

1 STATE OF OKLAHOMA

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

3 SENATE BILL 109

By: Bergstrom

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5
6 AS INTRODUCED

7 An Act relating to professional licenses; amending 59
8 O.S. 2011, Sections 46.8a, as amended by Section 6,
9 Chapter 234, O.S.L. 2014, 46.14, as last amended by
10 Section 1, Chapter 183, O.S.L. 2015, 199.11, as last
11 amended by Section 2, Chapter 183, O.S.L. 2015,
12 396.12c, as amended by Section 4, Chapter 97, O.S.L.
13 2013, 475.12, as amended by Section 4, Chapter 139,
14 O.S.L. 2012, 475.18, as last amended by Section 3,
15 Chapter 183, O.S.L. 2015, and 4000 (59 O.S. Supp.
2016, Sections 46.8a, 46.14, 199.11, 396.12c, 475.12
and 475.18), which relate to certain professional and
occupational license qualifications; modifying
language; prohibiting license denial after certain
condition; authorizing license reinstatement;
defining terms; requiring procedures for
reinstatement under certain conditions; and providing
an effective date.

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

19 SECTION 1. AMENDATORY 59 O.S. 2011, Section 46.8a, as
20 amended by Section 6, Chapter 234, O.S.L. 2014 (59 O.S. Supp. 2016,
21 Section 46.8a), is amended to read as follows:

22 Section 46.8a. A. It shall be unlawful for any person to
23 directly or indirectly engage in the practice of architecture in
24 this state or use the title "Architect", "Registered or Licensed

1 Architect", "Architectural Designer", or display or use any words,
2 letters, figures, titles, signs, cards, advertisements, or other
3 symbols or devices indicating or tending to indicate that such
4 person is an architect or is practicing architecture, unless the
5 person is licensed under the provisions of this act. No person
6 shall aid or abet any person, not licensed under the provisions of
7 this act, in the practice of architecture.

8 B. Every person applying to the Board for an initial license
9 shall submit an application accompanied by the fee established in
10 accordance with the rules of the Board, with satisfactory evidence
11 that such person holds an accredited professional degree in
12 architecture or has completed such other education as the Board
13 deems equivalent to an accredited professional degree and with
14 satisfactory evidence that such person has completed such practical
15 training in architectural work as the Board requires. If an
16 applicant is qualified in accordance with this subsection, the Board
17 shall, by means of a written examination, examine the applicant on
18 such technical and professional subjects as are prescribed by the
19 Board. None of the examination materials shall be considered public
20 records. The Board may exempt from such written examination an
21 applicant who holds a certification issued by the National Council
22 of Architectural Registration Boards or its successor or in any case
23 the Board decides the interest of the public will be served and the

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1 person is determined to be qualified and competent by equivalent
2 standards for education, training and examination.

3 The Board shall adopt as its own rules governing practical
4 training and education and may use those guidelines published from
5 time to time by the National Council of Architectural Registration
6 Boards or its successor. The Board may also adopt the examinations
7 and grading procedures of the National Council of Architectural
8 Registration Boards or its successor and the accreditation decisions
9 of the National Architectural Accrediting Board or its successor.
10 The Board shall issue its license to each applicant who ~~is found to~~
11 ~~be of good moral character and who~~ satisfies the requirements set
12 forth in this section and the Board's current rules. Such license
13 shall be effective upon issuance.

14 C. Pursuant to this act and such rules as it may have adopted,
15 the Board shall have the power to issue licenses without requiring
16 an examination to persons who have been licensed to practice
17 architecture in states other than the State of Oklahoma, in a
18 territory of the United States, in the District of Columbia, or in a
19 country other than the United States; provided that the state or
20 country has a similar reciprocal provision to authorize the issuance
21 of licenses to persons who have been licensed in this state. If a
22 person who has been licensed in a state other than the State of
23 Oklahoma, or in a territory of the United States, in the District of
24 Columbia, or in a country other than the United States complies with

1 this act and the rules of the Board, the secretary-treasurer, acting
2 in the exercise of his or her discretion or upon the order of the
3 Board in the exercise of its discretion and upon the receipt of the
4 stated payment to the Board pursuant to the rules of the Board,
5 shall issue to the person a license to practice architecture in this
6 state.

