

An Act

ENROLLED HOUSE
BILL NO. 3253

By: Osburn of the House

and

Pugh of the Senate

An Act relating to professions and occupations; amending 59 O.S. 2021, Sections 46.3, 46.4, as amended by Section 1, Chapter 62, O.S.L. 2023, 46.7, 46.9, 46.10, 46.21, 46.21b, and 46.38 (59 O.S. Supp. 2023, Section 46.4), which relate to the State Architectural and Registered Commercial Interior Designers Act; changing certain definitions; clarifying provisions for the Board of Governors of the Licensed Architects, Landscape Architects and Registered Commercial Interior Designers of Oklahoma; adding powers and duties of the Board; clarifying certain partnership terms and definitions; implementing certificate renewal fee provisions; adding cancellation language; adding exception provision; adding definition of exempted buildings; omitting certain terms from interior designer provisions; amending 59 O.S. 2021, Sections 475.1, 475.2, 475.3, as amended by Section 1, Chapter 63, O.S.L. 2023, 475.4, 475.6, 475.7, 475.8, 475.9, 475.10, 475.11, 475.12a, 475.12b, 475.12c, 475.13, 475.14, 475.15, 475.16, 475.17, 475.18, 475.19, 475.20, 475.21, 475.22, and 475.22a (59 O.S. Supp. 2023, Section 475.3), which relate to engineering and land surveying; modifying license language; modifying definitions; clarifying board member appointments; adding board member qualifications; modifying board power and authority; adding executive director duties; expanding list of requirements for record of proceedings; adding roster requirements; modifying engineer and surveyor licensure requirements; prescribing engineer and surveyor intern certification requirements; modifying structural engineering qualifications; clarifying application

form requirements; stating examination provisions; prescribing license design details; modifying license renewal and replacement provisions; prescribing disciplinary provisions; modifying notice and hearing language; increasing administrative penalties; clarifying conditions for practice for firms; modifying licensing exceptions; repealing 59 O.S. 2021, Section 46.11, which relates to displaying an architect license or certificate; and providing an effective date.

SUBJECT: Professions and occupations

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

SECTION 1. AMENDATORY 59 O.S. 2021, Section 46.3, is amended to read as follows:

Section 46.3 As used in the State Architectural and Registered Commercial Interior Designers Act:

1. "Architect" means any person who is licensed in the practice of architecture in the State of Oklahoma as hereinafter defined;

2. "Practice of architecture" means rendering or offering to render certain services, in connection with the design and construction, enlargement or alteration of a building or a group of buildings and the space surrounding such buildings, including buildings which have as their principal purpose human occupancy or habitation. The services referred to include planning, providing preliminary studies, designs, drawings, specifications, investigations ~~and other~~ or technical submissions, the administration of construction contracts, and the coordination of any elements of technical submissions prepared by other consultants including, as appropriate and without limitation, consulting engineers and landscape architects; provided, that the practice of architecture shall include such other professional services as may be necessary for the rendering of or offering to render architectural services.

The preparation of plans and specifications for the following tasks is within the scope of practice of both architecture and engineering:

- a. site plans depicting the location and orientation of a building on the site based on:
 - (1) a determination of the relationship of the intended use with the environment, topography, vegetation, climate, and geographic aspects, and
 - (2) the legal aspects of site development, including setback requirements, zoning, and other legal restrictions,
- b. life safety plans and related codes analyses,
- c. roof plans and details depicting the design of roof system materials, components, drainage, slopes, and directions and location of roof accessories and equipment, not involving structural engineering calculations,
- d. design of shallow spread footing foundations, and
- e. the incorporation of other design professionals' depiction of building systems, including architectural, structural, mechanical, electrical, and plumbing systems into the design professionals' own work, in:
 - (1) plan views,
 - (2) cross-sections depicting building components from a hypothetical cut line through buildings, and
 - (3) the design of details of components and assemblies;

3. "Registration" or "license" means a certificate of registration or license issued by the Board. The definition of "license" shall apply to those persons licensed under a practice act. The definition of "registration" shall apply to those persons registered under the title registered commercial interior designer under this act;

4. ~~"Building" means a structure consisting of a foundation, walls, all floors and roof, with or without other parts~~ any structure used, or intended to be used, to support, shelter, or enclose any use or occupancy;

5. "Board" means the Board of Governors of the Licensed Architects, Landscape Architects and Registered Commercial Interior Designers of Oklahoma;

6. "Certificate of authority" means the authorization granted by the Board for persons to practice or offer to practice architecture, or landscape architecture, through a partnership, ~~firm, association,~~ corporation, limited liability company or limited liability partnership;

7. "Certificate of title" means the authorization granted by the Board for a partnership, ~~firm, association,~~ corporation, limited liability company or limited liability partnership to use the title registered commercial interior designer or any modification or derivation of these terms;

8. "Technical submissions" means drawings, plans, specifications, studies and any other technical reports or documents which are issued in the course of practicing architecture, landscape architecture or registered commercial interior design with the intent that they be considered as formal or final documents ~~but.~~ Technical submissions shall not include record drawings. Prototypical plans are not technical submissions or prototypical plans. However, technical submissions may be further defined by Board rules;

9. ~~"Responsible control" means the amount of direct control and personal supervision of architectural, landscape architectural or registered commercial interior designer's work and detailed knowledge of the content of tactical and technical submissions during their preparation as is ordinarily exercised by licensed architects, landscape architects or registered commercial interior designers applying the required professional standard of care. The terms 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, architecture, landscape architecture or the work of a registered commercial interior designer's decisions and the instruments of professional services to which the licensee or~~

registrant affixes the seal, signature, and date the active and personal management by a licensed architect, landscape architect, or registered commercial interior designer of the firm's personnel and practice, applying the required standard of care, to maintain detailed knowledge over the design and technical decisions related to the preparation and implementation of the professional services to which the licensee or registrant affixes his or her seal, signature, and date;

10. "Landscape architect" means a person licensed to practice landscape architecture as provided in the State Architectural and Registered Commercial Interior Designers Act;

11. "Landscape architecture" means the performance of professional services defined as teaching, consultations, investigations, reconnaissance, research, planning, design, preparation of construction drawings and specifications, construction observation and the coordination of any elements of technical submissions prepared by others in connection with the planning and arranging of land and the elements thereon for public and private use and enjoyment, including the design and layout of roadways, service areas, parking areas, walkways, steps, ramps, pools, parks, parkways, trails and recreational areas, the location and site of improvements including buildings and other structures, and the grading of the land, surface and subsoil drainage, erosion control, planting, reforestation, and the preservation of the natural landscape, in accordance with accepted professional standards, and to the extent that the dominant purpose of such services or creative works is the preservation, conservation, enhancement, or determination of proper land uses, natural land features, ground cover and plantings, or naturalistic and aesthetic values.

