

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

COMMITTEE SUBSTITUTE
FOR

HOUSE BILL NO. 1282

By: Wallace

COMMITTEE SUBSTITUTE

An Act relating to professions and occupations; amending 59 O.S. 2011, Sections 475.1, 475.2, as amended by Section 1, Chapter 139, O.S.L. 2012, 475.3, as amended by Section 1, Chapter 56, O.S.L. 2014, 475.4, 475.8, as amended by Section 2, Chapter 139, O.S.L. 2012, 475.9, as amended by Section 3, Chapter 139, O.S.L. 2012, 475.10, 475.11, 475.13, 475.14, as amended by Section 5, Chapter 139, O.S.L. 2012, 475.15, as amended by Section 6, Chapter 139, O.S.L. 2012, 475.16, 475.18, as last amended by Section 3, Chapter 183, O.S.L. 2015, 475.19, 475.20, 475.21, as amended by Section 8, Chapter 139, O.S.L. 2012 and 475.22 (59 O.S. Supp. 2016, Sections 475.2, 475.3, 475.8, 475.9, 475.14, 475.15, 475.18 and 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 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

1 O.S. Supp. 2016, Section 475.12), which relates to
2 qualifications for eligibility for licensure as
3 engineer or land surveyor; providing for
4 codification; and providing an effective date.

5
6
7 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

10 Section 475.1 In order to safeguard life, health and property,
11 and to promote the public welfare, the practice of engineering and
12 the practice of land surveying in this state are hereby declared to
13 be subject to regulation in the public interest. It shall be
14 unlawful to practice or to offer to practice engineering or land
15 surveying in this state, as defined in the provisions of Section
16 475.1 et seq. of this title, or to use in connection with any name
17 or otherwise assume or advertise any title or description tending to
18 convey the impression that any person is an engineer, professional
19 engineer, professional structural engineer, land surveyor or
20 professional land surveyor, unless such person has been duly
21 licensed or authorized under the provisions of Section 475.1 et seq.
22 of this title. The practice of engineering or land surveying shall
23 be deemed a privilege granted by the state through the State Board
24 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.,
22 S.E." or "S.E." and perform structural engineering analysis and
23 design services for "significant structures", as defined by Board
24

1 rule, based upon education, experience and examinations as described
2 in subsection D of Section 11 of this act;

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

8 ~~4.~~ 5. "Practice of engineering" means any service or creative
9 work, ~~the adequate performance of which requires~~ requiring
10 engineering education, training and experience in the application of
11 ~~special knowledge of the mathematical, physical and engineering~~
12 ~~sciences~~ engineering principles and the interpretation of
13 engineering data to engineering activities that may impact the life,
14 health, property and welfare of the public. The services may
15 include, but are not limited to, such services or creative work as:

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

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

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

21 Design review and integration includes the design review and
22 integration of those technical submissions prepared by others,
23 including as appropriate and without limitation, engineers,
24 architects, landscape architects, land surveyors, and other

1 professionals working under the direction of the engineer. The
2 definition of design review and integration by engineers does not
3 restrict the services other licensed professional disciplines are
4 authorized to offer or perform by statute or regulation.

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

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

21 ~~5.~~ 6. "Professional land surveyor" or "land surveyor" or
22 "P.L.S." means a person who has been duly licensed as a professional
23 land surveyor pursuant to Section 475.1 et seq. of this title and
24 the regulations issued by the Board pursuant thereto; and is a

1 person who, by reason of special knowledge in the technique of
2 measuring land and use of the basic principles of mathematics, the
3 related physical and applied sciences and the relevant requirements
4 of law for adequate evidence and all requisite to surveying of real
5 property, acquired by education and experience, is qualified to
6 engage in the practice of land surveying;

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

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

18 "Practice of land surveying" includes, without
19 limitation:

- 20 (1) restoration and rehabilitation of corners and
21 boundaries in the United States Public Land
22 Survey System or the subdivision thereof,
23 (2) obtaining and evaluating evidence for the
24 accurate determination of land boundaries,

