

1 **SENATE FLOOR VERSION**

2 February 12, 2024

3 SENATE BILL NO. 1964

By: Pugh

4
5
6 An Act relating to professional engineers and land
7 surveyors; amending 59 O.S. 2021, Section 475.1,
8 which relates to registration; updating statutory
9 language; amending 59 O.S. 2021, Section 475.2, which
10 relates to definitions; modifying definitions;
11 deleting definitions; defining terms; expanding
12 provisions of practice; amending 59 O.S. 2021,
13 Section 475.3, as amended by Section 1, Chapter 63,
14 O.S.L. 2023 (59 O.S. Supp. 2023, Section 475.3),
15 which relates to the State Board of Licensure for
16 Professional Engineers and Land Surveyors; updating
17 statutory language; amending 59 O.S. 2021, Section
18 475.4, which relates to qualifications of Board
19 members; specifying qualifications for certain Board
20 members; amending 59 O.S. 2021, Section 475.7, which
21 relates to Board meetings; updating statutory
22 language; amending 59 O.S. 2021, Section 475.8, which
23 relates to the powers and authority of Board;
24 granting Board expanded rulemaking authority;
updating statutory language; amending 59 O.S. 2021,
Section 475.9, which relates to the Professional
Engineers and Land Surveyors Fund; removing certain
hiring provisions of the Executive Director;
authorizing Executive Director to make certain
administrative policies; amending 59 O.S. 2021,
Section 475.10, which relates to the record of
proceedings and applications; expanding information
to be recorded by Board for licensure; adding certain
information to be recorded for certificates of
authorization; amending 59 O.S. 2021, Section 475.11,
which relates to rosters; adding professions to be
recorded on complete rosters; amending 59 O.S. 2021,
Section 475.12a, which relates to licensure and
certification for engineers; modifying educational
requirements for licenses required by engineers;
expanding requirements for comity licensing; amending
59 O.S. 2021, Section 475.12b, which relates to

1 licensure of professional land surveyors; modifying
2 educational requirements for licenses required by
3 land surveyors; amending 59 O.S. 2021, Section
4 475.12c, which relates to qualifications for
5 structural engineers; updating educational
6 requirements for licenses required by structural
7 engineers; amending 59 O.S. 2021, Section 475.13,
8 which relates to application form; updating required
9 information for application; amending 59 O.S. 2021,
10 Section 475.14, which relates to examinations;
11 updating statutory language; updating statutory
12 reference; amending 59 O.S. 2021, Section 475.15,
13 which relates to licensing; updating statutory
14 language; adding designation for certain
15 professional; amending 59 O.S. 2021, Section 475.16,
16 which relates to term of certificate; removing
17 certain provisions for notification and renewal of
18 certificates; amending 59 O.S. 2021, Section 475.17,
19 which relates to lost or destroyed certificates;
20 updating statutory language; amending 59 O.S. 2021,
21 Section 475.18, which relates to disciplinary
22 actions; authorizing Board to place practice
23 restrictions; updating statutory language; amending
24 59 O.S. 2021, Section 475.19, which relates to
allegations of violations; authorizing certain
committee to conduct investigation; authorizing Board
to place practice restrictions; updating statutory
language; amending 59 O.S. 2021, Section 475.20,
which relates to criminal and administrative
penalties; increasing administrative penalty;
updating statutory language; amending 59 O.S. 2021,
Section 475.21, which relates to condition for
practice of engineering and surveying by firm;
updating statutory language; amending 59 O.S. 2021,
Section 475.22, which relates to exceptions; allowing
for certain licensure under certain act; updating
statutory language; amending 59 O.S. 2021, Section
475.22a, which relates to land surveying documents;
updating statutory language; providing for
codification; and providing an effective date.

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

1 SECTION 1. AMENDATORY 59 O.S. 2021, Section 475.1, is
2 amended to read as follows:

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

21 SECTION 2. AMENDATORY 59 O.S. 2021, Section 475.2, is
22 amended to read as follows:

23 Section 475.2. As used in Section 475.1 et seq. of this title:
24

1 1. "Professional Engineer" or "P.E." means a person who, ~~by~~
2 ~~reason of special knowledge and use of the mathematical, physical~~
3 ~~and engineering sciences and the principles and methods of~~
4 ~~engineering analysis and design, acquired by engineering education~~
5 ~~and engineering experience,~~ is qualified to practice engineering by
6 reason of engineering education, training, experience, and
7 examination in the application of engineering principles and the
8 interpretation of engineering data and is qualified, after meeting
9 the requirements of Section 475.1 et seq. of this title and the
10 regulations issued by the Board pursuant thereto, to be duly
11 licensed as a professional engineer by the State Board of Licensure
12 for Professional Engineers and Surveyors and engage in the practice
13 of engineering;

14 2. ~~"Professional engineer" or "P.E." means a person who has~~
15 ~~been duly licensed as a professional engineer as provided in Section~~
16 ~~475.1 et seq. of this title and the regulations issued by the Board~~
17 ~~pursuant thereto;~~

