

# An Act

ENROLLED HOUSE  
BILL NO. 1282

By: Wallace of the House

and

Newberry of the Senate

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 O.S. Supp. 2016, Section 475.12), which relates to qualifications for eligibility for licensure as

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

SUBJECT: Engineering and land surveying

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

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

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

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

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

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

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

3. "Professional Structural Engineer", "P.E.", "S.E." or "S.E." means an individual who has been duly licensed as a professional engineer by the Board, and who has been further authorized by the Board to use the title Professional Structural Engineer, P.E. S.E., or S.E., and perform structural engineering analysis and design services for significant structures based upon education, experience and examinations as described in subsection D of Section 11 of this act. For purposes of this definition, the term "significant structures" may be defined by Board rule; provided, however, such definition shall not include any structure that is a residential structure;

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

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

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

- g. engineering research,
- h. engineering surveys,
- i. engineering studies, ~~and~~
- j. engineering reports,
- k. written engineering opinions,
- l. the inspection or review of construction for the purposes of ~~assuring~~ ensuring compliance with drawings and specifications~~r,~~ and
- m. engineering reports or like material developed in connection with expert witness testimony or anticipated testimony,

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

Design review and integration includes the design review and integration of those technical submissions prepared by others, including as appropriate and without limitation, engineers, architects, landscape architects, land surveyors, and other professionals working under the direction of the engineer. The definition of design review and integration by engineers does not restrict the services other licensed professional disciplines are authorized to offer or perform by statute or regulation.

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

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

~~5.~~ 6. "Professional land surveyor" or "land surveyor" or "P.L.S." means a person who has been duly licensed as a professional land surveyor pursuant to Section 475.1 et seq. of this title and the regulations issued by the Board pursuant thereto; and is a person who, by reason of special knowledge in the technique of measuring land and use of the basic principles of mathematics, the related physical and applied sciences and the relevant requirements of law for adequate evidence and all requisite to surveying of real property, acquired by education and experience, is qualified to engage in the practice of land surveying;

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

~~7.~~ 8. a. "Practice of land surveying" means any authoritative service or work performed to a stated accuracy, the adequate performance of which involves the application of special knowledge of the principles of mathematics, methods of measurement, and the law for the determination and preservation of land boundaries. "Practice of land surveying" includes, without limitation:

- (1) restoration and rehabilitation of corners and boundaries in the United States Public Land Survey System or the subdivision thereof,
- (2) obtaining and evaluating evidence for the 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)~~
- (9) measuring, locating, or establishing lines, angles, elevations, natural and man-made features in the air, on the surface of the earth, within underground workings, and on the beds of bodies of water for the purpose of determining areas and volumes for a survey, the configuration or contour of the earth's surface, or the position of fixed objects on the earth's surface,

~~(11)~~

(10) geodetic surveying, ~~and~~

~~(12)~~

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

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

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

~~e. A person shall not be construed to practice or offer to practice land surveying, within the meaning and intent of Section 475.1 et seq. of this title, who merely acts as an agent of a purchaser of land surveying services. Agents of a purchaser of land surveying services include, but are not limited to, real estate agents and brokers, title companies, attorneys providing title examination services, and persons who or firms that coordinate the acquisition and use of land surveying services. The coordination of land surveying services includes, but is not limited to; sales and marketing of services, discussion of requirements of land surveys, contracting to furnish land surveys, review of land surveys, the requesting of revisions of land surveys, and making any and all modifications to surveys with~~

~~the written consent of the land surveyor, and  
furnishing final revised copies to the land surveyor  
showing all revisions, the distribution of land  
surveys, and receiving payment for such services.  
These actions do not constitute the practice of land  
surveying, and do not violate any part of Section  
475.1 through 475.22a of this title or the Bylaws and  
Rules of the Board;~~

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

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

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

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

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

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

15. "Related science degree" means a bachelor's degree from an Engineering Technology Accreditation Commission/Accreditation Board for Engineering and Technology (ETAC/ABET) accredited engineering technology program of four (4) years or more. A degree of four (4) years or more in architecture, mathematical, physical or engineering sciences may be considered as a related science degree if it was obtained from a Board-approved program, and shall include a minimum of eight (8) hours of mathematics beyond trigonometry, including

calculus, and twenty (20) hours of engineering sciences or related sciences, including physics. Non-accredited engineering degree programs shall meet the above requirements to be considered a related science degree;

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

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

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

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

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

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

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

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

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

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

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

of authorization. The Board shall adopt and have an official seal, which shall be affixed to each certificate issued. The Board shall have the further power and authority to:

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

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

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

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

B. The Board is hereby authorized to levy administrative penalties against any person or entity who or which violates any of the provisions of Section 475.1 et seq. of this title or any rule or regulation promulgated pursuant thereto. The Board is hereby authorized to initiate disciplinary, prosecutorial and injunctive proceedings against any person or entity who or which has violated any of the provisions of Section 475.1 et seq. of this title or any rule or regulation of the Board promulgated pursuant thereto. The Board shall investigate alleged violations of the provisions of Section 475.1 et seq. of this title or of the rules or regulations, orders or final decisions of the Board.