- (3) ~~determination of the areas and elevations of land parcels for a survey,~~
- ~~(4)~~ monumenting the subdivision of land parcels into smaller parcels and the preparation of the descriptions in connection therewith,
- ~~(5)~~
- (4) measuring and platting underground mine workings,
- ~~(6)~~
- (5) creation, preparation of the control or modification of electronic or computerized data including portions of geographic information systems and land information systems, relative to the performance of the practice of land surveying,
- ~~(7)~~
- (6) establishment, restoration, and rehabilitation of land survey monuments and bench marks,
- ~~(8)~~
- (7) preparation of land survey plats, condominium plats, monument records, and survey reports,
- ~~(9)~~
- (8) surveying, monumenting, and platting of easements, and rights-of-way,
- ~~(10)~~

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

9 ~~(11)~~

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

11 ~~(12)~~

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

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

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

1 surveyor or through the use of some other title
2 implies that such person or entity is a professional
3 land surveyor or that such person is registered,
4 licensed, or qualified under Section 475.1 et seq. of
5 this title; represents qualifications or ability to
6 perform; or who does practice land surveying.

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

1 ~~showing all revisions, the distribution of land~~
2 ~~surveys, and receiving payment for such services.~~
3 ~~These actions do not constitute the practice of land~~
4 ~~surveying, and do not violate any part of Section~~
5 ~~475.1 through 475.22a of this title or the Bylaws and~~
6 ~~Rules of the Board;~~

7 ~~8.~~ 9. "Board" means the State Board of Licensure for
8 Professional Engineers and Land Surveyors;

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

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

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

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

1 ~~13.~~ 14. "Core curriculum" means the Board-approved land
2 surveying courses adopted by Board policy, developed to ensure that
3 professional land surveyor applicants meet the minimum educational
4 requirements for licensure;

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

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

21 17. "Disciplinary action" means any final written decision or
22 settlement taken against an individual or firm by a licensing board
23 based upon a violation of the Board's laws and rules.
24

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

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

18 B. Each member of the Board shall file with the Secretary of
19 State a written oath or affirmation for the faithful discharge of
20 official duties.

21 C. Appointments to the Board shall be in such manner and for
22 such period of time so that no two terms, with the exception of the
23 lay member, shall expire in the same year. On the expiration of the
24 term of any member, except the lay member, the Governor shall in the

1 manner herein provided appoint for a term of six (6) years a
2 professional engineer or professional land surveyor having the
3 qualifications required in Section 475.4 of this title. The lay
4 member of the Board shall be appointed by the Governor to a term
5 coterminous with that of the Governor. The lay member shall serve
6 at the pleasure of the Governor. Provided, the lay member may
7 continue to serve after the expiration of the member's term until
8 such time as a successor is appointed. Members may be reappointed
9 to succeed themselves. Each member may hold office until the
10 expiration of the term for which appointed or until a successor has
11 been duly appointed and has qualified. In the event of a vacancy on
12 the Board due to resignation, death or for any cause resulting in an
13 unexpired term, if not filled within three (3) months, the Board may
14 appoint a provisional member to serve in the interim until the
15 Governor acts.

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

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

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

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

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

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

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

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

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

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

1 rule or regulation of the Board promulgated pursuant thereto. The
2 Board shall investigate alleged violations of the provisions of
3 Section 475.1 et seq. of this title or of the rules or regulations,
4 orders or final decisions of the Board.

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

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

1 to honor its subpoena, as herein provided, the Board may apply to a
2 court of proper jurisdiction for an order to enforce compliance with
3 same.

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

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

23 G. No action or other legal proceedings for damages shall be
24 instituted against the Board or against any Board member or employee

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

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

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

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

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

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

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

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

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

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

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

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

1 9. Such other information as may be deemed necessary by the
2 Board.

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

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

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

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

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

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.