18 3. ~~"Professional Structural Engineer", "P.E.", "S.E." or "S.E."~~
19 means an individual who has been duly licensed as a professional
20 engineer by the Board, and who has been further authorized by the
21 Board to use the title Professional Structural Engineer, P.E. S.E.,
22 or S.E., and perform structural engineering analysis and design
23 services for significant structures based upon education, experience
24 and examinations as described in ~~subsection D of Section 11 of this~~

1 ~~act~~ Section 475.12c of this title. For purposes of this definition,
2 the term "significant structures" may be defined by Board rule;
3 provided, however, such definition shall not include any structure
4 that is a residential structure;

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

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

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

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

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

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

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

11 ~~A person or entity shall be construed to practice or offer to~~
12 ~~practice engineering, within the meaning and intent of Section 475.1~~
13 ~~et seq. of this title who does any of the following: practices any~~
14 ~~branch of the profession of engineering; by verbal claim, sign,~~
15 ~~advertisement, letterhead, card or in any other way represents such~~
16 ~~person to be a professional engineer or through the use of some~~
17 ~~other title implies that any person is a professional engineer or is~~
18 ~~licensed or qualified under Section 475.1 et seq. of this title; or~~
19 ~~who represents qualifications or ability to perform or who does~~
20 ~~practice engineering shall have the same meaning as described in~~
21 ~~Section 3 of this act;~~

22 ~~6. 5. "Professional land surveyor" or "land surveyor" or~~
23 ~~"P.L.S." or "P.S." means a person who is qualified to practice~~
24 ~~surveying by reason of surveying education training, experience, and~~

1 examination in the application of surveying principles and the
2 interpretation of surveying data and has been duly licensed as a
3 professional ~~land~~ surveyor pursuant to Section 475.1 et seq. of this
4 title and the regulations issued by the Board pursuant thereto; ~~and~~
5 ~~is a person who, by reason of special knowledge in the technique of~~
6 ~~measuring land and use of the basic principles of mathematics, the~~
7 ~~related physical and applied sciences and the relevant requirements~~
8 ~~of law for adequate evidence and all requisite to surveying of real~~
9 ~~property, acquired by education and experience,~~ and is qualified to
10 engage in the practice of ~~land~~ surveying;

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

16 ~~8.~~ 7. a. "Practice of ~~land~~ surveying" means any authoritative
17 service or work performed to a stated accuracy, the
18 adequate performance of which involves the application
19 of special knowledge of the principles of mathematics,
20 methods of measurement, and the law for the
21 determination and preservation of ~~land~~ boundaries.
22 "Practice of ~~land~~ surveying" includes, without
23 limitation:

24

- 1 (1) restoration and rehabilitation of corners and
- 2 boundaries in the United States Public Land
- 3 Survey System or the subdivision thereof,
- 4 (2) obtaining and evaluating evidence for the
- 5 accurate determination of ~~land~~ boundaries,
- 6 (3) monumenting the subdivision of land parcels into
- 7 smaller parcels and the preparation of the
- 8 descriptions in connection therewith,
- 9 (4) measuring and platting underground mine workings,
- 10 (5) creation, preparation or modification of
- 11 electronic or computerized data including
- 12 portions of geographic information systems and
- 13 land information systems, relative to the
- 14 performance of the practice of ~~land~~ surveying,
- 15 (6) establishment, restoration, and rehabilitation of
- 16 ~~land~~ survey monuments and bench marks,
- 17 (7) preparation of ~~land~~ survey plats, condominium
- 18 plats, monument records, ~~and~~ survey reports, and
- 19 site plans as an ancillary service to surveying
- 20 work such as noting proposed site improvements,
- 21 (8) surveying, monumenting, and platting of
- 22 easements, and rights-of-way,
- 23 (9) measuring, locating, or establishing lines,
- 24 angles, elevations, natural and man-made features

1 in the air, on the surface of the earth,
2 utilities, and other structures within
3 underground workings, and on the beds of bodies
4 of water ~~for the purpose of determining areas and~~
5 ~~volumes for a survey,~~ the configuration or
6 contour of the earth's surface, or the position
7 of fixed objects on the earth's surface,
8 (10) geodetic surveying,
9 (11) any other activities incidental to and necessary
10 for the adequate performance of the services
11 described in this paragraph, ~~and~~
12 (12) surveying reports or like material developed in
13 connection with expert witness testimony or
14 anticipated testimony, and
15 (13) locating or laying out alignments, positions, or
16 elevations for the construction of fixed works
17 for public projects.