7 SECTION 2. AMENDATORY 59 O.S. 2011, Section 46.14, as
8 last amended by Section 1, Chapter 183, O.S.L. 2015 (59 O.S. Supp.
9 2016, Section 46.14), is amended to read as follows:

10 Section 46.14. A. The Board shall have power to suspend, to
11 revoke or refuse to renew a license, registration, certificate of
12 authority or certificate of title issued by it, pursuant to the
13 provisions of the State Architectural and Registered Interior
14 Designers Act, when the holder thereof:

15 1. Has been convicted of a felony crime that substantially
16 relates to the practice of architecture, landscape architecture or
17 interior design or poses a reasonable threat to public safety;
18 provided, however, no felony conviction shall operate to deny the
19 issuance or reinstatement of a previously held Oklahoma license
20 after ten (10) years from the date of such conviction unless the
21 conviction continues to pose a reasonable threat to public safety or
22 continued education or other requirements have not been met;

23 2. Has been guilty of fraud or misrepresentation; provided,
24 however, no conviction shall operate to deny the issuance or

1 reinstatement of a previously held Oklahoma license after ten (10)
2 years from the date of such conviction unless the conviction
3 continues to pose a reasonable threat to public safety or continued
4 education or other requirements have not been met;

5 3. Has been guilty of gross incompetence or recklessness in the
6 practice of architecture relating to the construction of buildings
7 or structures, or of dishonest practices;

8 4. Has been guilty of gross incompetence or recklessness in the
9 practice of landscape architecture, or of dishonest practices;

10 5. Presents the license, registration or certification of
11 another as his or her own;

12 6. Gives false or forged evidence to the Board;

13 7. Conceals information relative to any inquiry, investigation
14 or violation of this act or rules promulgated under this act; or

15 8. Has been found to be guilty of a violation of a provision of
16 the State Architectural and Registered Interior Designers Act, or
17 the rules of the Board; provided, that a person or entity complained
18 of shall be afforded the opportunity for a formal hearing carried
19 out as described under the current Administrative Procedures Act or
20 settled by the Board with a consent order or final order approved by
21 the Board.

22 The Board shall keep a record of the evidence in, and a record
23 of each proceeding for the suspension, revocation of or refusal to
24 renew a license or certificate of authority and shall make findings

1 of fact and render a decision therein. If, after a hearing, the
2 charges shall have been found to have been sustained by the vote of
3 a majority of the members of the Board it shall immediately enter
4 its order of suspension, revocation, penalties, probation,
5 educational course work and objectives or refusal to renew, as the
6 case may be.

7 B. As used in this section:

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

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

16 SECTION 3. AMENDATORY 59 O.S. 2011, Section 199.11, as
17 last amended by Section 2, Chapter 183, O.S.L. 2015 (59 O.S. Supp.
18 2016, Section 199.11), is amended to read as follows:

19 Section 199.11. A. The State Board of Cosmetology and
20 Barbering is hereby authorized to deny, revoke, suspend, or refuse
21 to renew any license, certificate, or registration that it is
22 authorized to issue under the Oklahoma Cosmetology and Barbering Act
23 for any of the following causes:

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- 1 1. Conviction of a felony crime that substantially relates to
2 the practice of cosmetology or poses a reasonable threat to public
3 safety; provided, however, no felony conviction shall operate to
4 deny the issuance or reinstatement of a previously held Oklahoma
5 license after ten (10) years from the date of such conviction unless
6 the conviction continues to pose a threat to public safety or
7 continued education or other requirements have not been met;
- 8 2. Gross malpractice or gross incompetence;
- 9 3. Fraud practiced in obtaining a license or registration;
- 10 4. A license or certificate holder's continuing to practice
11 while afflicted with an infectious, contagious, or communicable
12 disease;
- 13 5. Habitual drunkenness or addiction to use of habit forming
14 drugs; provided, however, reinstatement shall be allowed as provided
15 in Section 4000 of this title;
- 16 6. Advertising by means of statements known to be false or
17 deceptive;
- 18 7. Continued or flagrant violation of any rules of the Board,
19 or continued practice by a Board licensee in a cosmetology or barber
20 establishment wherein violations of the rules of the Board are being
21 committed within the knowledge of the licensee;
- 22 8. Failure to display license or certificate as required by the
23 Oklahoma Cosmetology and Barbering Act;

