixteen-hour SE Examination taken after January 1, 2011.

B. Professional engineers submitting proof pursuant to paragraph 4 of subsection A of this section shall submit a properly completed application form, including certified copies of all formal or informal disciplinary actions taken against their professional engineering license in any state or jurisdiction, if applicable, for Board consideration as minimum evidence that the applicant is qualified to use the title "Professional Structural Engineer", "P.E., S.E.", "S.E.", or any similar variation using the "S.E." designation, and perform structural engineering analysis and design services for "significant structures", as defined by Board rule.

C. Professional engineers licensed in Oklahoma who were approved by the Board to claim structural engineering with an S.E. as an area of competence prior to November 1, 2017, who do not submit an application form and prescribed fees, if applicable, for Board consideration as minimum evidence that the applicant is qualified to use the title "Professional Structural Engineer", "P.E., S.E.", "S.E.", or any variation using the "S.E." designation,

1 and perform structural engineering analysis and design services for
2 significant structures, as defined by Board Rule, by October 31,
3 2019, shall be notified in writing that their file will be amended
4 to state "structural engineering" (without an S.E.) as their area of
5 competence.

6 D. Comity applicants for a professional engineer license who
7 wish to also apply for authorization to use the title "Professional
8 Structural Engineer, "P.E., S.E.", "S.E.", or any variation using
9 the "S.E." designation, and perform structural engineering analysis
10 and design services for significant structures, as defined by Board
11 rule, who apply after November 1, 2017, shall submit the following
12 by application and prescribed fees for Board consideration as
13 minimum evidence that the applicant is qualified:

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;

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;

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
4 individual's original professional engineer application to the
5 Board, if applicable; and

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 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 SE Examination taken after
16 January 1, 2011.

17 E. Initial applicants for a professional engineer license who
18 wish to also apply for authorization to use the title "Professional
19 Structural Engineer", "P.E., S.E.", "S.E.", or any variation using
20 the "S.E." designation and to perform structural engineering
21 analysis and design services for "significant structures", as
22 defined by Board Rule, who apply after November 1, 2017, and before
23 October 31, 2019, shall submit the following by application and
24 prescribed fees for Board consideration as minimum evidence that the

1 applicant is qualified, in addition to all required requirements in
2 Section 475.1 et seq. of Title 59 of the Oklahoma Statutes:

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

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

11 F. Beginning November 1, 2020, the following shall be
12 considered as minimum evidence for all applicants who wish to apply
13 to the Board for authorization that the applicant is qualified to
14 use the title "Professional Structural Engineer", "P.E., S.E.",
15 "S.E.", or any variation using the "S.E." designation and to perform
16 structural engineering analysis and design services for "significant
17 structures", as defined by Board rule:

18 1. Holds a professional engineer license in good standing in
19 the State of Oklahoma;

20 2. Successfully completed at least one of the following
21 structural engineering examination paths:

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

24

- b. an equivalent sixteen-hour state-written examination prior to January 1, 2004,
- c. the NCEES Structural II exam plus an equivalent eight-hour state-written structural examination prior to January 1, 2011, or
- d. the NCEES sixteen-hour SE Examination taken after January 1, 2011; and

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

G. Professional engineers who have indicated in their official board records that they have competence in structural engineering may offer and perform structural engineering services and use the term "structural engineer" or "structural engineering" to describe their qualifications or services. However, only licensed professional engineers who have been authorized by this Board to do so may use the title "Professional Structural Engineer", "P.E., S.E.", "S.E.", or any title using the "S.E." designation and to perform structural engineering analysis and design services for "significant structures", as defined by Board rule.

H. The Board may adopt rules defining "significant structures" and establish standards of competence in structural engineering

1 analysis and design relating to seismic or other influences which
2 have a direct impact on the life, health, safety, property and
3 welfare of the public.

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

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

15 2. The Board may accept the certified information contained in
16 a valid council record issued by the National Council of Examiners
17 for Engineering and Surveying for professional engineer or
18 professional land surveyor applicants in lieu of the same
19 information that is required on the form prescribed and furnished by
20 the Board.

21 B. 1. The application fees shall be established by Board
22 rules.

23 2. The certification fee for a firm shall be established by
24 Board rules.

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

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

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

10 B. Examinations may be taken only after the applicant has met
11 other minimum requirements as set forth in ~~Section 475.12~~ Sections
12 9, 10 and 11 of this ~~title~~ act, and has been authorized to seek
13 admission through NCEES or approved by the Board for admission to
14 one or more of the following examinations:

- 15 1. Fundamentals of Engineering;
- 16 2. Principles and Practice of Engineering;
- 17 3. Structural Engineering;
- 18 4. Fundamentals of Surveying;
- 19 ~~4.~~ 5. Principles and Practice of Surveying;
- 20 ~~5.~~ 6. Oklahoma Law and Surveying; and
- 21 ~~6.~~ 7. Oklahoma Law and Engineering.