The practice of landscape architecture shall include the location and arrangement of tangible objects and features as are incidental and necessary to the purpose outlined for landscape architecture. The practice of landscape architecture shall not include the design of structures or facilities with separate and self-contained purposes for habitation or industry, or the design of public streets, highways, utilities, storm and sanitary sewers and sewage treatment facilities, that are statutorily defined as the practice of engineering or architecture;

12. "Code" means the nationally recognized codes adopted by the Uniform Building Code Commission of the State of Oklahoma;

13. ~~"Applicable building official"~~ "Building official" means the ~~official responsible for the application of the adopted officer,~~ other designated authority, or duly authorized representative charged with the administration and enforcement of the building code as implemented by the local, municipal or county jurisdiction in which a building is located. Where no building code has been adopted by the local, municipal or county jurisdiction, the ~~applicable~~ building official shall be defined as the State Fire Marshal;

14. "Registered commercial interior designer" means a person recognized by this state who is registered, qualified by examination and meeting all the requirements set forth in the State Architectural and Registered Commercial Interior Designers Act and the Board's rules;

15. "Plans" means technical documents issued by the licensed and/or registered professionals intended to meet all current and applicable codes as adopted by the Uniform Building Code Commission of the State of Oklahoma, other statutory codes and applicable federal codes and which shall be submitted to all required building code and/or permit offices required by the State of Oklahoma, county, municipal and/or federal government;

16. "Equivalent standards" means those standards adopted by the Board intended to be used as alternative equivalents to determine competency for education, training and testing for licensing architects and/or landscape architects and registering commercial interior designers and for complying with the Military Service Occupation, Education and Credentialing Act for military personnel and their spouses;

17. "Commercial interior design" means the rendering of or the offering to render designs, consultations, studies, planning, drawings, specifications, contract documents or other technical submissions and the administration of interior construction and contracts relating to nonstructural interior construction by a registered commercial interior designer in a new constructed or existing building when the core and shell elements are not going to be changed;

18. "Nonstructural commercial interior construction" means the construction of elements which do not include exterior components of a building such as exterior walls, any load-bearing wall, any load-

bearing column or any other load-bearing elements of a building essential to the structural integrity of the building such as wind loads and seismic loads and to any element which must be designed for wind loads and seismic loads; and

19. "Fire and life safety systems" means those systems and construction that pertain to fire and life safety protection, such as fire sprinklers, fire alarms, smoke evacuation systems, fire walls, fire barriers or smoke barriers as defined by the current International Building Code adopted by the Oklahoma Uniform Building Code Commission.

The definitions in the State Architectural and Registered Commercial Interior Designers Act shall have the same meaning when applicable to any rule promulgated pursuant to such act.

SECTION 2. AMENDATORY 59 O.S. 2021, Section 46.4, as amended by Section 1, Chapter 62, O.S.L. 2023 (59 O.S. Supp. 2023, Section 46.4), is amended to read as follows:

Section 46.4 There is hereby re-created, to continue until July 1, 2026, in accordance with the provisions of the Oklahoma Sunset Law, a board to be known as the "Board of Governors of the Licensed Architects, Landscape Architects and Registered Commercial Interior Designers of Oklahoma", hereinafter referred to as the Board. The Board shall be composed of eleven (11) members including six persons who are duly licensed to practice architecture and are in good standing in this state, two persons who are duly licensed to practice landscape architecture and are in good standing in this state, two persons who are registered commercial interior designers and who are active and in good standing and one lay member. Each member of the Board shall be a qualified elector of this state, and the architect, landscape architect and registered commercial interior designer members shall have had five (5) years' licensing or registration experience as the professional position requires in this state. Re-creation of the Board shall not alter existing staggered terms. Board members, other than the lay member, shall be appointed for a period of five (5) years ~~thereafter; provided, that nothing herein shall affect the tenure of office of anyone who is a member of the Board on May 31, 1957.~~ A member may be reappointed to succeed ~~such membership~~ themselves. The licensed architect, landscape architect or the registered commercial interior designer members may be appointed by the Governor from a list of nominees submitted by respective professional societies of this state. Membership in a professional society shall not be a prerequisite to

appointment to the Board. 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, All board members, including the lay member,~~ may continue to serve after the expiration of ~~the~~ their term ~~of the member~~ until such time as a successor is appointed. Vacancies which may occur in the membership of the Board shall be filled by appointment by the Governor. Each person who has been appointed to fill a vacancy shall serve for the remainder of the term for which the member the person shall succeed was appointed and until a successor, in turn, has been appointed and shall have qualified. Each member of the Board, before entering upon the discharge of the duties of the member, shall make and file with the Secretary of State a written oath or affirmation for the faithful discharge of official duties. Each member of the Board ~~and staff~~ shall be reimbursed for travel expenses pursuant to the State Travel Reimbursement Act.

SECTION 3. AMENDATORY 59 O.S. 2021, Section 46.7, is amended to read as follows:

Section 46.7 A. In addition to the other powers and duties imposed by law, the Board shall have the power and duty to:

1. Prescribe such rules and to make such orders, as it may deem necessary or expedient in the performance of its duties;

2. Prepare, conduct, and grade examinations of persons who shall apply for the issuance of licenses and registrations to them, and to promulgate such rules with reference thereto as it may deem proper as a portion used to determine competency for the issuance of licenses or registrations;

3. Work with nationally recognized licensing and registration organizations to prepare, conduct, and grade examinations, written or oral, of persons who shall apply for the issuance of licenses or registrations;

4. Determine the satisfactory passing score on examinations and issue licenses and registrations to persons who shall have passed examinations, or who shall otherwise be entitled thereto;

5. Determine eligibility for licenses and certificates of authority and issue them;

6. Determine eligibility for registration as a registered commercial interior designer and for certificate of title and issue them;

7. Promulgate rules to govern the issuing of reciprocal licenses and registrations;

8. Upon good cause shown, as hereinafter provided, deny the issuance of a license, registration, certificate of authority or certificate of title or suspend, revoke, refuse to renew or issue probation orders for licenses or registrations, and/or require additional educational coursework and determine when the objectives have been met;

9. Upon proper showing, reinstate or conditionally reinstate licenses, registrations, certificates of title or certificates of authority previously issued;

10. Review, affirm, reverse, vacate or modify its order with respect to any such denial, suspension, revocation, probation and/or educational coursework requirements or refusal to renew;

11. Prescribe rules governing proceedings for the denial of issuance of a license, registration, certificate of authority or certificate of title, suspension, revocation or refusal to renew, to issue probation orders and/or require additional educational coursework and determine when the objectives have been met for cause, and reinstate them;

12. Prescribe such penalties, as it may deem proper, to be assessed against holders of licenses, registrations, certificates of authority or certificates of title for the failure to pay the biennial fee hereinafter provided for;

13. Levy civil penalties plus the legal costs incurred by the Board to prosecute the case against any person or entity who shall violate any of the provisions of the State Architectural and Registered Commercial Interior Designers Act, or any rule promulgated pursuant thereto;

14. Obtain an office, secure such facilities, and employ, direct, discharge and define the duties and set the salaries of such office personnel and set the salaries of such unclassified and exempt office personnel as deemed necessary by the Board;

15. Initiate disciplinary action, prosecute and seek injunctions against any person or entity who has violated any of the provisions of the State Architectural and Registered Commercial Interior Designers Act or any rule of the Board promulgated pursuant to said act and against the owner/developer of the building type not exempt;

16. Investigate alleged violations of the State Architectural and Registered Commercial Interior Designers Act or of the rules, orders or final decisions of the Board;

17. Promulgate rules of conduct governing the practice of licensed architects, landscape architects and registered commercial interior designers;

18. Keep accurate and complete records of proceedings, and certify the same as may be appropriate;

19. Whenever it deems it appropriate, confer with the Attorney General or the Attorney General's assistants in connection with all legal matters and questions. The Board may also retain an attorney who is licensed to practice law in this state. The attorney shall serve at the pleasure of the Board for such compensation as may be provided by the Board. The attorney shall advise the Board and perform legal services for the Board with respect to any matters properly before the Board. In addition to the above, the Board may employ hearing examiners to conduct administrative hearings under the provisions of the Administrative Procedures Act;

20. Prescribe by rules, fees to be charged as required by this act;

21. Adopt rules providing for a program of continuing education in order to ensure that all licensed architects or landscape architects and registered commercial interior designers remain informed of those technical and professional subjects that the Board deems appropriate. The Board may by rule describe the methods by which the requirements of such program may be satisfied. Failure to meet such requirements of continuing education shall result in nonrenewal of the license issued to the architect or landscape architect or nonrenewal of the registration issued to the registered commercial interior designer;

22. Adopt rules regarding requirements for intern development as a prerequisite for licensure or registration;

23. Give scholarships, as determined by the Board, to an individual or individuals advancing toward obtaining an accredited National Architectural Accreditation Board, Landscape Architectural Accreditation Board or Council for Interior Design Accreditation degree in one of these three professions in an Oklahoma higher education institution; and

24. Take such other action as may be reasonably necessary or appropriate to effectuate the State Architectural and Registered Commercial Interior Designers Act. 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.