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1 9. Continued practice of cosmetology or barbering after
2 expiration of a license therefor;

3 10. Employment by a salon or barber establishment owner or
4 manager of any person to perform any of the practices of cosmetology
5 or barbering who is not duly licensed to perform the services;

6 11. Practicing cosmetology or barbering in an immoral or
7 unprofessional manner;

8 12. Unsanitary operating practices or unsanitary conditions of
9 a school or establishment; or

10 13. Unsanitary operating practices of a licensee.

11 B. As used in this section:

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

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

20 SECTION 4. AMENDATORY 59 O.S. 2011, Section 396.12c, as
21 amended by Section 4, Chapter 97, O.S.L. 2013 (59 O.S. Supp. 2016,
22 Section 396.12c), is amended to read as follows:

23 Section 396.12c. A. After notice and hearing pursuant to
24 Article II of the Administrative Procedures Act, the Oklahoma

1 Funeral Board may refuse to issue or renew, or may revoke or
2 suspend, any license or registration for any one or combination of
3 the following:

4 1. Conviction of a felony shown by a certified copy of the
5 record of the court of conviction that substantially relates to the
6 funeral or embalming profession or poses a reasonable threat to
7 public safety; provided, however, no felony conviction shall operate
8 to deny the issuance or reinstatement of a previously held Oklahoma
9 license after ten (10) years from the date of such conviction unless
10 the conviction continues to pose a threat to public safety or
11 continued education or other requirements have not been met;

12 2. Conviction of a misdemeanor involving funeral services;

13 3. Gross malpractice or gross incompetency, which shall be
14 determined by the Board;

15 4. False or misleading advertising as a funeral director or
16 embalmer;

17 5. Violation of any of the provisions of the Funeral Services
18 Licensing Act or any violation of Sections 201 through 231 of Title
19 8 of the Oklahoma Statutes;

20 6. Fraud or misrepresentation in obtaining a license;

21 7. Using any casket or part thereof which has previously been
22 used as a receptacle for, or in connection with, the burial or other
23 disposition of dead human remains, unless the disclosure is made to
24 the purchaser;

1 8. Violation of any rules of the Board in administering the
2 purposes of the Funeral Services Licensing Act;

3 9. Use of intoxicating liquor sufficient to produce drunkenness
4 in public, or habitual addiction to the use of habit-forming drugs
5 or either; provided, however, reinstatement shall be allowed as
6 provided in Section 4000 of this title;

7 10. Solicitation of business, either personally or by an agent,
8 from a dying individual or the relatives of a dead or individual
9 with a terminal condition, as defined by the Oklahoma Rights of the
10 Terminally Ill or Persistently Unconscious Act, other than through
11 general advertising;

12 11. Refusing to properly release a dead human body to the
13 custody of the person entitled to custody;

14 12. Violating applicable state laws relating to the failure to
15 file a death certificate, cremation permit, or prearrangement or
16 prefinancing of a funeral;

17 13. Failing to obtain other necessary permits as required by
18 law in a timely manner;

19 14. Failing to comply with the Funeral Rules of the Federal
20 Trade Commission, 15 U.S.C., Section 57a(a);

21 15. Failing to comply with any applicable provisions of the
22 Funeral Services Licensing Act at the time of issuance or renewal;

23 16. Improper issuance or renewal of a license or registration;

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1 17. Violating the provisions of subsection B of Section 396.12
2 of this title regarding advertisement of services at locations not
3 licensed by the Board;

4 18. The abuse of a corpse whereby a person knowingly and
5 willfully signs a certificate as having embalmed, cremated, or
6 prepared a dead human body for disposition when, in fact, the
7 services were not performed as indicated;

8 19. Simultaneous cremating of more than one human dead body
9 without express written approval of the authorizing agent;

10 20. Cremating human remains without the permit required by
11 Section 1-329.1 of Title 63 of the Oklahoma Statutes;

12 21. Intentional interference with an investigation by the Board
13 or failure to allow access to funeral records during an
14 investigation or to produce records for an investigation; or

15 22. Failure to properly discharge financial obligations as
16 established by rule of the Board.