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

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

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

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

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

14 ~~12.~~ 11. "Firm" means any form of business or entity, other than
15 an individual operating as a sole proprietorship under his or her
16 name;

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

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

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

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

18 ~~16.~~ 15. "Authoritative" means being presented as trustworthy
19 ~~and,~~ competent, and in accordance with rules and statutes governing
20 the practice of engineering and surveying, codes, ordinances, and
21 other recognized standards when used to describe products,
22 processes, applications or data resulting from the practice of
23 engineering or ~~land~~ surveying; ~~and~~

24

1 ~~17.~~ 16. "Disciplinary action" means any final written decision
2 or settlement taken against an individual or firm by a licensing
3 board based upon a violation of the Board's laws and rules unless
4 otherwise stated in a decision or settlement. Disciplinary actions
5 may include:

- 6 a. reprimands, sanctions, or administrative fines,
- 7 b. the Board's refusal to issue, restore, or renew a
8 license,
- 9 c. a settlement agreement or consent orders,
- 10 d. probation, suspension, or revocation of licensure,
- 11 e. practice restriction, surrendering, relinquishing, or
12 agreement not to renew the license as part of an
13 agreement or Board order, or
- 14 f. any combination thereof;

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

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

23 19. "Significant structure" means buildings and other
24 structures that represent a substantial hazard to human life in the

1 event of failure or are designated as essential facilities

2 including, but not limited to:

3 a. buildings or other structures where the primary
4 function is for public assembly whose occupancy
5 exceeds three hundred (300) persons,

6 b. elementary schools, secondary schools, or daycare
7 facilities whose occupancy exceeds fifty (50) persons,

8 c. higher education facilities whose occupancy exceeds
9 five hundred (500) persons,

10 d. hospitals, nursing homes, mental care facilities, and
11 detoxification facilities whose occupancy exceeds
12 fifty (50) or more resident care recipients, which
13 shall include surgery and emergency treatment
14 facilities,

15 e. prisons, jails, reformatories, detention centers, or
16 correctional centers,

17 f. any building or other structure whose occupancy
18 exceeds five thousand (5,000) persons,

19 g. primary power-generating structures above fifty (50)
20 kilowatts,

21 h. structures at water treatment facilities for potable
22 water and wastewater treatment facilities serving more
23 than five thousand (5,000) persons,

- 1 i. structures for public utility facilities containing
2 quantities of toxic or explosive materials that are
3 sufficient to pose a threat to the public if released,
- 4 j. structures used for storing fire, rescue, law
5 enforcement, and emergency vehicles,
- 6 k. designated tornado, earthquake, or other
7 nonresidential emergency shelters,
- 8 l. designated emergency preparedness facilities,
9 communications facilities, strategic operations
10 centers, and other facilities required for emergency
11 response,
- 12 m. aviation control towers, air traffic control centers,
13 and emergency aircraft hangars,
- 14 n. buildings and other structures having critical
15 national defense functions,
- 16 o. elevated water storage structures, and
- 17 p. buildings and other structures with high lateral
18 loadings including those:
- 19 (1) subject to ultimate design three-second wind gust
20 speeds equaling or exceeding wind speeds
21 corresponding to approximately a three percent
22 (3%) probability of exceedance in fifty (50)
23 years, or
- 24 (2) that are in Seismic Design Category D and above.

1 Provided, that significant structures shall exclude bridges and
2 geo structures. As used in Section 475.1 et seq. of this title,
3 bridges shall not include elevated structures linking buildings,
4 and, as used in this section, "geo structures" means engineered
5 structures that are loaded by the earth or whose resistance is
6 derived from the earth. A project defined as a significant
7 structure shall be required to have an engineer of record who is a
8 licensed professional structure engineer;

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

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

18 22. "Person" means an individual or firm.

19 SECTION 3. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 475.2a of Title 59, unless there
21 is created a duplication in numbering, reads as follows:

22 The "practice of engineering" means any service or creative work
23 requiring engineering education, training, and experience in the
24 application of engineering principles and the interpretation of

1 engineering data to engineering activities, including the
2 engineering design of buildings, structures, products, machines,
3 processes, and systems, that potentially impact the life, health,
4 property, and welfare of the public.

5 1. The services may include, but are not limited to:

6 a. providing planning, studies, designs, design
7 coordination, drawings, specifications, and other
8 technical submissions,

9 b. engineering reports or material developed in
10 connection with expert witness testimony or
11 anticipated testimony,

12 c. commissioning of engineered systems, and

13 d. performing surveying that is incidental to the
14 practice of engineering and reviewing construction or
15 other design products for the purposes of monitoring
16 compliance with drawings and specifications related to
17 engineered works.

18 Surveying incidental to the practice of engineering excludes the
19 surveying of real property for the establishment or determination of
20 land boundaries, rights-of-way, easements, and the dependent or
21 independent surveys or resurveys of the public survey system, and is
22 limited to conducting field measurements to supplement the
23 documentation of existing conditions. Unless a professional
24 surveyor has provided the professional engineer with geocentric or

1 geodetic control coordinates, which meet the accuracy standards set
2 forth by rule, the professional engineer shall only use a coordinate
3 system based on assumed values for the project, and so state on the
4 documents. These services or work, either public or private, may be
5 performed in connection with any utilities, structures, buildings,
6 machines, equipment, processes, work systems, projects,
7 communication systems, transportation systems, and industrial or
8 consumer products or equipment of a mechanical, electrical,
9 chemical, environmental, hydraulic, pneumatic, thermal, control
10 system, or communications nature, insofar as they involve
11 safeguarding life, health, or property, and including such other
12 professional services as may be necessary to the design coordination
13 of a multidiscipline work, planning, progress, and completion of any
14 engineering services. "Design coordination" includes the review and
15 coordination of technical submissions prepared by others, including
16 the work of other professionals working with or under the direction
17 of an engineer with professional regard for the ability of each
18 professional involved in a multidisciplinary effort.