B. The Board may use its funds to establish and conduct instructional programs for persons who are currently licensed under this act, persons seeking licensure, as well as refresher courses for persons interested in obtaining adequate instruction or programs of study to qualify them for licensure to practice. The Board may expend its funds for these purposes and may conduct, sponsor, and arrange for instructional programs and 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, the Oklahoma Department of Career and Technology Education, or nonprofit organizations for the purpose of planning, scheduling or arranging courses, instruction, extension courses, or assisting in obtaining courses of study or programs in the fields of architecture, landscape architecture, or commercial interior design. The Board shall encourage the educational institutions in Oklahoma to offer courses necessary to complete the educational requirements of Section 46.1 et seq. of this title. For the purpose of carrying out these objectives, the Board may adopt rules as may be necessary for 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 4. AMENDATORY 59 O.S. 2021, Section 46.9, is amended to read as follows:

Section 46.9 A. The practice of architecture or landscape architecture or offering to practice these professions for others by persons licensed under this act through a partnership, ~~firm,~~ ~~association,~~ corporation, limited liability company or limited liability partnership as directors, partners, officers, shareholders, ~~employees,~~ managers, members or principals is permitted, subject to the provisions of the State Architectural and Registered Commercial Interior Designers Act, provided:

1. One or more of the directors, partners, officers, shareholders, managers, members or principals of said partnership, ~~firm,~~ ~~association,~~ corporation, limited liability company or limited liability partnership is ~~designated as being responsible for the entity's activities and decisions~~ legally responsible for the entity of said partnership, ~~firm,~~ ~~association,~~ corporation, limited liability company or limited liability partnership;

2. Such director, partner, officer, shareholder, manager, member or principal is duly licensed under the State Architectural and Registered Commercial Interior Designers Act; and

3. ~~All personnel of said partnership, firm, association, corporation, limited liability company or limited liability partnership which act on behalf of the entity for these professions in the state are licensed under the State Architectural and Registered Commercial Interior Designers Act; and~~

4. Said partnership, ~~firm,~~ ~~association,~~ corporation, limited liability company or limited liability partnership has been issued a certificate of authority by the Board.

B. The Board shall have the power to issue, revoke, deny, or refuse to renew a certificate of authority for a partnership, ~~firm,~~ ~~association,~~ corporation, limited liability company or limited liability partnership as provided for in the State Architectural and Registered Commercial Interior Designers Act.

C. A partnership, ~~firm,~~ ~~association,~~ corporation, limited liability company or limited liability partnership desiring to practice architecture or landscape architecture shall file with the Board an application for a certificate of authority, and pay all fees, for each office location performing work on Oklahoma projects on a form approved by the Board which shall include the names, addresses, state of licensure and license number of all partners, directors, officers, members, managers or principals of the

partnership, ~~firm, association,~~ corporation, limited liability company or limited liability partnership legally responsible for the entity's practice. The form shall name an individual having the practice of architecture in such person's charge who is a director, partner, officer, member, manager or principal. The person shall be duly licensed as an architect to practice architecture or licensed as a landscape architect to practice landscape architecture in this state through said partnership, ~~firm, association,~~ corporation, limited liability company or limited liability partnership legally responsible for the entity's practice or services offered and other information required by the Board. In the event there shall be a change in any of these persons during the term of the certification, such change shall be filed with the Board within thirty (30) days after the effective date of said change. If all of the requirements of this section and the Board's current rules have been met, the Board shall issue a certificate of authority to such partnership, ~~firm, association,~~ corporation, limited liability company or limited liability partnership.

D. Any other person licensed pursuant to the State Architectural and Registered Commercial Interior Designers Act, not practicing these professions as a partnership, ~~firm, association,~~ corporation, limited liability company or limited liability partnership, shall practice as an individual.

E. No such partnership, ~~firm, association,~~ corporation, limited liability company or limited liability partnership shall be relieved of responsibility for the conduct or acts of its agents, employees, partners, directors, officers, managers, members or principals by reason of its compliance with the provisions of this section, or shall any individual practicing these professions be relieved of responsibility for professional services performed as an individual by reason of such person's employment or relationship with such partnership, ~~firm, association,~~ corporation, limited liability company or limited liability partnership.

F. The Secretary of State shall not issue a certificate of incorporation or register a foreign corporation or any other entity which includes among the objectives for which it is established any of the words "Architect", "Architectural", "Architecture", "Landscape Architect", "Landscape Architecture" or any modification or derivation of these words, unless the Board has issued for said applicant either a certificate of authority for an entity, or a letter indicating eligibility for an exemption pursuant to the State Architectural and Registered Commercial Interior Designers Act. The

entity applying shall supply such certificate or letter from the Board with its application for incorporation or registration.

G. The Secretary of State shall not register any trade name or service mark which includes such words, as set forth in subsection F of this section, or modifications or derivatives thereof in its firm name or logotype except those entities or individuals holding certificates of authority issued under the provisions of this section or letters of eligibility issued by the Board.

H. The use of the title "Registered Commercial Interior Designer" by a partnership, ~~firm, association,~~ corporation, limited liability company or limited liability partnership is allowed to those entities listed, provided:

1. One or more of the directors, partners, officers, shareholders, members, managers or principals is registered with the Board as a registered commercial interior designer and is in good standing with the Board; and

2. The partnership, ~~firm, association,~~ corporation, limited liability company or limited liability partnership has been issued a certificate of title by the Board.

I. The Board shall have the power to issue, revoke, deny or refuse to renew a certificate of title for a partnership, ~~firm, association,~~ corporation, limited liability company or limited liability partnership as provided for in the State Architectural and Registered Commercial Interior Designers Act.

J. A partnership, ~~firm, association,~~ corporation, limited liability company or limited liability partnership shall file with the Board an application for a certificate of title on a form approved by the Board which shall include the names, addresses, state of registration and registration number of all directors, partners, officers, shareholders, members, managers, or principals of the partnership, ~~firm, association,~~ corporation, limited liability company or limited liability partnership. In the event there shall be a replacement of any of these persons during the term of certification, the change shall be filed with the Board within thirty (30) days after the effective date of the change. If all the requirements of this section, this act and the current rules of the Board have been met, the Board shall issue a certificate of title to such partnership, ~~firm, association,~~ corporation, limited liability company or limited liability partnership.

K. The Secretary of State shall not issue a certificate of incorporation or register a foreign corporation or any other entity which includes among the objectives for which it is established any of the words "Registered Commercial Interior Designer" or any modification or derivation of these words, unless the Board has issued for the applicant either a certificate of title for an entity, or a letter indicating the eligibility for an exemption pursuant to the State Architectural and Registered Commercial Interior Designers Act. The firm applying shall supply such certificate of title or letter from the Board with its application for incorporation or registration.

L. The Secretary of State shall not register any trade name or service mark which includes such words as set forth in subsection K of this section, or modification or derivatives thereof in its firm name or logotype except those entities or individuals holding certificates of title issued under the provisions of this section or letters of eligibility issued by the Board.

M. Upon application for renewal and upon compliance with the provisions of the State Architectural and Registered Commercial Interior Designers Act and the rules of the Board, a certificate of title shall be renewed as provided in this act.

N. Upon application for renewal and upon compliance with the provisions of the State Architectural and Registered Commercial Interior Designers Act and the rules of the Board, a certificate of authority shall be renewed as provided in this act.

SECTION 5. AMENDATORY 59 O.S. 2021, Section 46.10, is amended to read as follows:

Section 46.10 A. Every licensed architect, landscape architect and, registered commercial interior designer, partnership, corporation, limited liability company, or limited liability partnership shall pay to the Board a renewal fee as prescribed by the rules of the Board prior to or on June 30 of odd years. No license, registration, certificate of authority, or certificate of title shall be issued or renewed for longer than two (2) years. Upon receipt of the fee, the Board shall issue a renewal of the license or registration, which shall authorize the person, partnership, corporation, limited liability company, or limited liability partnership to practice architecture, landscape

architecture or use the title registered commercial interior designer, as the case may be, in this state.