17 B. As used in this section:

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

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

3 SECTION 5. AMENDATORY 59 O.S. 2011, Section 475.12, as
4 amended by Section 4, Chapter 139, O.S.L. 2012 (59 O.S. Supp. 2016,
5 Section 475.12), is amended to read as follows:

6 Section 475.12. A. Engineer

7 To be eligible for consideration for licensure as a professional
8 engineer, or certification as an engineer intern, an applicant ~~must~~
9 ~~be of good character and reputation and~~ shall submit five references
10 with application for licensure as a professional engineer, three of
11 which shall be professional engineers having personal knowledge of
12 the applicant's engineering experience, or, in the case of an
13 application for certification as an engineer intern, by three
14 character references.

15 One of the following shall be considered as minimum evidence
16 satisfactory to the Board that the applicant is qualified for
17 licensure as a professional engineer, or for certification as an
18 engineer intern, respectively:

- 19 1. As a professional engineer:
 - 20 a. Licensure by Comity or Endorsement - A person holding
 - 21 a certificate of registration or licensure to engage
 - 22 in the practice of engineering issued by a proper
 - 23 authority of a jurisdiction or possession of the
 - 24 United States or the District of Columbia, based on

1 requirements that do not conflict with the provisions
2 of Section 475.1 et seq. of this title and possessing
3 credentials that are, in the judgment of the Board, of
4 a standard not lower than that specified in the
5 applicable licensure act in effect in this state at
6 the time such certificate was issued, may, upon
7 application, be licensed without further examination
8 except as required to present evidence of knowledge of
9 statutes, rules and design requirements unique to this
10 state.

11 b. Graduation, Experience and Examination - A graduate of
12 an engineering program of four (4) years or more
13 approved by the Board as being of satisfactory
14 standing, and following the date of degree, a specific
15 record of an additional four (4) years or more of
16 progressive experience on engineering projects of a
17 grade and character which indicates to the Board that
18 the applicant may be competent to practice
19 engineering, who has also passed a Board-approved
20 NCEES examination in the fundamentals of engineering
21 as provided in subparagraph a of paragraph 2 of this
22 subsection, shall be admitted to a Board-approved
23 NCEES examination in the principles and practice of
24 engineering. Upon passing such examinations, as well

1 as an examination in knowledge of statutes, rules and
2 design requirements unique to this state, the
3 applicant shall be granted a certificate of licensure
4 to practice engineering in this state, if otherwise
5 qualified. The Board may waive the fundamentals of
6 engineering examination requirement for the issuance
7 of a license if the applicant possesses sufficient
8 progressive experience on engineering projects to
9 indicate to the Board that the applicant may be
10 competent to practice engineering. The Board shall
11 evaluate all elements of the application, according to
12 Board rules, to assess waiver requests.

13 c. Alternative Graduation, Experience and Education - A
14 graduate of an engineering or related science program
15 of four (4) years or more, other than the ones
16 approved by the Board and following the date of
17 degree, a specific record of six (6) years or more of
18 progressive experience on engineering projects of a
19 character and grade which indicates to the Board that
20 the applicant may be competent to practice engineering
21 who has also passed a Board-approved NCEES examination
22 in the fundamentals of engineering as provided in
23 subparagraph b of paragraph 2 of this subsection,
24 shall be admitted to a Board-approved NCEES

1 examination in the principles and practice of
2 engineering. Upon passing such examination, as well
3 as an examination in knowledge of statutes, rules and
4 design requirements unique to this state, the
5 applicant shall be granted a certificate of licensure
6 to practice engineering in this state, if otherwise
7 qualified. The Board may waive the fundamentals of
8 engineering examination requirement for the issuance
9 of a license if the applicant possesses sufficient
10 progressive experience on engineering projects to
11 indicate to the Board that the applicant may be
12 competent to practice engineering. The Board shall
13 evaluate all elements of the application, according to
14 Board rules, to assess waiver requests.