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 subsection: 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 subsection: six
20 (6) 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

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

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

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

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

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

- A. Certification or Enrollment as a Land Surveyor Intern.
- Passing of the NCEES Fundamentals of Surveying (FS) examination and

1 completion of one of the following shall be considered as minimum
2 evidence that the applicant is qualified for certification or
3 enrollment as a land surveyor intern:

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

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

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

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

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

22 1. Be of good character and reputation;

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

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

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

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

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

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

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

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

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

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

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

21 A. "Professional Structural Engineer", "P.E., S.E." or "S.E."
22 Professional engineers licensed in Oklahoma who were approved by the
23 Board to claim structural engineering, with or without an S.E., as
24 an area of competence prior to November 1, 2017, shall submit the

1 following by application and prescribed fees, if applicable, for
2 Board consideration as minimum evidence that the applicant is
3 qualified to use the title "Professional Structural Engineer",
4 "P.E., S.E.", "S.E." or any similar variation using the "S.E."
5 designation and perform structural engineering analysis and design
6 services for "significant structures", as defined by Board rule:

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

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

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

23 4. Proof of successful completion of one of the following
24 structural engineering examination paths below:

- a. the NCEES Structural I and Structural II exams taken 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 S.E. 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

1 qualified to use the title "Professional Structural Engineer",
2 "P.E., S.E.", "S.E." or any variation using the "S.E." designation
3 and perform structural engineering analysis and design services for
4 significant structures, as defined by Board rule, by October 31,
5 2019, shall be notified in writing that their file will be amended
6 to state "structural engineering" (without an S.E.) as their area of
7 competence.

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

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

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

24

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

9 4. Proof of successful completion of one of the following
10 structural engineering examination paths below:

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

13 b. an equivalent sixteen-hour state-written examination
14 prior to 2004,

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

18 d. the NCEES sixteen-hour SE Examination taken after
19 January 1, 2011.

20 E. Initial applicants for a professional engineer license who
21 wish to also apply for authorization to use the title "Professional
22 Structural Engineer", "P.E., S.E.", "S.E.", or any variation using
23 the "S.E." designation and to perform structural engineering
24 analysis and design services for "significant structures", as

1 defined by Board rule, who apply after November 1, 2017, and before
2 October 31, 2019, shall submit the following by application and
3 prescribed fees for Board consideration as minimum evidence that the
4 applicant is qualified, in addition to all requirements in Section
5 475.1 et seq. of Title 59 of the Oklahoma Statutes:

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

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

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

21 1. Holds a professional engineer license in good standing in
22 the State of Oklahoma;

23 2. Successfully completed at least one of the following
24 structural engineering examination paths:

- a. the NCEES Structural I and Structural II exams taken 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; 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 paragraph 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.

1 H. The Board may adopt rules defining "significant structures"
2 and establish standards of competence in structural engineering
3 analysis and design relating to seismic or other influences which
4 have a direct impact on the life, health, safety, property and
5 welfare of the public.

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

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

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

23 B. 1. The application fees shall be established by Board
24 rules.

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

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

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

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

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

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

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

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

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

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

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

21 Section 475.15 A. The Board shall issue to any applicant who,
22 in the opinion of the Board, has met the requirements of Section
23 475.1 et seq. of this title, a certificate of licensure giving the
24 licensee proper authority to practice in this state. The

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

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

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

1 must be done in a manner that is in direct control and personal
2 supervision of the professional engineer or professional land
3 surveyor and must conform to the specifications in the Board rules
4 regarding digital or electronic signatures.

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

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

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

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

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

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

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

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

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

21 SECTION 16. AMENDATORY 59 O.S. 2011, Section 475.18, as
22 last amended by Section 3, Chapter 183, O.S.L. 2015 (59 O.S. Supp.
23 2016, Section 475.18), is amended to read as follows:
24

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

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

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

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

21 4. Failure to comply with any of the provisions of Section
22 475.1 et seq. of this title or any of the rules or regulations
23 pertaining thereto;

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

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

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

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

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

23 10. Signing, affixing the professional engineer's or
24 professional land surveyor's seal, or permitting the professional

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

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

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

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

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

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

18 16. Failing to obtain the required professional development
19 hours, as approved by the Board, Board staff or Continuing Education
20 Committee as required by an audit.

21 B. The Board shall prepare and adopt Rules of Professional
22 Conduct for Professional Engineers and Professional Land Surveyors
23 as provided for in Section 475.8 of this title, which shall be made
24 available in writing to every licensee and applicant for licensure

1 under Section 475.1 et seq. of this title. The Board may revise and
2 amend these Rules of Professional Conduct for Professional Engineers
3 and Professional Land Surveyors ~~from time to time~~ and shall notify
4 each licensee, in writing, of such revisions or amendments.