B. The license of an architect or landscape architect or the registration of a registered commercial interior designer which has been canceled by the Board for nonpayment of dues may be renewed at any time within three (3) years from the date of the cancellation, upon payment to the Board of the fees ~~which had accrued at the time of the cancellation and which would have been paid at the time of reinstatement had not the license or registration been suspended,~~ together with payment of the amount of and any penalties ~~which may have been~~ prescribed by the Board. If a license or registration, initially granted by the State of Oklahoma that was the sole license of a professional, remains canceled for a period exceeding three (3) consecutive years, ~~it shall not~~ may be reinstated ~~unless the licensee or registrant has taken or submitted to a test or a quiz or a subject to Board review or an examination as the circumstances of the individual case may warrant and as may be prescribed by the Board.~~ Upon review, the Board may prescribe a test or an examination in order to determine continued competency of the licensee or registrant. An individual who is licensed in another jurisdiction and whose Oklahoma license has been canceled for a period exceeding three (3) consecutive years may reapply as prescribed in the rules of the Board. A partnership, ~~firm,~~ association, corporation, limited liability company or limited liability partnership ~~shall pay to the Board the fee prescribed and may reinstate a certificate of authority or a certificate of title canceled for a period exceeding three (3) years in the manner provided by the rules of the Board for the renewal of the certificate of authority or certificate of title for such partnership, firm, association, corporation, limited liability company or limited liability partnership.~~

SECTION 6. AMENDATORY 59 O.S. 2021, Section 46.21, is amended to read as follows:

Section 46.21 A. The State Architectural and Registered Commercial Interior Designers Act shall not apply to any persons, firms, corporations, limited liability companies or limited liability partnerships that do not hold a license, registration or certification in any jurisdiction for exempted Code Use Groups defined by the State Architectural and Registered Commercial Interior Designers Act, providing such persons and/or entities shall not represent such person or entity to be an architect or other title of profession or business using a form of the word,

"Architect". This act shall not prevent such persons and/or entities from advertising or selling their services.

Any architect, landscape architect or registered commercial interior designer from any jurisdiction that contracts, provides or holds out to the public that they are able to provide professional services in Oklahoma is required to hold a license, registration or certificate of authority or certificate of title as needed from the Board, even on exempt Code Use Groups, and an architect or landscape architect is required to sign, seal and date all construction documents and technical submissions.

B. Nothing in this act shall be construed to prevent the preparation of technical submissions or the administration of construction contracts by employees of a person or entity lawfully engaged in the practice of architecture when such employees are acting under the responsible control of a licensed architect.

C. The following shall govern design competitions in the state:

1. Nothing in this act shall prohibit a person or firm from participating in an architectural design competition involving only architectural programming, planning, schematic design or design development information provided to a sponsor; and

2. The competition winner, prior to seeking the commission for architectural services on the proposed project, shall apply for licensing in this state within ten (10) days of notification of winning the competition and complete the process within thirty (30) days.

D. Nothing in this act shall prohibit an officer or employee of the United States Armed Forces or an employee of the United States government from practicing within the scope of their authority and employment.

SECTION 7. AMENDATORY 59 O.S. 2021, Section 46.21b, is amended to read as follows:

Section 46.21b A. An architect shall be required to plan, design and prepare plans and specifications for the following Code Use Groups except where specifically exempt from the provisions of the State Architectural and Registered Commercial Interior Designers Act. All Code Use Groups in this section are defined by the current International Building Code.

B. The construction, addition or alteration of a building of any size or occupancy in the following Code Use Groups shall be subject to the provisions of the State Architectural and Registered Commercial Interior Designers Act:

1. Code Use Group I - Institutional;
2. Code Use Group R-2 - Residential, limited to dormitories, fraternities and sororities, and monasteries and convents;
3. Code Use Group A-1 - Assembly and theaters;
4. Code Use Group A-4 - Assembly, arenas and courts;
5. Code Use Group A-5 - Assembly, bleachers and grandstands;
and
6. Buildings for which the designated Code Use Group changes are not exempt from the State Architectural and Registered Commercial Interior Designers Act.

C. The following shall be exempt from the provisions of the State Architectural and Registered Commercial Interior Designers Act; provided that, for the purposes of this subsection, a basement is not to be counted as a story for the purpose of counting stories of a building for height regulations:

1. The construction, addition or alteration of a building no more than two stories in height and with a code-defined occupancy of no more than fifty (50) persons for the Code Use Groups A-2 and A-3 - Assembly and Code Use Group E - Education;
2. The construction, addition or alteration of a building no more than two stories in height and no more than sixty-four transient lodging units per building for the Code Use Group R1 - Residential, including, but not limited to, hotels and motels;
3. The construction, addition or alteration of a building no more than two stories in height and with a gross square footage not exceeding one hundred thousand (100,000) in the Code Use Group B - Business;
4. The construction, addition or alteration of a building no more than two stories in height and with a gross square footage not

exceeding two hundred thousand (200,000) in the Code Use Group M - Mercantile; ~~and~~

5. The construction, addition or alteration of a building no more than two stories in height in the following Code Use Groups or buildings:

- a. Code Use Group U - Utility,
- b. Code Use Group F - Factory and Industrial,
- c. Code Use Group H - High hazard,
- d. Code Use Group S - Storage,
- e. Code Use Group R2 - Residential, including apartments containing no more than thirty-two dwelling units or thirty-two guest units per building,
- f. Code Use Groups R3 and R4 - Residential,
- g. all buildings used by a municipality, county, state, public trust, public agency or the federal government with a construction value under One Hundred Fifty-eight Thousand Dollars (\$158,000.00),
- h. incidental buildings or appurtenances associated with paragraphs 1 through 5 of this subsection, and
- i. all uninhabitable, privately owned agricultural buildings; and

6. Single or two-family residential dwellings, as defined by the International Residential Code adopted by the Oklahoma Uniform Building Code Commission.

D. The addition, renovation or alteration of buildings where the use was exempt as new construction shall remain exempt if the Code Use Group does not change.

E. Upgrades, repairs, replacements and changes made on projects in Code Use Groups found in this title requiring an architect are exempt from hiring an architect if the upgrades, repairs, replacements or changes do not affect the existing primary structural, mechanical, or electrical systems, life-safety systems,

fire codes or exit passageways and/or egress as determined by the applicable building official having jurisdiction.

SECTION 8. AMENDATORY 59 O.S. 2021, Section 46.38, is amended to read as follows:

Section 46.38 A. Except as otherwise provided in the State Architectural and Registered Commercial Interior Designers Act, no registration shall be issued to any person to represent that the person is a "registered commercial interior designer" nor shall any person be allowed to use the term unless the person pays to the Board the required fees and/or penalties if applicable as established by the rules of the Board and:

1. Holds an accredited professional degree in interior design from an interior design program accredited by the Council for Interior Design Accreditation or its successor, or from an interior design program determined by the Board to be substantially equivalent to an accredited program;

2. Provides proof of a minimum of two (2) years of full-time diversified and appropriate experience within established standards as the Board shall prescribe; and

3. Provides to the Board proof of passage of the examination administered by the Council for Interior Design Qualification or its successor or an equivalent examination as determined by the Board.

B. The Board may waive the requirements of the State Architectural and Registered Commercial Interior Designers Act for an individual who holds a current valid registration from another state, jurisdiction or foreign country where the requirements for registration are substantially equivalent to those required for registration in this state and pays the required fees and/or penalties, if applicable, to the Board.

C. This section does not apply to a person licensed to practice architecture pursuant to the laws of this state.

D. Nothing in this act shall be construed to authorize the Board to regulate or prohibit persons who are rendering interior design services and are not registered commercial interior designers under the provisions of this act or to adopt regulations that would exceed the powers and responsibilities expressly authorized under this act.