15 d. A four-year degree in a science not considered a
16 related science degree by the Board must be followed
17 by a ~~Masters~~ Master's Degree in engineering from an
18 institution with a comparable EAC/ABET accredited
19 undergraduate engineering program before being
20 considered for approval as a related science degree by
21 the Board. Foreign degrees not determined by the
22 Board to be substantially equivalent to an EAC/ABET
23 accredited engineering degree may be considered
24 following a degree evaluation by an evaluation service

1 approved by the Board. The maximum equivalency
2 granted for all foreign degrees, except those
3 determined to be substantially equivalent to an
4 EAC/ABET accredited engineering degree, shall be that
5 of a related science degree.

6 2. As an engineer intern:

7 The following shall be considered as minimum evidence that the
8 applicant is qualified for certification as an engineer intern:

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

19 b. Alternative Graduation, Experience and Examination - A
20 graduate of an engineering or related science
21 curriculum of four (4) years or more, other than the
22 ones approved by the Board or an applicant who has
23 completed ninety (90) semester hours or more of
24 academic requirements for graduation, shall be

1 admitted to a Board-approved NCEES examination in the
2 fundamentals of engineering. Upon passing such
3 examination, providing proof of graduation and
4 providing proof of a specific record of one (1) year
5 or more of progressive engineering experience in
6 engineering projects of a grade and character
7 satisfactory to the Board, the applicant shall be
8 certified or enrolled as an engineer intern, if
9 otherwise qualified.

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

1 B. Land Surveyor

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

10 The evaluation of a professional land surveyor applicant's
11 qualifications shall include consideration of the applicant's
12 education, technical and land surveying experience, and
13 recommendations by references.

14 One of the following shall be considered as minimum evidence
15 satisfactory to the Board that the applicant is qualified for
16 licensure as a professional land surveyor or for certification as a
17 land surveyor intern, respectively.

18 1. As a land surveyor:

- 19 a. Licensure by Comity or Endorsement - A person holding
20 a certificate of licensure to engage in the practice
21 of land surveying issued by a proper authority of a
22 jurisdiction or possession of the United States or the
23 District of Columbia, based on comparable
24 qualifications satisfactory to the Board, will be

1 given comity consideration. However, the person may
2 be required to take such examinations as the Board
3 deems necessary to determine the person's
4 qualifications, but in any event, the person shall be
5 required to pass a written examination of such
6 duration as established by the Board, which shall
7 include questions on laws, procedures and practices
8 pertaining to land surveying in this state.

9 b. Graduation, Experience and Examination -

10 (1) A graduate of a surveying program of four (4)
11 years or more approved by the Board and a
12 specific record of four (4) years or more of
13 progressive combined office and field experience
14 satisfactory to the Board on land surveying
15 projects of a grade and character which indicates
16 to the Board that the applicant may be competent
17 to practice land surveying, of which no less than
18 two (2) years experience must be following the
19 date of the degree, who has also passed a Board-
20 approved NCEES examination in the fundamentals of
21 surveying as provided in subparagraph a of
22 paragraph 2 of this subsection, shall be admitted
23 to a Board-approved NCEES examination in the
24 principles and practice of surveying and a Board-

1 approved Oklahoma Law and Surveying examination.
2 Upon passing such examinations, the applicant
3 shall be granted a certificate of licensure to
4 practice land surveying in this state, if
5 otherwise qualified.

6 (2) A graduate of a surveying program of two (2)
7 years or more approved by the Board and a
8 specific record of six (6) years or more of
9 progressive combined office and field experience
10 satisfactory to the Board on land surveying
11 projects of a grade and character which indicates
12 to the Board that the applicant may be competent
13 to practice land surveying and who has also
14 passed a Board-approved NCEES examination in the
15 fundamentals of surveying as provided in
16 subparagraph a of paragraph 2 of this subsection
17 shall be admitted to a Board-approved NCEES
18 examination in the principles and practice of
19 surveying and a Board-approved Oklahoma Law and
20 Surveying examination. Upon passing such
21 examination, the applicant shall be granted a
22 certificate of licensure to practice land
23 surveying in this state, if otherwise qualified.