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

9 D. As used in this section:

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

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

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

20 Section 475.19 A. ~~Any person may bring allegations of~~
21 ~~violations of Section 475.1 et seq. of this title against any~~
22 ~~person, licensee, or against any firm~~ Investigations and inquiries
23 concerning the professional licensed activities of licensees, or any
24 person or entity who may be in violation of the Board's statutes and

1 rules, may be initiated pursuant to the request of the Investigative
2 Committee or the public. In the event of such an investigation, all
3 licensees have a duty to provide all information requested by the
4 Board within thirty (30) days or a later time if agreed to by the
5 licensee and the Board. All allegations shall be timely
6 investigated by the Board and, unless determined unfounded or
7 trivial by the Board, or unless settled by mutual accord, shall be
8 filed as a formal ~~complaints~~ notice of charges by the Board.

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

19 C. If, after such hearing, a majority of the quorum of the
20 empaneled Board vote in favor of sustaining any one or more of the
21 charges, the Board shall reprimand, fine for each count or separate
22 offense, levy administrative penalties pursuant to Section 475.20 of
23 this title, place on probation for a period of time and subject to
24 such conditions as the Board may specify, refuse to issue, restore,

1 renew, suspend or revoke the individual's certificate of licensure,
2 or the firm's certificate of authorization.

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

8 E. The Board may, upon petition of an individual licensee or
9 firm holding a certificate of authorization, reissue a certificate
10 of licensure or authorization, provided that a majority of the
11 members of the Board vote in favor of such issuance.

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

14 Section 475.20 A. Criminal penalties:

15 Any person or entity who practices, or offers to practice,
16 engineering or land surveying in this state without being licensed
17 by the State Board of Licensure for Professional Engineers and Land
18 Surveyors in accordance with the provisions of Section 475.1 et seq.
19 of this title, or any person or entity using or employing the words
20 "engineer" or "engineering" or "land surveyor" or "land surveying"
21 or any modification or derivative thereof in its name or form of
22 business or activity except as authorized in Section 475.1 et seq.
23 of this title, or any person presenting or attempting to use the
24 certificate of licensure or the seal of another, or any person who

1 ~~shall give~~ gives false or forged evidence of any kind to the Board
2 or to any member thereof in obtaining or attempting to obtain a
3 certificate of licensure, or any person who ~~shall~~ falsely
4 ~~impersonate~~ impersonates any other licensee of like or different
5 name, or any person who ~~shall attempt~~ attempts to use an expired,
6 suspended, revoked, or nonexistent certificate of licensure, or who
7 ~~shall practice~~ practices or ~~offer~~ offers to practice when not
8 qualified, or any person who falsely claims to be registered or
9 licensed under Section 475.1 et seq. of this title, or any person
10 who ~~shall violate~~ violates any of the provisions of Section 475.1 et
11 seq. of this title, shall be guilty of a misdemeanor, punishable by
12 a fine of not less than Two Hundred Fifty Dollars (\$250.00), nor
13 more than Two Thousand Dollars (\$2,000.00).

14 B. Administrative penalties:

15 1. Any person or entity who has been determined by the Board to
16 have violated any provision of Section 475.1 et seq. of this title,
17 or any rule, regulation or order issued pursuant to such provisions,
18 may be liable for an administrative penalty of not less than Two
19 Hundred Fifty Dollars (\$250.00) nor more than Ten Thousand Dollars
20 (\$10,000.00) for each separate violation.

21 2. The amount of the penalty shall be assessed by the Board
22 pursuant to the provisions of ~~subsection~~ paragraph 1 of this ~~section~~
23 subsection, after notice and hearing. In determining the amount of
24 the penalty, the Board shall include, but not be limited to,

1 consideration of the nature, circumstances and gravity of the
2 violation, and with respect to the person or entity found to have
3 committed the violation, the degree of culpability, the effect on
4 ability of the person or entity to continue to do business and any
5 show of good faith in attempting to achieve compliance with the
6 provisions of Section 475.1 et seq. of this title. All monies
7 collected from administrative penalties shall be deposited with the
8 State Treasurer and placed in the "Professional Engineers and Land
9 Surveyors Fund".