E. Certificate of title shall be subject to the following:

1. The use of the title "Registered Commercial Interior Designer" by a partnership, ~~firm, association,~~ corporation, limited liability company or limited liability partnership is allowed to those entities listed, provided:

- a. one or more of the directors, partners, officers, shareholders, members, managers, or principals is a registered commercial interior designer and is in good standing with the Board, and
- b. the partnership, ~~firm, association,~~ corporation, limited liability company or limited liability partnership has been issued a certificate of title by the Board;

2. The Board shall have the power to issue, revoke, deny or refuse to renew a certificate of title for a partnership, ~~firm, association,~~ corporation, limited liability company or limited liability partnership as provided for in this act;

3. A partnership, ~~firm, association,~~ corporation, limited liability company or limited liability partnership shall file with the Board an application for a certificate of title on a form approved by the Board which shall include the names, addresses, state of registration and registration number of all directors, partners, officers, shareholders, members, managers or principals of the partnership, ~~firm, association,~~ corporation, limited liability company or limited liability partnership. In the event there shall be a change in any of these persons during the term of certification, the change shall be filed with the Board within thirty (30) days after the effective date of the change. If all the requirements of this section and the Board's current rules have been met, the Board shall issue a certificate of title to the partnership, ~~firm, association,~~ corporation, limited liability company or limited liability partnership;

4. The Secretary of State shall not issue a certificate of incorporation or register a foreign corporation or any other entity which includes among the objectives for which it is established the words "Registered Commercial Interior Designer" or any modification or derivation of these words, unless the Board has issued for the applicant either a certificate of title for an entity, or a letter

indicating the eligibility for an exemption pursuant to the requirements of this act. The firm applying shall supply the certificate of title or letter from the Board with its application for incorporation or registration;

5. The Secretary of State shall not register any trade name or service mark which includes such words as set forth in paragraph 4 of this subsection, or modification or derivatives thereof in its firm name or logotype except those entities or individuals holding certificates of title issued under the provisions of this section or letters of eligibility issued by the Board; and

6. Upon application for renewal and upon compliance with the provisions of this act and the rules of the Board, a certificate of title shall be renewed as provided by this act.

F. No registration for registered commercial interior designers or a certificate of title for a partnership, ~~firm, association,~~ corporation, limited liability company or limited liability partnership, shall be issued or renewed for longer than two (2) years. A registration or certificate of title may be renewed upon application, compliance with the rules of the Board and payment of fees prior to or on June 30 of alternate years. The registration for registered commercial interior designers shall begin July 1, 2007, and shall end June 30, 2009, unless renewed every two (2) years thereafter. A new registration to replace a lost, destroyed or mutilated registration shall be issued by the Board upon payment of a fee established in accordance with the rules of the Board.

SECTION 9. AMENDATORY 59 O.S. 2021, 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 for any person or entity to practice or to offer to practice engineering ~~or land~~ and/or surveying in this state, as defined in the provisions of ~~Section 475.1 et seq. of this title act,~~ 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~~ they are a licensed engineer, professional engineer, professional structural engineer, ~~and~~ a licensed surveyor ~~or and/or~~ professional ~~land~~ surveyor, unless such person has been duly licensed ~~or,~~ authorized, or is exempt under the provisions of

~~Section 475.1 et seq. of this title act.~~ 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~~ license, which shall not be transferable.

SECTION 10. AMENDATORY 59 O.S. 2021, Section 475.2, is amended to read as follows:

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

1. ~~"Engineer"~~ "Professional Engineer" or "P.E." 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 to practice engineering by reason of engineering education, training, experience, and examination in the application of engineering principles and the interpretation of engineering data and is qualified, after meeting the requirements of Section 475.1 et seq. of this title act and the regulations issued by the Board pursuant thereto, to be duly licensed as a professional engineer by the Board and 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." "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 475.12c of this act title. 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"~~ 3. "Engineer Intern" or "E.I." means a person who complies with the requirement for education and has

passed an examination in the fundamental engineering subjects, as provided in ~~Section 475.1 et seq.~~ of this title act and the regulations issued by the Board pursuant thereto;

~~5.~~ 4. "Practice of engineering" means any service or creative work requiring engineering education, training and experience in the application of engineering principles and the interpretation of engineering data to engineering activities, including the engineering design of buildings, structures, products, machines, processes, and systems, that ~~may potentially~~ 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,~~
- ~~j. engineering reports,~~
- ~~k. written engineering opinions,~~
- ~~l. the inspection or review of construction for the purposes of ensuring compliance with drawings and specifications, and~~
- ~~m. engineering reports or like material developed in connection with expert witness testimony or anticipated testimony,~~

~~any of which embraces such providing planning, studies, designs, design coordination, drawings, specifications, and other technical submissions; engineering reports or material developed in connection with expert witness testimony or anticipated testimony; commissioning of engineered systems; and performing surveying that is incidental to the practice of engineering and reviewing construction or other design products for the purposes of monitoring compliance with drawings and specifications related to engineered works. Surveying incidental to the practice of engineering excludes the surveying of real property for the establishment or determination of land boundaries, rights-of-way, easements, and the dependent or independent surveys or resurveys of the United States Public Land Survey System and is limited to conducting field measurements to supplement the documentation of existing conditions. Unless a Professional Surveyor has provided the professional engineer with geocentric/geodetic control coordinates which meet the accuracy standards set forth in OAC 245:15-13-2, the professional engineer shall only use a coordinate system based on assumed values for the project, and so state on the documents. These services or work, either public or private, may be performed 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 coordination 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 Design coordination includes the review and coordination of technical submissions prepared by others, including the work of other professionals working with or under the direction of an engineer, with professional regard for the ability of each professional involved in a multidisciplinary effort.

a. An engineer is responsible for the engineering plans and specifications of a building. The term "engineering plans and specifications" means:

- (1) plans for a structural, mechanical, plumbing, electrical, low voltage fire suppression, utilities, or geotechnical system in a building,
- (2) specification of structural elements and connections of a building,
- (3) evaluation of structural members before the addition of roof-mounted equipment or a heavier roof covering,
- (4) design of changes in roof pitch by the addition of structural members and diaphragm,
- (5) repair of damaged structural systems including, but not limited to, roof structural members and diaphragm,
- (6) hydrologic management calculations and design of surface water control and detention necessary for compliance with ordinances and regulations,
- (7) design of changes in roof pitch by the addition of structural framing members,
- (8) evaluation and repair of damaged roof structural framing,
- (9) design of electrical and signal and control systems,
- (10) shop drawings by manufacturers or fabricators of materials and products to be used in the building features designed by the engineer, and

(11) specifications listing the nature and quality of materials and products for construction of features of the building elements or systems designed by an engineer.

b. The preparation of engineering plans and specifications for the following tasks is within the scope of the practice of engineering:

(1) site plans depicting the location and orientation of a building on the site based on:

(a) a determination of the relationship of the intended use with the environment, topography, vegetation, climate, and geographic aspects,

(b) the legal aspects of site development, including setback requirements, zoning, and other legal restrictions, and

(c) surface drainage,

(2) the depiction of the building systems, including structural, mechanical, electrical, and plumbing systems, in:

(a) plan views,

(b) cross-sections depicting building components from a hypothetical cut line through a building, and

(c) the design of details of components and assemblies, including any part of a building exposed to water infiltration or fire-spread considerations,

(3) life safety plans and sheets, including accessibility ramps and related code analyses,

(4) roof plans and details depicting the design of roof system materials, components, drainage, slopes, and directions and location of roof

accessories and equipment not involving structural engineering calculations.

c. The following activities may be performed by an engineer:

(1) programming for construction projects, including:

(a) identification of economic, legal, and natural constraints, and

(b) determination of the scope of functional elements,

(2) recommending and overseeing appropriate construction project delivery systems,

(3) consulting with regard to investigating, and analyzing the design, form, materials, and construction technology used for the construction, enlargement, or alteration of a building or its environment, and

(4) providing expert opinion and testimony with respect to issues within the responsibility of the engineer.

d. 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 act~~ 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 act~~; or who represents qualifications or ability to perform or who does practice engineering;