19 2. An engineer is responsible for the engineering plans and
20 specifications of a building. As used in Section 475.1 et seq. of
21 Title 59 of the Oklahoma Statutes, the term "engineering plans and
22 specifications" means:
23
24

- a. plans for a structural, mechanical, plumbing, electrical, low-voltage fire suppression, utilities, or geotechnical system in a building,
- b. specification of structural elements and connections of a building,
- c. evaluation of structural members before the addition of roof-mounted equipment or a heavier roof covering,
- d. design of changes in roof pitch by the addition of structural members and diaphragm,
- e. repair of damaged structural systems including, but not limited to, roof structural members and diaphragm,
- f. hydrologic management calculations and design of surface water control and detention necessary for compliance with ordinances and regulations,
- g. design of changes in roof pitch by the addition of structural framing members,
- h. evaluation and repair of damaged roof structural framing,
- i. design of electrical and signal and control systems,
- j. shop drawings by manufacturers or fabricators of materials and products for construction of features of the building elements or systems designed by an engineer,

1 k. specifications listing the nature and quality of
2 materials and products for construction of features of
3 the building elements or systems designed by an
4 engineer.

5 3. The preparation of engineering plans and specifications for
6 the following tasks is within the scope of the practice of
7 engineering:

8 a. site plans depicting the location and orientation of a
9 building on the site based on:

- 10 (1) a determination of the relationship of the
11 intended use with the environment, topography,
12 vegetation, climate, and geographic aspects,
13 (2) the legal aspects of site development, including
14 setback requirements, zoning, and other legal
15 restrictions, and
16 (3) surface drainage,

17 b. the depiction of the building systems, including
18 structural, mechanical, electrical, and plumbing
19 systems, in:

- 20 (1) plan views,
21 (2) cross-sections depicting building components from
22 a hypothetical cut line through a building, and
23 (3) the design of details of components and
24 assemblies, including any part of a building

1 exposed to water infiltration or fire-spread
2 considerations,

3 c. life safety plans and sheets, including accessibility
4 ramps and related code analyses, and

5 d. roof plans and details depicting the design of roof
6 system materials, components, drainage, slopes, and
7 directions and location of roof accessories and
8 equipment not involving structural engineering
9 calculations.

10 4. The following activities may be performed by an engineer:

11 a. programming for construction projects, including:

12 (1) identification of economic, legal, and natural
13 constraints, and

14 (2) determination of the scope of functional
15 elements,

16 b. recommending and overseeing appropriate construction
17 project delivery systems,

18 c. consulting with regard to investigating and analyzing
19 the design, form, materials, and construction
20 technology used for the construction, enlargement, or
21 alternation of a building or its environment, and

22 d. providing expert opinion and testimony with respect to
23 issues within the responsibility of the engineer.
24

1 5. A person or entity shall be construed to practice or offer
2 to practice engineering, within the meaning and intent of Section
3 475.1 et seq. of Title 59 of the Oklahoma Statutes, who does any of
4 the following: practices any branch of the profession of
5 engineering; by verbal claim, sign, advertisement, letterhead, card,
6 or in any other way represents such person to be a professional
7 engineer or through the use of some other title implies that any
8 person is a professional engineer or is licensed or qualified under
9 Section 475.1 et seq. of Title 59 of the Oklahoma Statutes; or who
10 represents qualifications or ability to perform or who does practice
11 engineering.

12 SECTION 4. AMENDATORY 59 O.S. 2021, Section 475.3, as
13 amended by Section 1, Chapter 63, O.S.L. 2023 (59 O.S. Supp. 2023,
14 Section 475.3), is amended to read as follows:

15 Section 475.3. A. The State Board of Licensure for
16 Professional Engineers and ~~Land~~ Surveyors is hereby re-created, to
17 continue until July 1, 2026, in accordance with the provisions of
18 the Oklahoma Sunset Law, whose duty it shall be to administer the
19 provisions of Section 475.1 et seq. of this title. The Board shall
20 consist of four professional engineers and two professional ~~land~~
21 surveyors, at least one of whom is not a professional engineer, all
22 of whom shall be appointed by the Governor, with the advice and
23 consent of the ~~Oklahoma State~~ Senate. The Governor shall also
24 appoint one lay member. The professional engineers and professional

1 ~~land~~ surveyors shall ~~be appointed by the Governor and shall~~ have the
2 qualifications required by Section 475.4 of this title.