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

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 admitted pursuant
13 to Board policy and administered the examination during a specified
14 time period as frequently as prescribed by NCEES policies and
15 procedures.

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

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

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

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

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

1 surveyor and must conform to the specifications in the Board rules
2 regarding digital or electronic signatures.

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

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

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

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

19 B. It shall be the duty of the Executive Director to notify
20 every person licensed under Section 475.1 et seq. of this title, and
21 every firm holding a certificate of authorization under Section
22 475.1 et seq. of this title, of the date of the expiration of said
23 certificate of licensure or certificate of authorization, and the
24 amount of the fee required for its renewal. ~~Such notice shall be~~

1 ~~mailed to the licensee or firm at the last known address as shown in~~
2 ~~the records of the Board at least one (1) month in advance of the~~
3 ~~date of the expiration of the certificate.~~

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

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

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

19 SECTION 16. AMENDATORY 59 O.S. 2011, Section 475.18, as
20 last amended by Section 3, Chapter 183, O.S.L. 2015 (59 O.S. Supp.
21 2016, Section 475.18), is amended to read as follows:

22 Section 475.18 A. As provided in subsections A and B of
23 Section 475.8 of this title, the Board shall have the power to deny,
24 place on probation, suspend, revoke or refuse to issue a certificate

1 or license, or fine, reprimand, issue orders, levy administrative
2 fines or seek other penalties, if a person or entity is found guilty
3 of:

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

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

11 3. Conviction of or entry of a plea of guilty or nolo
12 contendere to a felony crime that substantially relates to the
13 practice of engineering or land surveying or poses a reasonable
14 threat to public safety; or conviction of or entry of a plea of
15 guilty or nolo contendere to a misdemeanor, an essential element of
16 which is dishonesty or is a violation of the practice of engineering
17 or land surveying;

18 4. Failure to comply with any of the provisions of Section
19 475.1 et seq. of this title or any of the rules or regulations
20 pertaining thereto;

21 5. ~~Violation of the laws or rules of~~ Disciplinary action,
22 including voluntary surrender of a professional engineer's or
23 professional land surveyor's license in order to avoid disciplinary
24 action by another state, territory, the District of Columbia, a

1 foreign country, the United States government, or any other
2 governmental agency, if at least one of the ~~violations~~ grounds for
3 discipline is the same or substantially equivalent to those
4 contained in this section;

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

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

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

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

19 10. Signing, affixing the professional engineer's or
20 professional land surveyor's seal, or permitting the professional
21 engineer's or professional land surveyor's seal or signature to be
22 affixed to any specifications, reports, drawings, plans, design
23 information, construction documents, calculations, other documents,
24 or revisions thereof, which have not been prepared by, or under the

1 direct control and personal supervision of the professional engineer
2 or professional land surveyor in responsible charge;

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

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

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

9 14. Performing engineering or surveying services outside any of
10 the licensee's areas of competence or areas of competence designated
11 in the official Board records; and

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

14 16. Failing to obtain the required professional development
15 hours or to provide proof of completion of the required professional
16 development hours as required by an audit.

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

1 C. Principals of a firm who do not obtain a certificate or
2 authorization for the firm as required by Section 475.1 et seq. of
3 this title may be subject to disciplinary action ~~of individual~~
4 ~~licensure~~.

5 D. As used in this section:

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

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

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

16 Section 475.19 A. ~~Any person may bring~~ Investigations may be
17 initiated by the Board and allegations of violations of Section
18 475.1 et seq. of this title may be brought by any person or entity
19 against any person, licensee, or ~~against any~~ firm. All allegations
20 shall be timely investigated by the Board and, unless determined
21 unfounded or trivial by the Board, or unless settled by mutual
22 accord, shall be filed as a formal complaints notice of charges by
23 the Board.

24

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

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

19 D. Any ~~person, licensee, or firm,~~ named respondent aggrieved by
20 any action of the Board in levying a fine, denying, suspending,
21 refusing to issue, restore or renew or revoking the certificate of
22 licensure of the person, or its certificate of authorization, may
23 appeal therefrom to the proper court under normal civil procedures.
24

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

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

7 Section 475.20 A. Criminal penalties:

8 Any person or entity who practices, or offers to practice,
9 engineering or land surveying in this state without being licensed
10 by the State Board of Licensure for Professional Engineers and Land
11 Surveyors in accordance with the provisions of Section 475.1 et seq.
12 of this title, or any person or entity using or employing the words
13 "engineer" or "engineering" or "land surveyor" or "land surveying"
14 or any modification or derivative thereof in its name or form of
15 business or activity except as authorized in Section 475.1 et seq.
16 of this title, or any person presenting or attempting to use the
17 certificate of licensure or the seal of another, or any person who
18 ~~shall give~~ gives false or forged evidence of any kind to the Board
19 or to any member thereof in obtaining or attempting to obtain a
20 certificate of licensure, or any person who ~~shall~~ falsely
21 ~~impersonate~~ impersonates any other licensee of like or different
22 name, or any person who ~~shall attempt~~ attempts to use an expired,
23 suspended, revoked, or nonexistent certificate of licensure, or who
24 ~~shall practice~~ practices or ~~offer~~ offers to practice when not