24 c. Alternative Graduation, Experience and Examination -

1 (1) A graduate of other academic programs of two (2)
2 years or more, approved by the Board, which shall
3 include the Board-approved core curriculum in
4 surveying and a specific record of six (6) years
5 or more of progressive combined office and field
6 experience satisfactory to the Board on land
7 surveying projects of a grade and character which
8 indicates to the Board that the applicant may be
9 competent to practice land surveying who has
10 passed a Board-approved NCEES examination in the
11 fundamentals of surveying, as provided in
12 division (1) of subparagraph b of paragraph 2 of
13 this subsection shall be admitted to a Board-
14 approved NCEES examination in the principles and
15 practice of surveying and a Board-approved
16 Oklahoma Law and Surveying examination. Upon
17 passing such examination, the applicant shall be
18 granted a certificate of licensure to practice
19 land surveying in this state, if otherwise
20 qualified.

21 (2) An applicant who provides proof of completion of
22 sixty (60) credit hours, approved by the Board,
23 which shall include the Board-approved core
24 curriculum in surveying, and a specific record of

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

- 17 d. Long Established Practice and Examination - An
18 applicant with a specific record of nine (9) years or
19 more of practice in land surveying of a grade and
20 character satisfactory to the Board which indicates to
21 the Board that the applicant may be competent to
22 practice land surveying shall be admitted to a Board-
23 approved NCEES examination in the fundamentals of land
24 surveying, and, if passed, then shall be admitted to a

1 Board-approved NCEES examination in the principles and
2 practice of surveying and a Board-approved Oklahoma
3 Law and Surveying examination. Upon passing such
4 examinations, the applicant shall be granted a
5 certificate of licensure to practice land surveying in
6 this state, if otherwise qualified. Provided, after
7 July 1, 2014, "Long Established Practice and
8 Examination", as specified in this paragraph, shall
9 not be considered by the Board as minimum evidence
10 that an applicant is qualified for licensure as a
11 professional land surveyor.

12 2. As a land surveyor intern:

13 a. Graduation and Examination -

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

1 (2) A graduate of a surveying program of two (2)
2 years or more approved by the Board or an
3 applicant who has completed forty-five (45)
4 semester hours or more of academic requirements
5 for graduation from a two-year surveying program
6 approved by the Board shall be admitted to a
7 Board-approved NCEES examination in the
8 fundamentals of surveying. Upon passing such
9 examination and providing proof of graduation,
10 the applicant shall be certified or enrolled as a
11 land surveyor intern, if otherwise qualified.

12 b. Alternative Graduation, Experience and Examination -

13 (1) A graduate of other academic programs of two (2)
14 years or more approved by the Board, which shall
15 include the Board-approved core curriculum in
16 surveying, or an applicant who has completed
17 forty-five (45) semester hours or more of
18 academic requirements for graduation, including
19 twenty-one (21) semester hours or more of the
20 core curriculum, from another academic program of
21 two (2) years or more approved by the Board,
22 shall be admitted to a Board-approved NCEES
23 examination in the fundamentals of surveying.
24 Upon passing such examination, providing proof of

1 graduation and providing proof of a specific
2 record of one (1) year or more of progressive
3 experience satisfactory to the Board on land
4 surveying projects of a grade and character which
5 indicates to the Board that the applicant may be
6 competent to practice land surveying, the
7 applicant shall be certified or enrolled as a
8 land surveyor intern, if otherwise qualified.