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

17 C. Legal Counsel:

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

1 ~~Board~~ and carrying out the provisions of Section 475.1 et seq. of
2 this title.

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

6 Section 475.21 A. The practice of or offer to practice
7 engineering or land surveying by firms authorized under Section
8 475.1 et seq. of this title, or by more than one person acting
9 individually through a firm, is permitted provided:

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

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

16 B. An engineering or land surveying firm ~~desiring~~ requiring a
17 certificate of authorization shall file with the Board an
18 application, using a form provided by the Board, and provide all the
19 information required by the Board. The Board shall prescribe a form
20 to be filed with the renewal fee and which shall be updated within
21 thirty (30) days of the time any information contained on the form
22 is changed or differs for any reason. If, in the Board's judgment,
23 the information contained on the form warrants such action, the
24

1 Board shall issue a certificate of authorization for said firm to
2 practice engineering and/or land surveying.

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

11 C. The Secretary of State shall not issue a certificate of
12 incorporation to an applicant, approve for filing articles of
13 organization for a limited liability company, approve for filing a
14 certificate of limited partnership or accept a registration as a
15 foreign firm to a firm which includes in the firm's name or among
16 the objectives for which it is established any of the words
17 "Engineer", "Engineering", "Surveyor", "Land Surveying" or any
18 modification or derivation thereof unless the Board(s) of Licensure
19 for these professions has issued for said applicant a certificate of
20 authorization or a letter indicating the eligibility of such
21 applicant to receive such a certificate. The firm applying shall
22 supply such certificate or letter from the Board with its
23 application for incorporation or registration.

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

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

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

16 Managing agent. A firm offering either engineering or surveying
17 services shall designate an engineer or surveyor, respectively, to
18 be the managing agent for the firm. A firm offering both
19 engineering and land surveying services must have a licensed
20 professional engineer and licensed professional land surveyor listed
21 as managing agent. A licensee may not be designated as a managing
22 agent for more than one firm without prior Board approval. The
23 managing agent must hold a position of recognized authority within
24 the firm to be designated as the managing agent. In the case of a

1 corporation, a licensee must be an officer, principal, director or
2 shareholder of the firm to be designated as the managing agent. In
3 the case of a limited liability company or limited liability
4 partnership, the licensee must be a member of the firm to be
5 designated as the managing agent. In the case of a limited
6 partnership, the licensee must be a general partner of the firm to
7 be designated as the managing agent. In the case of a partnership,
8 the licensee must be an owner of the firm to be designated as the
9 managing agent. If the ownership is less than fifty percent (50%)
10 ownership, an explanation must be included as to the extent of
11 authority this partner holds regarding engineering or surveying
12 decisions, respectively, as it pertains to paragraphs 1 through 3 of
13 this subsection. A licensee who is a full-time employee of a firm
14 and holds a position of recognized authority within the firm but
15 does not hold one of the above-stated titles may request Board
16 approval to be named the managing agent by submitting a letter to
17 the Board on firm letterhead signed by a person within the firm
18 holding one of the above-stated titles, describing the special
19 circumstances surrounding the requested exception and the extent of
20 authority this employee holds regarding engineering or surveying
21 decisions, respectively, as it pertains to paragraphs 1 through 3 of
22 this subsection. A licensee who is self-employed, an independent
23 contractor or who renders consulting engineering or surveying
24 services to, or for, a firm shall not be designated as a managing

1 agent. Firms holding a certificate of authorization with this Board
2 prior to November 1, 2017, must be in compliance with this provision
3 of law by November 1, 2019. The managing agent's responsibilities
4 include:

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

8 2. Overall administrative supervision of the firm's licensed
9 and subordinate personnel performing engineering or surveying work
10 in Oklahoma; and

11 3. Institution and adherence of policies of the firm that are
12 in accordance with Section 475.1 et seq. of this title, Section 3-
13 116 et seq. of Title 65 of the Oklahoma Statutes and the rules of
14 the Board.