~~6. "Professional land surveyor" or "land surveyor" or~~ 5. "Professional Surveyor", "P.L.S.", or "P.S." means a person who is qualified to practice surveying by reason of surveying education training, experience, and examination in the application of surveying principles and the interpretation of surveying data and

has been duly licensed as a professional ~~land~~ surveyor pursuant to ~~Section 475.1 et seq. of this title act~~ 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;~~

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

~~8.~~

7. 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) monumenting the subdivision of land parcels into smaller parcels and the preparation of the descriptions in connection therewith,
- (4) measuring and platting underground mine workings,
- (5) creation, preparation 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,

- (6) establishment, restoration, and rehabilitation of ~~land~~ survey monuments and bench marks,
- (7) preparation of ~~land~~ survey plats, condominium plats, monument records, ~~and~~ survey reports, and site plans as an ancillary service to surveying work, such as noting proposed site improvements,
- (8) surveying, monumenting, and platting of easements, and rights-of-way,
- (9) measuring, locating, or establishing lines, angles, elevations, natural and man-made features in the air, on the surface of the earth, utilities and other structures 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,
- (10) geodetic surveying,
- (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, and
- (13) locating or laying out alignments, positions, or elevations for the construction of fixed works for public projects.

- 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 act,~~ 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 act~~; represents qualifications or ability
to perform; or who does practice ~~land~~ surveying;

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

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

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

~~12.~~ 11. "Firm" means any form of business or entity, other than
an individual operating as a sole proprietorship under his or her
name;

~~13.~~ 12. "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;

~~14.~~ 13. "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~~ licensing;

~~15.~~ "Related science degree" ~~14.~~ "Engineering-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~~ an engineering-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 such as~~ calculus and differential equations, and twenty
(20) hours of engineering sciences or related sciences, including
physics, such as mechanics, fluid mechanics, statics, dynamics,
thermodynamics, electrical and electronic circuits, materials
science, transport phenomena, computer engineering, etc. Non-

accredited engineering degree programs shall meet the above requirements to be considered ~~a related~~ an engineering-related science degree;

~~16.~~ 15. "Authoritative" means being presented as trustworthy ~~and,~~ competent, and in accordance with the rules and statutes governing the practice of engineering and surveying, codes, ordinances, and other recognized standards when used to describe products, processes, applications or data ~~resulting~~ derived from the practice of engineering or ~~land~~ surveying; ~~and~~

~~17.~~ 16. "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 unless otherwise stated in the decision or settlement. Disciplinary actions may include reprimands; sanctions; administrative fines; the Board's refusal to issue, restore, or renew a license; settlement agreements or consent orders; probation; suspension; revocation; practice restriction, surrendering, relinquishing, or agreeing not to renew a license as part of an agreement or board order; or any combination thereof;

17. "Building" means any structure used, or intended to be used, to support, shelter, or enclose any use or occupancy;

18. "Plans" means technical documents issued by the licensed professionals intended to meet all current and applicable codes as adopted by the Oklahoma Uniform Building Code Commission, other statutory codes and applicable federal codes and which shall be submitted to all required building code and/or permit offices required by the State of Oklahoma, county, municipal, and/or federal government;

19. a. "Significant structure" means buildings and other structures that represent a substantial hazard to human life in the event of failure or are designated as essential facilities, including but not limited to:

(1) buildings and other structures whose primary occupancy is public assembly with an occupant load greater than three hundred (300),

(2) elementary schools, secondary schools, or day care facilities with an occupant load greater than fifty (50),

- (3) adult education facilities, such as colleges and universities, with an occupant load greater than five hundred (500),
- (4) hospitals, nursing homes, mental hospitals, and detoxification facilities with an occupant load of fifty (50) or more resident care recipients and/or surgery or emergency treatment facilities,
- (5) prisons, jails, reformatories, detention centers, and correctional centers,
- (6) any building or other structure with an occupant load greater than five thousand (5,000),
- (7) primary power-generating structures above fifty (50) kilowatts,
- (8) structures at water treatment facilities for potable water and wastewater treatment facilities serving more than five thousand (5,000) people,
- (9) structures for public utility facilities containing quantities of toxic or explosive materials that are sufficient to pose a threat to the public if released,
- (10) fire, rescue, ambulance, and police stations and emergency vehicle garages,
- (11) designated tornado, earthquake, or other nonresidential emergency shelters,
- (12) designated emergency preparedness, communications, and operations centers and other facilities required for emergency response,
- (13) aviation control towers, air traffic control centers, and emergency aircraft hangars,
- (14) buildings and other structures having critical national defense functions,
- (15) elevated water storage structures, and

(16) buildings and other structures with high lateral loadings including:

(a) those subjected to ultimate design three-second wind gust speeds equaling or exceeding wind speeds corresponding to approximately a three percent (3%) probability of exceedance in fifty (50) years, or

(b) those that are in Seismic Design Category D and above.

b. Significant structures shall exclude bridges and geo-structures. As defined in this act, "bridges" shall not include elevated structures linking buildings. "Geo-structures" shall mean engineered structures that are loaded by the earth or whose resistance is derived from the earth.

c. A project defined as a significant structure shall be required to have an Engineer of Record who is a licensed Professional Structural Engineer;

20. "Engineer of Record" means the responsible professional engineer for design and construction phases of a project who signs and seals drawings, reports, or documents for the project or a portion of the project;

21. "Technical submissions" means the documents necessary to demonstrate compliance with applicable regulatory requirements and/or to fabricate or construct a project including, but not limited to, drawings, surveys, plats, digital models, specifications, performance criteria, and installation requirements; and

22. "Person" means an individual or firm.

SECTION 11. AMENDATORY 59 O.S. 2021, Section 475.3, as amended by Section 1, Chapter 63, O.S.L. 2023 (59 O.S. Supp. 2023, 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, 2026, 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 act.~~ 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 Oklahoma State Senate. The Governor shall also appoint one lay member. The professional engineers and professional ~~land~~ surveyors shall ~~be appointed by the Governor and shall~~ have the qualifications required by ~~Section 475.4 of this title act.~~

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 act.~~ 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 12. AMENDATORY 59 O.S. 2021, 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. Not more than two professional

engineer board members shall have the same primary area of competence designated in the Board records. A minimum of one professional engineer board member shall be a Professional Structural Engineer. 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 13. AMENDATORY 59 O.S. 2021, Section 475.6, is amended to read as follows:

Section 475.6 The Governor may remove any member of the Board for misconduct, incompetence, neglect of duty or any sufficient cause, in the manner prescribed by law for removal of state officials. Vacancies in the membership of the Board shall be filled for the unexpired term by appointment by the Governor as provided in ~~Section 475.3 of this title act.~~

SECTION 14. AMENDATORY 59 O.S. 2021, Section 475.7, is amended to read as follows:

Section 475.7 The Board shall hold at least four regular meetings each year. Special meetings may be held as the bylaws of the Board provide. The Board shall elect or appoint annually the following officers: Chair, Vice Chair, and Secretary. A quorum of the Board shall consist of a majority of the full Board that includes at least one professional ~~land~~ surveyor member.

SECTION 15. AMENDATORY 59 O.S. 2021, 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 and ~~Section 475.1 et seq. of this title act,~~ 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 or recognized under ~~Section 475.1 et seq. of this title act~~ and shall be applicable to firms

~~holding a~~ which hold or should hold a certificate of authorization authority, and non-licensees found by the Board to be in violation of the provisions of this act. 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~~ 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~~ license or certificate of ~~authorization authority~~. In addition, the Board may suspend, revoke, place practice restrictions, or refuse to renew ~~certificates of licensure licenses~~ or certificates of ~~authorization authority~~ 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 act~~ 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 act~~ 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 act~~ 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 act, 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 act 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 act, 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 a license 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 act 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 act~~ 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 workforce development 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, nonprofit organizations, or with ~~the Oklahoma Department of Career and Technology Education~~ CareerTech 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 act.~~ To carry 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~~ CareerTech.