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

6 C. Appointments to the Board shall be in such manner and for
7 such period of time so that no two terms, with the exception of the
8 lay member, shall expire in the same year. On the expiration of the
9 term of any member, except the lay member, the Governor shall in the
10 manner herein provided appoint for a term of six (6) years a
11 professional engineer or professional ~~land~~ surveyor having the
12 qualifications required in Section 475.4 of this title. The lay
13 member of the Board shall be appointed by the Governor to a term
14 coterminous with that of the Governor. The lay member shall serve
15 at the pleasure of the Governor. Provided, the lay member may
16 continue to serve after the expiration of the member's term until
17 such time as a successor is appointed. Members may be reappointed
18 to succeed themselves. Each member may hold office until the
19 expiration of the term for which appointed or until a successor has
20 been duly appointed and has qualified. In the event of a vacancy on
21 the Board due to resignation, death or for any cause resulting in an
22 unexpired term, if not filled within three (3) months, the Board may
23 appoint a provisional member to serve in the interim until the
24 Governor acts.

1 SECTION 5. AMENDATORY 59 O.S. 2021, Section 475.4, is
2 amended to read as follows:

3 Section 475.4. Each professional engineer member of the Board
4 shall be a citizen of the United States and resident of this state.
5 The member shall have been engaged in the lawful practice of
6 engineering as a professional engineer for at least ten (10) years.
7 The member shall have been in responsible charge of engineering
8 projects for at least five (5) years and shall be a licensed
9 professional engineer in this state. No more than two professional
10 engineer members shall have the same primary area of competence
11 designated in the Board records. A minimum of one professional
12 engineer member shall be a professional structural engineer. Each
13 professional ~~land~~ surveyor member of the Board shall be a citizen of
14 the United States and a resident of this state. The member shall
15 have been engaged in the lawful practice of ~~land~~ surveying as a
16 professional ~~land~~ surveyor for at least ten (10) years. The member
17 shall have been in responsible charge of ~~land~~ surveying projects for
18 at least five (5) years and shall be a licensed professional ~~land~~
19 surveyor in this state.

20 SECTION 6. AMENDATORY 59 O.S. 2021, Section 475.7, is
21 amended to read as follows:

22 Section 475.7. The Board shall hold at least four regular
23 meetings each year. Special meetings may be held as the bylaws of
24 the Board provide. The Board shall elect or appoint annually the

1 following officers: Chair, Vice Chair, and Secretary. A quorum of
2 the Board shall consist of a majority of the full Board that
3 includes at least one professional ~~land~~ surveyor member.

4 SECTION 7. AMENDATORY 59 O.S. 2021, Section 475.8, is
5 amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 SECTION 8. AMENDATORY 59 O.S. 2021, Section 475.9, is
18 amended to read as follows:

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

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

8 B. The Board shall obtain an office, secure such facilities,
9 and employ, direct, discharge and define the duties and salaries of
10 an Executive Director, ~~Principal Assistant, Director of Enforcement,~~
11 ~~Board Investigator and all other such clerical or other assistants~~
12 ~~as are necessary for the proper performance of its work. Effective~~
13 ~~November 1, 2017, all~~ as necessary for the proper performance of his
14 or her work. The Executive Director shall be responsible for the
15 administration of the policies of the Board and for the processing
16 of the Board's routine operations. The Executive Director may also
17 employ those persons required and qualified, including full- or
18 part-time employees, to perform the administration of Section 475.1
19 et seq. of this title and all those rules regulating the practice of
20 engineering and surveying. This shall include the use of
21 consultants when considered necessary. All employees of the Board,
22 current or future, shall be considered in the unclassified service
23 and shall not be placed under the classified service. The Board
24 shall make expenditures from the fund created in subsection A of

1 this section for any purpose which, in the opinion of the Board, is
2 reasonably necessary for the proper performance of its duties under
3 Section 475.1 et seq. of this title, including examination
4 administration fees, the expenses of the Board's delegates to
5 meetings of and membership fees to the National Council of Examiners
6 for Engineering and Surveying, meaning the national nonprofit
7 organization composed of engineering and ~~land~~ surveying licensing
8 boards commonly called NCEES, and any of its subdivisions, as
9 provided in the State Travel Reimbursement Act, Section 500.1 et
10 seq. of Title 74 of the Oklahoma Statutes. Under no circumstances
11 shall the total amount of warrants issued in payment of the expenses
12 and compensation provided for in Section 475.1 et seq. of this title
13 exceed the amount of monies in the fund.

14 SECTION 9. AMENDATORY 59 O.S. 2021, Section 475.10, is
15 amended to read as follows:

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

- 20 1. The name, date of birth and last-known mailing and email
21 address of each applicant;
- 22 2. The date of application;
- 23 3. The place of business of the applicant;