C. The Board is hereby authorized to acquire by purchase, lease, gift, solicitation of gift or by any other lawful means, and maintain, use and operate real property and improvements; contract for the maintenance, use, and operation of or lease of any and all real property and improvements; lease or sublease any part of real property and improvements acquired pursuant to this section to public entities, private entities, or private persons, on any terms and for any consideration deemed appropriate by the Board, subject

to restrictions in purchase or lease documents relating to property acquired; provided, all contracts for real property and improvements shall be subject to the provisions of Section 63 of Title 74 of the Oklahoma Statutes.

D. In carrying into effect the provisions of Section 475.1 et seq. of this title, the Board, under the hand of its Chair, Vice Chair, or Executive Director and the seal of the Board, may subpoena witnesses and compel their attendance, and may also require the submission of books, papers, documents or other pertinent data, in any disciplinary matters, or in any case wherever a violation of Section 475.1 et seq. of this title is alleged. Upon failure or refusal to comply with any such order of the Board, or upon failure to honor its subpoena, as herein provided, the Board may apply to a court of proper jurisdiction for an order to enforce compliance with same.

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

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

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

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

I. The Board may use its funds to establish and conduct instructional programs for persons who are currently licensed to practice engineering or land surveying, as well as refresher courses for persons interested in obtaining adequate instruction or programs of study to qualify them for licensure to practice engineering or land surveying. The Board may expend its funds for these purposes and may conduct, sponsor and arrange for instructional programs and also may carry out instructional programs through extension courses or other media. The Board may enter into plans or agreements with community colleges, public or private institutions of higher learning, the State Board of Education or with the Oklahoma Department of Career and Technology Education for the purpose of planning, scheduling or arranging courses, instruction, extension courses or in assisting in obtaining courses of study or programs in the fields of engineering and land surveying. The Board shall encourage the educational institutions in Oklahoma to offer courses necessary to complete the educational requirements of Section 475.1 et seq. of this title. For the purpose of carrying out these objectives, the Board may adopt rules as may be necessary for the educational programs, instruction, extension services or for entering into plans or contracts with persons or educational institutions and the Oklahoma Department of Career and Technology Education.

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

Section 475.9 A. The Executive Director of the State Board of Licensure for Professional Engineers and Land Surveyors shall be

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

B. The Board shall obtain an office, secure such facilities, and employ, direct, discharge and define the duties and salaries of an Executive Director, Principal Assistant, Director of Enforcement, Board Investigator and all other such clerical or other assistants as are necessary for the proper performance of its work. Effective November 1, 2017, all employees of the Board, current or future, shall be considered in the unclassified service and shall not be placed under the classified service. The Board shall make expenditures from the fund created in subsection A of this section for any purpose which, in the opinion of the Board, is reasonably necessary for the proper performance of its duties under Section 475.1 et seq. of this title, including examination administration fees, the expenses of the Board's delegates to meetings of and membership fees to the National Council of Examiners for Engineering and Surveying, meaning the national nonprofit organization composed of engineering and land surveying licensing boards commonly called NCEES, and any of its subdivisions, as provided in the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes. Under no circumstances shall the total amount of warrants issued in payment of the expenses and compensation provided for in Section 475.1 et seq. of this title exceed the amount of monies in the fund.

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

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

1. The name, date of birth and last-known mailing and email address of each applicant;

2. The date of application;
3. The place of business of the applicant;
4. The education, experience and other qualifications of the applicant;
5. The type of examination required;
6. Whether or not the applicant was rejected;
7. Whether or not a certificate of licensure was granted;
8. The date of the action of the Board; and
9. Such other information as may be deemed necessary by the Board.