SECTION 16. AMENDATORY 59 O.S. 2021, 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 act~~. 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 as necessary for the proper performance of its work. The Executive Director shall be responsible for the administration of the policies of the Board and for the processing of its routine operations. The Executive Director may also employ those persons required and qualified, including full or part-time, to perform the administration of the laws in Oklahoma and those rules regulating the practice of engineering and surveying. This includes the use of consultants when deemed necessary. 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 act~~, 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 act~~ exceed the amount of monies in the fund.

SECTION 17. AMENDATORY 59 O.S. 2021, 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~~ licensing, 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~~ license was granted;

8. The date of the action of the Board; ~~and~~

9. The board-approved area(s) of competence in a specific discipline(s) or branch(es) of engineering;

10. A declaration under penalty of perjury from each applicant that he or she will abide by the statutes and rules prescribed by the Board, with the declaration becoming a part of his or her application for licensing; and

11. Such other information as may be deemed necessary by the Board.

B. The Board shall keep a record of all applications for a certificate of authority, which shall show all of the following:

1. The name, date of formation, and business address of each applicant;

2. The date of application;

3. The name, physical address, and license number of the managing agent;

4. Whether or not the application was rejected;

5. Whether or not a certificate of authority was granted;

6. The date of the action by the Board;

7. Services offered from each location;

8. A declaration under penalty of perjury from an officer and managing agent, if the officer is not the managing agent, that the applicant will abide by the statutes and rules prescribed by the Board, with the oath becoming a part of its application for a certificate of authority; and

9. Any other information deemed necessary by the Board.

~~C.~~ C. 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.~~ D. 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 Chair and its Secretary.

~~D.~~ E. 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 18. AMENDATORY 59 O.S. 2021, 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 structural engineers, professional land surveyors, certified interns, and firms holding a certificate of authority shall be ~~maintained and~~ made available to the licensees and the public.

SECTION 19. AMENDATORY 59 O.S. 2021, Section 475.12a, is amended to read as follows:

Section 475.12a 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;~~ Satisfying the education requirements as outlined in this section; and

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

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

3. 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 this title 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 this title 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 as described in Board rules.~~

~~D. C.~~ 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 bachelor's program, or the equivalent,
- b. a ~~bachelor's~~ degree in a Board-approved related science ~~degree~~ bachelor's program,
- c. a ~~master's~~ degree in engineering from an ~~institution that offers EAC/ABET- or ETAC/ABET-accredited programs~~ master's program from an institution that offers an EAC/ABET- or ETAC/ABET-accredited bachelor's program in the same or similar discipline of engineering,

- d. a degree in engineering from a non-EAC/ABET- or ETAC/ABET-accredited bachelor's, master's, or doctorate program. This individual's education shall be evaluated by the NCEES Credentials Evaluation service or other Board-approved evaluation service based upon the criteria set forth in the NCEES Engineering Education Standard,
- ~~d.~~
- e. a master's degree in engineering from an EAC/M-ABET-accredited program, or
- ~~e.~~
- f. 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~~ policies 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.~~ 3. 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~~ the conferment of the qualifying degree as described in paragraph 1 of this subsection. 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. The following educational criteria may apply as a substitute to the length of experience set forth in this section:

- a. an individual ~~with a bachelor's degree in engineering~~ who qualifies 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~~ who qualifies 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~~ who qualifies pursuant to subparagraph c or ~~d~~ e 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~~ who qualifies pursuant to subparagraph f of paragraph 1 of this subsection: two (2) years of experience after the doctoral degree is conferred.

A graduate degree that is used to satisfy education requirements cannot be applied for experience credit toward licensure. To be eligible for experience credit, graduate degrees shall be relevant to the applicant's area of professional practice. Experience credit

for a graduate degree cannot be earned concurrently with work experience credit.

~~5.~~ 4. 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.~~ 5. 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.

D. 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 license to engage in the practice of engineering issued by a proper authority of any state, jurisdiction, or foreign country, based on requirements that do not conflict with the provisions of this act, 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 license 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 license was issued but, in the judgment 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 NCEES Record whose qualifications, as evidenced by the NCEES Record, meet the requirements of this act 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.

SECTION 20. AMENDATORY 59 O.S. 2021, Section 475.12b, is amended to read as follows:

Section 475.12b 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, and 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, completed with a minimum grade of C, and providing proof of graduation and submitting three character or professional references; or

4. Graduating from a program of four (4) years or more approved by the Board which shall include the Board-approved core curriculum, completed with a minimum grade of C, and providing proof of graduation; or

5. Completing sixty (60) college credit hours approved by the Board which shall include the Board-approved core curriculum, completed with a minimum grade of C, and providing proof of successful completion of the required college credit hours and submitting three character or professional references. No application will be accepted after January 1, 2026, for an applicant qualifying under this paragraph.

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

2. Pass the applicable examinations set forth in this ~~section~~ act; and

3. Submit ~~five~~ references acceptable to the Board, ~~three of which shall be professional land surveyors having personal knowledge of the applicant's surveying experience as described in Board rules.~~

C. Initial Licensure as a Professional Surveyor. An individual meeting the education requirements pursuant to subsection A of this section for a surveyor intern shall meet the following 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 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 paragraph 2 or 3 of subsection A of this section: five (5) years of total experience including two (2) years which shall follow the date of the conferment of the degree; or

3. An individual meeting the experience requirements in paragraph 4 of subsection A of this section: five (5) 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 surveyor, if otherwise qualified.

~~C.~~ D. 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~~ license 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 this~~

~~title act~~, 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~~ NCEES 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 21. AMENDATORY 59 O.S. 2021, Section 475.12c, is amended to read as follows:

Section 475.12c A. A "Professional Structural Engineer", "P.E., S.E.", or "S.E." Professional 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, as defined:

~~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 acceptable structural engineering experience by way of a list description of representative projects completed, or courses taught, as described on Board-approved application forms, and three references verified by licensed professional engineers having who claim competence in structural engineering, and have personal knowledge of and verifying the applicant's structural engineering experience. This requirement may be satisfied by the licensee's original application if sufficient structural engineering-specific experience is included and verified by a qualified reference(s); 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~~

2. Proof of structural engineering education evidenced by original transcripts submitted directly to the Board office from the university or college showing coursework or degrees obtained. This requirement may be satisfied by the licensee's original application if all relevant transcripts are included; and

~~4.~~ 3. 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. B.~~ 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 acceptable structural engineering experience by way of a list description of representative projects completed, or courses taught, as described on Board-approved application forms, and three references verified by licensed professional engineers having who claim competence in structural engineering, and have~~

personal knowledge of ~~and verifying~~ the applicant's structural engineering experience;

~~3.~~ 2. 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.~~ 3. 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~~ examination taken after January 1, 2011.

~~E. C.~~ 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~~ this act:

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

2. Proof of structural engineering education ~~and~~ evidenced by 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. D.~~ 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. E.~~ E. The Board may ~~adopt rules defining~~ define 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 22. AMENDATORY 59 O.S. 2021, Section 475.13, is amended to read as follows:

Section 475.13 A. 1. Application for ~~licensure as a~~ professional engineer, professional structural engineer, or professional ~~land~~ surveyor license, 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~~ NCEES 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. All initial applicants for a license must submit an NCEES Record along with any additional required forms to be considered for licensure.

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~~ license to any applicant, including the application of a firm for a certificate of ~~authorization~~ authority, the fee shall be retained as an application fee.

SECTION 23. AMENDATORY 59 O.S. 2021, Section 475.14, is amended to read as follows:

Section 475.14 A. Examinations shall be held at such times and places as the Board directs and/or in accordance with NCEES examination policy.

B. Examinations may be taken only after the applicant has met other minimum requirements as set forth in Sections ~~9, 10 and 11~~ 475.12a, 475.12b and 475.12c of this ~~act~~ title, 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. NCEES Fundamentals of Engineering (FE) examination;
2. NCEES Principles and Practice of Engineering (PE) examination;
3. NCEES Structural Engineering (SE) examination;
4. NCEES Fundamentals of Surveying (FS) examination;
5. NCEES Principles and Practice of Surveying (PS) examination;
6. Oklahoma Law and Surveying (OLS) examination; and
7. Oklahoma Law and Engineering (OLE) examination.