24

- 1 4. The education, experience and other qualifications of the
2 applicant;
- 3 5. The type of examination required;
- 4 6. Whether or not the applicant was rejected;
- 5 7. Whether or not a ~~certificate of licensure~~ license was
6 granted;
- 7 8. The date of the action of the Board; ~~and~~
- 8 9. The Board-approved area or areas of competence in a specific
9 discipline or disciplines or branch or branches of engineering;
- 10 10. A declaration under penalty of perjury from each applicant
11 that he or she shall abide by Section 475.1 et seq. of this title
12 and all rules prescribed by the Board, with the declaration becoming
13 a part of his or her application for licensure; and
- 14 11. Such other information as may be deemed necessary by the
15 Board.
- 16 B. The Board shall keep a record of all applications for a
17 certificate of authorization, which shall show the following:
- 18 1. The name, date of formation, and business address of each
19 applicant;
- 20 2. The date of application;
- 21 3. The name, physical address, and license number of the
22 managing agent;
- 23 4. Whether or not the application received approval;
- 24

1 5. Whether or not the certificate of authorization received
2 approval;

3 6. The date of the action by the Board;

4 7. Services offered at each location;

5 8. A declaration under penalty of perjury from an officer and,
6 if the officer is not the managing agent, a managing agent that the
7 applicant shall abide by Section 475.1 et seq. of this title and all
8 rules prescribed by the Board with the oath becoming a part of his
9 or her application for a certificate of authorization; and

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

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

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

21 ~~D.~~ E. Board records and papers of the following class may be
22 kept confidential by the Board: examination materials, file records
23 of examination problem solutions, exam scores or results, letters of
24 inquiry and reference concerning applicants, transcripts of college

1 courses and grades, email addresses, ongoing investigation files,
2 closed complaints, information otherwise protected by law and all
3 other matters of like confidential nature.

4 SECTION 10. AMENDATORY 59 O.S. 2021, Section 475.11, is
5 amended to read as follows:

6 Section 475.11. Complete rosters showing the names and last-
7 known mailing addresses of all professional engineers ~~and,~~
8 professional structural engineers, professional land surveyors,
9 certified interns, and firms holding a certificate of authorization
10 shall be ~~maintained and~~ made available to the licensees and the
11 public.

12 SECTION 11. AMENDATORY 59 O.S. 2021, Section 475.12a, is
13 amended to read as follows:

14 Section 475.12a. A. Certification or Enrollment as an Engineer
15 Intern. The following shall be considered as minimum evidence that
16 the applicant is qualified for certification as an engineer intern:

17 1. ~~Graduating from an engineering program of four (4) years or~~
18 ~~more accredited by the Engineering Accreditation Commission of ABET~~
19 ~~(EAC/ABET), or the equivalent, or a related science degree program~~
20 ~~approved by the State Board of Licensure for Professional Engineers~~
21 ~~and Land Surveyors, or an engineering master's degree program from~~
22 ~~an institution that offers EAC/ABET-accredited programs~~ Satisfying
23 the educational requirements as set forth in this section; and

24

1 2. Passing the National Council of Examiners for Engineering
2 and Surveying (NCEES) Fundamentals of Engineering (FE) examination,
3 ~~and~~

4 ~~3. Submitting three professional or character references.~~

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

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

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

12 3. Submit ~~five~~ references acceptable to the Board, ~~three of~~
13 ~~which shall be professional engineers having personal knowledge of~~
14 ~~the applicant's engineering experience~~ as prescribed by rule.

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

19 ~~1. An individual holding a certificate of licensure to engage~~
20 ~~in the practice of engineering issued by a proper authority of any~~
21 ~~state or jurisdiction, based on requirements that do not conflict~~
22 ~~with the provisions of Section 475.1 et seq. of this title and~~
23 ~~possessing credentials that are, in the judgment of the Board, of a~~
24 ~~standard not lower than that specified in the applicable licensure~~

1 ~~act in effect in Oklahoma at the time such certificate was issued~~
2 ~~may, upon application, be licensed without further examination~~
3 ~~except as required to examine the applicant's knowledge of statutes,~~
4 ~~rules and other requirements unique to this state. If the~~
5 ~~requirements that were met were of a standard lower than that~~
6 ~~specified in the applicable licensure act in effect in this state at~~
7 ~~the time such certificate was issued but, in the judgement of the~~
8 ~~Board, the standard was a reasonable standard at the time the~~
9 ~~original license was issued, the individual may, upon application,~~
10 ~~be considered by the Board according to the provisions in the Board~~
11 ~~rules; or~~

12 ~~2. An individual holding an active Council Record with NCEES~~
13 ~~whose qualifications as evidenced by the Council Record meet the~~
14 ~~requirements of Section 475.1 et seq. of this title may, upon~~
15 ~~application, be licensed without further examination except as~~
16 ~~required to examine the applicant's knowledge of statutes, rules and~~
17 ~~other requirements unique to Oklahoma.~~