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

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

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

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

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

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

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

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

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

3. Submitting three professional or character references.

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

1. Be of good character and reputation;

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

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

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

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

1. An individual holding a certificate of licensure to engage in the practice of engineering issued by a proper authority of any

state or jurisdiction, based on requirements that do not conflict with the provisions of Section 475.1 et seq. of Title 59 of the Oklahoma Statutes and possessing credentials that are, in the judgment of the Board, of a standard not lower than that specified in the applicable licensure act in effect in Oklahoma at the time such certificate was issued may, upon application, be licensed without further examination except as required to examine the applicant's knowledge of statutes, rules and other requirements unique to this state. If the requirements that were met were of a standard lower than that specified in the applicable licensure act in effect in this state at the time such certificate was issued but, in the judgement of the Board, the standard was a reasonable standard at the time the original license was issued, the individual may, upon application, be considered by the Board according to the provisions in the Board rules; or

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

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

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

- a. a bachelor's degree in engineering from an EAC/ABET-accredited program, or the equivalent,
- b. a bachelor's degree in a Board-approved related science degree program,
- c. a master's degree in engineering from an institution that offers EAC/ABET-accredited programs,
- d. a master's degree in engineering from an EAC/M-ABET-accredited program, or

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

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

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

- a. the FE examination may be taken at any time according to NCEES examination policy and procedures, but is recommended to be taken during the student's senior year of college,
- b. the PE examination may be taken by a graduate of an approved degree program pursuant to this section, or
- c. the Board may waive the FE examination requirement for the issuance of a license if the applicant possesses, at a minimum, fifteen (15) years of progressive experience on engineering projects which indicate to the Board the applicant may be competent to practice engineering. The Board shall evaluate all elements of the application, according to Board rules, to assess waiver requests.

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

- a. an individual with a bachelor's degree in engineering pursuant to subparagraph a of paragraph 1 of this subsection: four (4) years of experience after the bachelor's degree is conferred,
- b. an individual with a bachelor's degree in a Board-approved related science degree program pursuant to subparagraph b of paragraph 1 of this subsection: six (6) years of experience after the bachelor's degree is conferred,
- c. an individual with a master's degree in engineering pursuant to subparagraph c or d of paragraph 1 of this 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 completion of one of the following shall be considered as minimum evidence that the applicant is qualified for certification or enrollment as a land surveyor intern:

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

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

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

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

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

1. Be of good character and reputation;

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

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

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

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

An individual holding a certificate of licensure to engage in the practice of land surveying issued by a proper authority of any state or jurisdiction, based on requirements that do not conflict with the provisions of Section 475.1 et seq. of Title 59 of the

Oklahoma Statutes, and possessing credentials that are, in the judgment of the Board, of a standard not lower than that specified in the applicable licensure act in effect in this state at the time such certificate was issued may, upon application, which may include a Council Record with NCEES, be licensed upon passing an examination or examinations of such duration as established by the Board, which shall include questions on laws, procedures and practices pertaining to land surveying in Oklahoma.

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

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

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

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

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

A. "Professional Structural Engineer", "P.E., S.E.", or "S.E." Professional engineer licensed in Oklahoma who were approved by the Board to claim structural engineering, with or without an "S.E.", as an area of competence prior to November 1, 2017, shall submit the following by application 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 similar variation using the "S.E."

designation and perform structural engineering analysis and design services for significant structures:

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

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

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

4. Proof of successful completion of one of the following 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.

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 and perform structural engineering analysis and design services for significant structures by October 31, 2020, shall be notified in writing that their file will be amended to state structural engineering without an "S.E." as their area of competence.

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

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

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

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

4. Proof of successful completion of one of the following 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 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.

E. Initial applicants for a professional engineer license who wish to also apply for authorization to use the title "Professional Structural Engineer", "P.E., S.E.", "S.E.", or any variation using the "S.E." designation and to perform structural engineering analysis and design services for significant structures who apply after November 1, 2017, and before October 31, 2020, shall submit the following by application and prescribed fees for Board consideration as minimum evidence that the applicant is qualified, in addition to all requirements in Section 475.1 et seq. of Title 59 of the Oklahoma Statutes:

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

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

F. Beginning November 1, 2020, the following shall be considered as minimum evidence for all applicants who wish to apply to the Board for authorization 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 and to perform structural engineering analysis and design services for significant structures:

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

2. Successfully completed at least one of the following 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 S.E. 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.