C. A candidate failing an NCEES 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~~ re-examination in accordance with NCEES policy. A candidate failing a Board examination may apply for re-examination as directed by the Board and Board policy.

D. The applicant shall pay all NCEES examination fees established by the Board for ~~examination documents and grading.~~ The required fees shall be paid by the applicant in advance of the examination per published NCEES policies and procedures.

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 24. AMENDATORY 59 O.S. 2021, 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 act~~, a certificate of licensure license giving the licensee proper authority to practice in this state. The ~~certificate of licensure license~~ for a professional engineer shall carry the designation "Professional Engineer", for a professional structural engineer shall carry the designation "Professional Structural Engineer", and for a professional ~~land~~ surveyor, "Professional ~~Land~~ Surveyor". It shall give the full name of the licensee with the licensure license number of the licensee and shall be signed by the Chair and the Secretary under the seal of the Board.

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

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 act~~. 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.

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 act~~, 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 25. AMENDATORY 59 O.S. 2021, Section 475.16, is amended to read as follows:

Section 475.16 A. The Board shall issue ~~certificates of licensure~~ licenses and certificates of ~~authorization~~ authority 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 the certificate of licensure or certificate of authorization, and the amount of the fee required for its renewal.~~

C. ~~Renewal may be 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 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~~ A license or certificate of authority may be renewed up to sixty (60) days prior to the expiration date. Renewal and reinstatement fees and conditions shall be established by Board rules.

~~E. C.~~ 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 26. AMENDATORY 59 O.S. 2021, Section 475.17, is amended to read as follows:

Section 475.17 A new ~~certificate of licensure~~ license or certificate of ~~authorization~~ authority, to replace any certificate lost, or destroyed ~~or mutilated~~, may be issued, subject to the rules of the Board.

SECTION 27. AMENDATORY 59 O.S. 2021, 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, place practice restrictions on, 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. Any fraud or deceit in obtaining or attempting to obtain or renew a ~~certificate of licensure~~ license, or a certificate of ~~authorization~~ authority, 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 and poses a reasonable threat to public safety; or conviction of or entry of a plea of guilty or nolo contendere to ~~a~~ any crime, whether a felony, misdemeanor, or otherwise, 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 act or any of the rules or regulations pertaining thereto;

5. 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 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 investigation or complaint to the Board which would indicate a violation of ~~Section 475.1 et seq.~~ of this title act;

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 act 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 restricted, 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, 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 an engineer's areas of competence designated in the official Board records;

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 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~~ act may be subject to disciplinary action.

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 or has a bearing on the fitness or ability to serve the public or work with others in the occupation.

SECTION 28. AMENDATORY 59 O.S. 2021, Section 475.19, is amended to read as follows:

Section 475.19 A. 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 and subjects of complaints 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~~ Investigative Committee. All allegations shall be timely investigated by the Investigative Committee of the Board and, unless determined ~~unfounded or trivial by the Board~~, or unless settled by mutual accord, shall be filed as a formal notice of charges by the Board.

B. The time and place for 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, place practice restrictions on, suspend or revoke the individual's ~~certificate of licensure~~ license, or the firm's certificate of ~~authorization~~ authority.

D. Any named respondent aggrieved by any action of the Board in levying a fine, denying, suspending, refusing to issue, restore or renew, placing practice restrictions on, or revoking the ~~certificate of licensure~~ license of the person, or its certificate of ~~authorization~~ authority, 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~~ authority, reissue a ~~certificate of licensure~~ license or authorization, provided that a majority of the members of the Board vote in favor of such issuance.

SECTION 29. AMENDATORY 59 O.S. 2021, 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 act~~, 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 act~~, or any person presenting or attempting to use the ~~certificate of licensure~~ license or the seal of another, or any person who 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~~ license, or any person who falsely impersonates any other licensee of like or different name, or any person who attempts to use an expired, suspended, revoked, or nonexistent ~~certificate of licensure~~ license, or who practices or offers to practice when not qualified, or their practice is restricted, or any person who falsely claims to be registered or licensed under Section 475.1 et seq. of this ~~title act~~, or any person who violates any of the provisions of ~~Section 475.1 et seq.~~ of this ~~title act~~, 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 act~~, 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)~~ Five Hundred Dollars (\$500.00) nor more than ~~Ten Thousand Dollars (\$10,000.00)~~ Twenty Thousand Dollars (\$20,000.00) for each separate violation.

2. The amount of the penalty shall be assessed by the Board pursuant to the provisions of paragraph 1 of this 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~~ act. 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~~ license or certificate of ~~authorization~~ authority holder may request to surrender the ~~certificate of licensure~~ license or certificate of ~~authorization~~ authority in lieu of an administrative action, but shall be permanently barred from obtaining a reissuance of the ~~certificate of licensure~~ license or certificate of ~~authorization~~ authority. 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~~ act. The Board may employ counsel whose compensation and expenses shall be paid from Board funds for necessary legal assistance to aid in the enforcement of and carrying out the provisions of ~~Section 475.1 et seq.~~ of this ~~title~~ act.

SECTION 30. AMENDATORY 59 O.S. 2021, 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~~ act, or by more than one person acting individually through a firm, is permitted provided:

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

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

B. An engineering or ~~land~~ surveying firm requiring a certificate of ~~authorization~~ authority 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~~ authority for 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 act,~~ 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~~ authority.

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 Board~~ for these professions has issued for the applicant a certificate of ~~authorization~~ authority 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~~ authority issued under the provisions of this section.

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

F. ~~Effective November 1, 2017, all firms~~ Firms applying for a certificate of ~~authorization~~ authority 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~~ authority 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 act~~, 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 as the managing agent in 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~~ authority 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 ~~Section 475.1 et seq. of this title act~~, Section 3-116 et seq. of Title 65 of the Oklahoma Statutes and the rules promulgated by the Board.

SECTION 31. AMENDATORY 59 O.S. 2021, Section 475.22, is amended to read as follows:

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

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

2. Temporary 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 resident state or jurisdiction and who has made application for licensure to ~~this~~ the Board. Such person shall make application for temporary ~~license~~ licensure to the Board, in a manner prescribed by the Board. After payment of a temporary license fee, a ~~written temporary~~ license may be granted to perform a particular job for a definite period of time, to expire at the earliest issuance of a professional engineering license by ~~this~~ the Board. ~~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~~ act and Board rules. No right to practice engineering shall accrue to such applicant by reason of a temporary license for any works not set forth in 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 unless the person is applying pursuant to the Military Service Occupation, Education and Credentialing Act;

3. Employees and subordinates. The work of an employee or a subordinate of a person holding a ~~certificate of licensure~~ license under ~~Section 475.1 et seq.~~ of this ~~title~~ act, 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 license~~ under ~~Section 475.1 et seq.~~ of this ~~title act~~ or a person practicing lawfully under paragraph 2 of this section;

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 act~~, 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 act~~ or the bylaws and rules of the Board.

SECTION 32. AMENDATORY 59 O.S. 2021, Section 475.22a, is amended to read as follows:

Section 475.22a It shall be unlawful for the registrar of deeds or the county clerk of any county or proper public authority to file any map, plat, survey or other documents within the definition of ~~land~~ surveying which do not have impressed thereon and affixed thereto the personal signature and seal of a professional ~~land~~ surveyor by whom or under whose direct supervision the map, plat, survey or other documents were prepared.

SECTION 33. REPEALER 59 O.S. 2021, Section 46.11, is hereby repealed.

SECTION 34. This act shall become effective November 1, 2024.

Passed the House of Representatives the 6th day of March, 2024.

Presiding Officer of the House
of Representatives

Passed the Senate the 23rd day of April, 2024.

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: _____