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

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

3 SECTION 6. AMENDATORY 59 O.S. 2011, Section 475.18, as
4 last amended by Section 3, Chapter 183, O.S.L. 2015 (59 O.S. Supp.
5 2016, Section 475.18), is amended to read as follows:

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

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

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

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

1 or land surveying; provided, however, no conviction shall operate to
2 deny the issuance or reinstatement of a previously held Oklahoma
3 license after ten (10) years from the date of such conviction unless
4 the conviction continues to pose a threat to public safety or
5 continued education or other requirements have not been met;

6 4. Failure to comply with any of the provisions of Section
7 475.1 et seq. of this title or any of the rules or regulations
8 pertaining thereto;

9 5. Violation of the laws or rules of another state, territory,
10 the District of Columbia, a foreign country, the United States
11 government, or any other governmental agency, if at least one of the
12 violations is the same or substantially equivalent to those
13 contained in this section;

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

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

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

23 9. Violation of any terms imposed by the Board, or using a seal
24 or practicing engineering or land surveying while the professional

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

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

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

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

15 13. Habitual intoxication or addiction to the use of alcohol or
16 to the illegal use of a controlled dangerous substance; provided,
17 however, reinstatement shall be allowed as provided in Section 4000
18 of this title;

19 14. Performing engineering or surveying services outside any of
20 the licensee's areas of competence; and

21 15. Violating the Oklahoma Minimum Standards for the Practice
22 of Land Surveying.

23 B. The Board shall prepare and adopt Rules of Professional
24 Conduct for Professional Engineers and Land Surveyors as provided

1 for in Section 475.8 of this title, which shall be made available in
2 writing to every licensee and applicant for licensure under Section
3 475.1 et seq. of this title. The Board may revise and amend these
4 Rules of Professional Conduct for Professional Engineers and Land
5 Surveyors from time to time and shall notify each licensee, in
6 writing, of such revisions or amendments.

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

10 D. As used in this section:

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

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

19 SECTION 7. AMENDATORY 59 O.S. 2011, Section 4000, is
20 amended to read as follows:

21 Section 4000. A. All state entities that are charged with
22 oversight of occupational licenses shall establish procedures by
23 which individuals who are convicted of a felony or misdemeanor where
24 substance abuse or mental illness is the underlying cause of the

1 crime, or plead guilty or nolo contendere to a felony or misdemeanor
2 where substance abuse or mental illness is the underlying cause of
3 the crime, may appeal or apply to have an occupational license
4 reinstated.

5 B. All state entities that are charged with oversight of
6 occupational licenses shall establish procedures by which
7 individuals who were convicted of a felony or misdemeanor offense
8 and thereby lost an occupational license may appeal or apply to have
9 such license reinstated in the event such conviction is subsequently
10 reclassified or decriminalized by the Legislature or by the vote of
11 the people. The reinstatement shall be either full reinstatement or
12 a conditional reinstatement. The conditional reinstatement shall
13 not exceed one (1) year. The individual may be required to
14 demonstrate competency in the occupation and completion of continued
15 education or other requirements set by the Board or Commission
16 charged with oversight of the licensee. Supervision shall be
17 authorized during the period of conditional reinstatement. The
18 requirements for license reinstatement shall not be more stringent
19 than requirements for any other licensee in the occupation.

20 C. All state entities described in this section may consider
21 the length of time since the plea or conviction. Other items that
22 may be considered are education since the plea or conviction,
23 recovery status since the plea or conviction ~~if the underlying crime~~
24

1 ~~was alcohol or drug related~~, and the public safety of allowing an
2 individual to return to the specific occupation.

3 C. D. After ten (10) years from the date of the conviction or
4 plea was entered, an occupational license shall be reinstated unless
5 the conviction or underlying conduct continues to pose a reasonable
6 threat to public safety or the person is deemed unqualified to
7 practice the occupation for failure to complete continued education
8 requirements or failure to address the underlying alcohol, drug or
9 mental illness that resulted in loss of licensure or certification
10 in the occupation.

11 E. "Continues to pose a reasonable threat" means the nature of
12 criminal conduct for which the person was convicted or pled guilty
13 or nolo contendere involved an act or threat of harm against another
14 and has a bearing on the fitness or ability to serve the public or
15 work with others in the occupation.

16 F. The provisions of this section shall not apply to
17 professional licensure boards or commissions that currently
18 recognize and comply with the spirit and intent of this act.

19 SECTION 8. This act shall become effective November 1, 2017.

21 56-1-294 NP 1/9/2017 2:10:18 PM