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

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

- 1 a. a ~~bachelor's~~ degree in engineering from an ~~EAC/ABET-~~
2 ~~accredited~~ Engineering Accreditation Commission
3 (EAC)/Accreditation Board for Engineering and
4 Technology (ABET)-accredited program, or the
5 equivalent,
- 6 b. a bachelor's degree in a Board-approved related
7 science degree program,
- 8 c. a master's degree in engineering from an ~~institution~~
9 ~~that offers EAC/ABET-accredited programs~~ EAC/ABET or
10 Engineering Technology Accreditation Commission
11 (ETAC)/ABET-accredited degree program from an
12 institution that offers an EAC/ABET or ETAC/ABET-
13 accredited bachelor's program in the same or similar
14 discipline of engineering,
- 15 d. a bachelor's, master's, or doctorate degree from a
16 non-EAC/ABET-accredited or non-ETAC/ABET-accredited
17 program; provided, that this individual's education
18 shall be evaluated by the National Council of
19 Examiners for Engineering and Surveying (NCEES)
20 Credentials Evaluations service or other Board-
21 approved evaluation service based upon the criteria
22 set forth in the NCEES Engineering Standards,
- 23 e. a master's degree in engineering from an EAC/M-ABET-
24 accredited program, or

1 e. f. an earned doctoral degree in engineering acceptable
2 to the Board.

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

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

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

1 c. the Board may waive the FE examination requirement for
2 the issuance of a license if the applicant possesses,
3 at a minimum, fifteen (15) years of progressive
4 experience on engineering projects which indicate to
5 the Board the applicant may be competent to practice
6 engineering. The Board shall evaluate all elements of
7 the application, according to Board rules, to assess
8 waiver requests.

9 ~~4.~~ 3. Experience Requirements. An individual seeking licensure
10 as a professional engineer shall present evidence of a specific
11 record of ~~progressive~~ engineering experience ~~satisfying one of the~~
12 following completion of a qualifying degree as prescribed in
13 paragraph 1 of this subsection. This experience should be
14 progressive and of a grade and character that indicate to the Board
15 that the applicant may be competent to practice engineering. The
16 following education criteria may apply as a substitute to the length
17 of experience required in this paragraph:

18 a. an individual ~~with a bachelor's degree in engineering~~
19 who qualifies pursuant to subparagraph a of paragraph
20 1 of this subsection: four (4) years of experience
21 after the ~~bachelor's~~ degree is conferred,

22 b. an individual ~~with a bachelor's degree in a Board-~~
23 ~~approved related science degree program~~ who qualifies
24 pursuant to subparagraph b of paragraph 1 of this

1 subsection: six (6) years of experience after the
2 bachelor's degree is conferred,

3 c. an individual ~~with a master's degree in engineering~~
4 who qualifies pursuant to subparagraph c or ~~d~~ e of
5 paragraph 1 of this subsection: three (3) years of
6 experience after the master's degree is conferred, or

7 d. an individual ~~with an earned doctoral degree~~
8 ~~acceptable to the Board~~ who qualifies pursuant to
9 subparagraph f of paragraph 1 of this subsection: two
10 (2) years of experience after the doctoral degree is
11 conferred.

12 A graduate degree that is used to satisfy educational
13 requirements cannot be applied toward experience credits for
14 licensure. To be eligible for experience credit, graduate degrees
15 shall be relevant to the applicant's area of professional practice.
16 Experience credit for a graduate degree cannot be earned
17 concurrently with work experience credit.

18 ~~5.~~ 4. Partial experience credit may be awarded for experience
19 earned prior to conferment of the qualifying degree, at the
20 discretion of the Board, as described in Board rules. In no case
21 shall the experience credit exceed one-half (1/2) of that required
22 for approved qualifying experience. The experience credit shall not
23 be claimed if the applicant is also claiming the experience time as
24 experience credit for a cooperative education program.

1 ~~6.~~ 5. EAC/ABET-accredited engineering cooperative education
2 programs may be considered as experience credit earned prior to the
3 qualifying degree if the program meets the experience requirement
4 pursuant to this subsection. Otherwise, a maximum of six (6) months
5 experience may be claimed. Experience credit for a cooperative
6 education program shall not be claimed if the applicant also claims
7 the experience time as experience credit earned prior to the degree.

8 D. Comity Licensure for a Professional Engineer. The following
9 shall be considered as minimum evidence satisfactory to the Board
10 that the applicant is qualified for licensure by comity as a
11 professional engineer and may be issued, upon application, a license
12 without further examination except as may be required by the Board
13 to assess the applicant's knowledge of statutes, rules, or other
14 requirements unique to this state:

15 1. An individual holding a license to engage in the practice of
16 engineering issued by a proper authority of any state, jurisdiction,
17 or foreign country, based on requirements that do not conflict with
18 the provisions of Section 475.1 et seq. of this title, and
19 possessing credentials that are, in the judgment of the Board, of a
20 standard not lower than those specified in the applicable licensure
21 provisions of this state at the time such certificate was issued; or

22 2. An individual holding an active NCEES Record whose
23 qualifications, as evidenced by the NCEES Record, meet the
24 requirements of Section 475.1 et seq. of this title.

1 An individual holding a license who possesses credentials lower
2 than those specified in the applicable licensure provisions of this
3 state at the time such certificate was issued may, upon application,
4 be considered by the Board for licensure if, in the judgment of the
5 Board, the standard was a reasonable standard at the time that the
6 original license was issued.