15 G. Out-of-state firms authorized to offer or perform
16 professional engineering or professional land surveying services in
17 Oklahoma may have one or more branch offices located in Oklahoma
18 only if the firm has a professional engineer or professional land
19 surveyor, respectively, ~~designated responsible and in charge of the~~
20 ~~firm's professional practice~~ as the managing agent ~~in this state~~
21 Oklahoma. The professional engineer or professional land surveyor
22 designated for this purpose shall be required to spend a majority of
23 normal business hours at one or more branch offices located in
24 Oklahoma and be duly licensed as a professional engineer or

1 professional land surveyor, respectively, in this state. The
2 professional engineer or professional land surveyor designated
3 managing agent shall be responsible for:

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

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

10 3. The institution of and adherence to policies of the firm
11 that shall be in accordance with ~~the Rules of Professional Conduct~~
12 Section 475.1 et seq. of this title, Section 3-116 et seq. of Title
13 65 of the Oklahoma Statutes and the rules promulgated by the Board.

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

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

18 1. Other professions. The practice of any other legally
19 recognized profession;

20 2. Temporary ~~permit~~ license:

21 a. Professional engineer. The practice or offer to
22 practice engineering by a person not a resident of or
23 having no established place of business in this state
24 is allowed; provided, such person is legally qualified

1 by licensure to practice engineering, as defined in
2 Section 475.2 of this title, in the applicant's ~~own~~
3 resident state or country jurisdiction and who has
4 made application for licensure to this Board. Such
5 person shall make application for temporary ~~permit~~
6 license to the Board, in ~~writing, and after~~ a manner
7 prescribed by the Board. After payment of a temporary
8 ~~permit license~~ fee ~~may be granted,~~ a written ~~permit~~
9 license may be granted to perform a particular job for
10 a definite period of time, to expire at the earliest
11 ~~of the~~ issuance of a professional engineering license
12 by this Board, ~~the rejection of the application for~~
13 ~~licensure or a time limit stated in the temporary~~
14 ~~permit; provided, however, no.~~ Further, such person
15 shall not have been disciplined in any jurisdiction by
16 a Board of licensure for engineering, land surveying
17 or architecture, and shall not have been convicted in
18 any jurisdiction of a felony. Further, such person
19 shall submit a complete permanent professional
20 engineer application to the Board within thirty (30)
21 days of the date of issuance of the temporary license
22 with all required properly completed forms and fees.
23 Failure to submit a permanent professional engineer
24 application for Board consideration within the

1 designated thirty-day time period may be considered a
2 violation of Section 475.1 et seq. of this title and
3 Board rules. No right to practice engineering shall
4 accrue to such applicant by reason of a temporary
5 ~~permit~~ license for any works not set forth in said
6 ~~permit~~ license, and

7 b. Professional land surveyor. The practice of land
8 surveying under a temporary permit by a person
9 licensed as a professional land surveyor in another
10 state is not considered to be in the best interest of
11 the public and therefore shall not be granted;

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

21 4. Material takeoff. Providing a list of material derived from
22 measuring and interpreting a set of blueprints or plans, otherwise
23 known as a "material takeoff" or advising a person on such a
24

1 "material takeoff" shall not constitute the practice of engineering;
2 and

3 5. A person shall not be construed to practice or offer to
4 practice land surveying, within the meaning and intent of Section
5 475.1 et seq. of this title, who merely acts as an agent of a
6 purchaser of land surveying services. Agents of a purchaser of land
7 surveying services include, but are not limited to, real estate
8 agents and brokers, title companies, attorneys providing title
9 examination services, and persons who or firms that coordinate the
10 acquisition and use of land surveying services. The coordination of
11 land surveying services includes, but is not limited to, sales and
12 marketing of services, discussion of requirements of land surveys,
13 contracting to furnish land surveys, review of land surveys, the
14 requesting of revisions of land surveys, and making any and all
15 modifications to surveys with the written consent of the
16 professional land surveyor, and furnishing final revised copies to
17 the professional land surveyor showing all revisions, the
18 distribution of land surveys and receiving payment for such
19 services. These actions do not constitute the practice of land
20 surveying, and do not violate any part of Sections 475.1 through
21 475.22a of this title or the bylaws and rules of the Board.

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

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

56-1-6811 AMM 02/09/17