1 qualified, or any person who falsely claims to be registered or
2 licensed under Section 475.1 et seq. of this title, or any person
3 who ~~shall violate~~ violates any of the provisions of Section 475.1 et
4 seq. of this title, shall be guilty of a misdemeanor, punishable by
5 a fine of not less than Two Hundred Fifty Dollars (\$250.00), nor
6 more than Two Thousand Dollars (\$2,000.00).

7 B. Administrative penalties:

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

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

1 State Treasurer and placed in the "Professional Engineers and Land
2 Surveyors Fund".

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

10 C. Legal Counsel:

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

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

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

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 in the firm's name or among the objectives for
6 which it is established any of the words "Engineer", "Engineering",
7 "Surveyor", "Land Surveying" or any modification or derivation
8 thereof unless the Board(s) of Licensure for these professions has
9 issued for said applicant a certificate of authorization or a letter
10 indicating the eligibility of such applicant to receive such a
11 certificate. The firm applying shall supply such certificate or
12 letter from the Board with its application for incorporation or
13 registration.

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

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

22 ~~F. An engineer or land surveyor designated in responsible~~
23 ~~charge of the professional activities of a firm for the purposes of~~
24 ~~this section shall be a full-time employee of the firm. A licensee~~

1 ~~who performs only part-time, occasional, or consulting services for~~
2 ~~a firm shall not qualify as a person designated in responsible~~
3 ~~charge~~ Effective November 1, 2017, all firms applying for a
4 certificate of authorization shall designate a managing agent.

5 Managing agent. A firm shall designate a professional engineer
6 or professional land surveyor, respectively, to be the managing
7 agent for the firm. A firm offering both engineering and land
8 surveying services must have a licensed professional engineer and
9 licensed professional land surveyor listed as managing agent. A
10 licensee may not be designated as a managing agent for more than one
11 firm without prior Board approval. The managing agent must hold a
12 position of recognized authority within the firm to be designated as
13 the managing agent. In the case of a corporation, a licensee must
14 be an officer, principal, director or shareholder of the firm to be
15 designated as the managing agent. In the case of a limited
16 liability company or limited liability partnership, the licensee
17 must be a member of the firm to be designated as the managing agent.
18 In the case of a limited partnership, the licensee must be a general
19 partner of the firm to be designated as the managing agent. In the
20 case of a partnership, the licensee must be an owner of the firm to
21 be designated as the managing agent. If the ownership is less than
22 fifty percent (50%) ownership, an explanation must be included as to
23 the extent of authority this partner holds regarding engineering or
24 surveying decisions, respectively, as it pertains to paragraphs 1

1 through 3 of this subsection. A licensee who is a full-time
2 employee of a firm and holds a position of recognized authority
3 within the firm but does not hold one of the above-stated titles may
4 request Board approval to be named the managing agent by submitting
5 a letter to the Board on firm letterhead signed by a person within
6 the firm holding one of the above-stated titles, describing the
7 special circumstances surrounding the requested exception and the
8 extent of authority this employee holds regarding engineering or
9 surveying decisions, respectively, as it pertains to paragraphs 1
10 through 3 of this subsection. A licensee who is self-employed, an
11 independent contractor or who renders consulting engineering or
12 surveying services to, or for, a firm shall not be designated as a
13 managing agent. Firms holding a certificate of authorization with
14 this Board prior to November 1, 2017, must be in compliance with
15 this provision of law by November 1, 2019. The managing agent's
16 responsibilities include:

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

20 2. Overall administrative supervision of the firm's licensed
21 and subordinate personnel performing engineering or surveying work
22 in Oklahoma; and

23 3. Institution and adherence of policies of the firm that are
24 in accordance with Section 475.1 et seq. of this title, Section 3-

1 116 et seq. of Title 65 of the Oklahoma Statutes and the rules of
2 the Board.

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

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

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~~

24

1 Section 475.1 et seq. of this title, Section 3-116 et seq. of Title
2 65 of the Oklahoma Statutes and the rules promulgated by the Board.

3 SECTION 20. 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 be
6 construed to prevent:

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

9 2. Temporary ~~permit~~ license:

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~~
19 license to the Board, in ~~writing, and after~~ a manner
20 prescribed by the Board. After payment of a temporary
21 permit license fee may be granted, a written ~~permit~~
22 license may be granted to perform a particular job for
23 a definite period of time, to expire at the earliest
24 ~~of the~~ issuance of a professional engineering license

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

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

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

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

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

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

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

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

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