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

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

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

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

B. 1. The application fees shall be established by Board 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12. Providing false testimony or information to the Board;

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

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

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

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

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

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

D. As used in this section:

1. "Substantially relates" means the nature of criminal conduct for which the person was convicted has a direct bearing on the

fitness or ability to perform one or more of the duties or responsibilities necessarily related to the occupation; and

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

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

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

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

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

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

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

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

Section 475.20 A. Criminal penalties:

Any person or entity who practices, or offers to practice, engineering or land surveying in this state without being licensed by the State Board of Licensure for Professional Engineers and Land Surveyors in accordance with the provisions of Section 475.1 et seq. of this title, or any person or entity using or employing the words "engineer" or "engineering" or "land surveyor" or "land surveying" or any modification or derivative thereof in its name or form of business or activity except as authorized in Section 475.1 et seq. of this title, or any person presenting or attempting to use the certificate of licensure or the seal of another, or any person who ~~shall give~~ gives false or forged evidence of any kind to the Board or to any member thereof in obtaining or attempting to obtain a certificate of licensure, or any person who ~~shall~~ falsely ~~impersonate~~ impersonates any other licensee of like or different name, or any person who ~~shall attempt~~ attempts to use an expired, suspended, revoked, or nonexistent certificate of licensure, or who ~~shall practice~~ practices or ~~offer~~ offers to practice when not qualified, or any person who falsely claims to be registered or licensed under Section 475.1 et seq. of this title, or any person who ~~shall violate~~ violates any of the provisions of Section 475.1 et seq. of this title, shall be guilty of a misdemeanor, punishable by a fine of not less than Two Hundred Fifty Dollars (\$250.00), nor more than Two Thousand Dollars (\$2,000.00).

B. Administrative penalties:

1. Any person or entity who has been determined by the Board to have violated any provision of Section 475.1 et seq. of this title, or any rule, regulation or order issued pursuant to such provisions,

may be liable for an administrative penalty of not less than Two Hundred Fifty Dollars (\$250.00) nor more than Ten Thousand Dollars (\$10,000.00) for each separate violation.

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

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

C. Legal Counsel:

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

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

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

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

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

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

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

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

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

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

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

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

Managing agent. A firm offering either engineering or surveying services shall designate an engineer or surveyor, respectively, to be the managing agent for the firm. A firm offering both engineering and land surveying services must have a licensed professional engineer and licensed professional land surveyor listed as managing agent. A licensee may not be designated as a managing agent for more than one firm without prior Board approval. The managing agent must hold a position of recognized authority within the firm to be designated as the managing agent. In the case of a corporation, a licensee must be an officer, principal, director or shareholder of the firm to be designated as the managing agent. In the case of a limited liability company or limited liability partnership, the licensee must be a member of the firm to be designated as the managing agent. In the case of a limited partnership, the licensee must be a general partner of the firm to be designated as the managing agent. In the case of a partnership, the licensee must be an owner of the firm to be designated as the managing agent. If the ownership is less than fifty percent (50%) ownership, an explanation must be included as to the extent of authority this partner holds regarding engineering or surveying decisions, respectively, as it pertains to paragraphs 1 through 3 of this subsection. A licensee who is a full-time employee of a firm and holds a position of recognized authority within the firm but does not hold one of the above-stated titles may request Board approval to be named the managing agent by submitting a letter to the Board on firm letterhead signed by a person within the firm holding one of the above-stated titles, describing the special

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

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

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

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

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

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

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

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

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

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

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

2. Temporary ~~permit~~ license:

- a. Professional engineer. The practice or offer to practice engineering by a person not a resident of or having no established place of business in this state is allowed; provided, such person is legally qualified by licensure to practice engineering, as defined in Section 475.2 of this title, in the applicant's ~~own~~ resident state or country jurisdiction and who has made application for licensure to this Board. Such person shall make application for temporary ~~permit license~~ license to the Board, in ~~writing, and after a manner prescribed by the Board.~~ After payment of a temporary permit license fee may be granted, a written permit license may be granted to perform a particular job for a definite period of time, to expire at the earliest of the issuance of a professional engineering license by this Board, the rejection of the application for licensure or a time limit stated in the temporary permit; provided, however, no. Further, such person shall not have been disciplined in any jurisdiction by a Board of licensure for engineering, land surveying or architecture, and shall not have been convicted in any jurisdiction of a felony. Further, such person shall submit a complete permanent professional engineer application to the Board within thirty (30) days of the date of issuance of the temporary license with all required properly completed forms and fees. Failure to submit a permanent professional engineer application for Board consideration within the

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

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

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

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

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

services. These actions do not constitute the practice of land surveying, and do not violate any part of Sections 475.1 through 475.22a of this title or the bylaws and rules of the Board.

SECTION 21. REPEALER 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), is hereby repealed.

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

Passed the House of Representatives the 8th day of May, 2017.

\_\_\_\_\_  
Presiding Officer of the House  
of Representatives

Passed the Senate the 19th day of April, 2017.

\_\_\_\_\_  
Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_

Approved by the Governor of the State of Oklahoma this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_