7 SECTION 12. AMENDATORY 59 O.S. 2021, Section 475.12b, is
8 amended to read as follows:

9 Section 475.12b. A. ~~Certification or Enrollment~~ as a Land
10 Surveyor Intern. Passing of the NCEES Fundamentals of Surveying
11 (FS) examination and completion of one of the following shall be
12 considered as minimum evidence that the applicant is qualified for
13 certification ~~or enrollment~~ as a land surveyor intern:

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

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

20 3. Graduating from a program of two (2) years or more approved
21 by the Board which shall include the Board-approved core curriculum,
22 with a minimum cumulative completion grade of C and providing proof
23 of graduation ~~and submitting three character or professional~~
24 ~~references; or~~

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

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

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

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

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

19 3. Submit ~~five~~ references acceptable to the Board, ~~three of~~
20 ~~which shall be professional land surveyors having personal knowledge~~
21 ~~of the applicant's surveying experience~~ as prescribed by rule.

22 C. Initial Licensure for a Professional Surveyor. An
23 individual meeting the educational requirements pursuant to
24 subsection A of this section for a surveyor intern shall meet the

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

6 1. For an individual satisfying the requirements of paragraph 1
7 of subsection A of this section: four (4) years of total
8 experience, including two (2) years following the date of
9 graduation;

10 2. For an individual satisfying the requirements of paragraph 2
11 or 3 of subsection A of this section: five (5) years of total
12 experience, including (2) years following the date of graduation; or

13 3. For an individual satisfying the requirements of paragraph 4
14 of subsection A of this section: five (5) years of total
15 experience.

16 Upon completion of the educational and experience requirements
17 and the successful completion of the NCEES Fundamentals of Surveying
18 (FS) examination, the NCEES Principles and Practice of Surveying
19 (PS) examination, and the Oklahoma Law and Surveying (OLS)
20 examination, the applicant shall be licensed as a professional
21 surveyor.

22 D. Comity Licensure for a Professional ~~Land~~ Surveyor. The
23 following shall be considered as minimum evidence satisfactory to
24

1 the Board that the applicant is qualified for licensure by comity as
2 a professional ~~land~~ surveyor:

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

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

23 1. ~~An individual meeting the experience requirements in~~
24 ~~paragraph 1 of subsection A of this section: four (4) years of total~~

1 ~~experience including two (2) years which shall follow the date of~~
2 ~~the conferment of the degree; or~~

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

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

11 SECTION 13. AMENDATORY 59 O.S. 2021, Section 475.12c, is
12 amended to read as follows:

13 Section 475.12c. A. A "Professional Structural Engineer",
14 "P.E., S.E.", or "S.E." Professional professional engineer licensed
15 in Oklahoma ~~who were approved by the Board to claim structural~~
16 ~~engineering, with or without an "S.E.", as an area of competence~~
17 ~~prior to November 1, 2017,~~ shall submit the following by application
18 and prescribed fees, if applicable, for Board consideration as
19 minimum evidence that the applicant is qualified to use the title
20 "Professional Structural Engineer", "P.E., S.E.", "S.E.", or any
21 similar variation using the "S.E." designation and perform
22 structural engineering analysis and design services for significant
23 structures:

24

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

4 ~~2.~~ Proof of acceptable structural engineering experience by way
5 of a ~~list~~ description of representative projects completed, or
6 courses taught, ~~as described on Board-approved application forms,~~
7 ~~and three references~~ and verified by licensed professional engineers
8 with expertise in structural engineering and having personal
9 knowledge of ~~and verifying~~ the applicant's structural engineering
10 experience. This requirement may be satisfied by the licensee's
11 original application if sufficient structural engineering-specific
12 experience is included and verified by a qualified reference or
13 references; and

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

22 ~~4.~~ 2. Proof of structural engineering education evidenced by
23 original transcripts submitted directly to the Board from the
24 university or college showing coursework or degrees obtained. This

1 requirement may be satisfied by the licensee's original application
2 if all relevant transcripts are included; and

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

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

7 b. an equivalent sixteen-hour state-written examination
8 prior to January 1, 2004,

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

12 d. the NCEES ~~sixteen-hour~~ S.E. examination taken after
13 January 1, 2011.

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

24

1 ~~C. Professional engineers licensed in Oklahoma who were~~
2 ~~approved by the Board to claim structural engineering with an "S.E."~~
3 ~~as an area of competence prior to November 1, 2017, who do not~~
4 ~~submit an application form and prescribed fees, if applicable, for~~
5 ~~Board consideration as minimum evidence that the applicant is~~
6 ~~qualified to use the title "Professional Structural Engineer",~~
7 ~~"P.E., S.E.", "S.E.", or any variation using the "S.E." designation~~
8 ~~and perform structural engineering analysis and design services for~~
9 ~~significant structures by October 31, 2020, shall be notified in~~
10 ~~writing that their file will be amended to state structural~~
11 ~~engineering without an "S.E." as their area of competence.~~

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

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

23 2. Proof of acceptable structural engineering experience by way
24 of a ~~list~~ description of representative projects completed, or

1 courses taught, ~~as described on Board-approved application forms,~~
2 ~~and three references~~ and verified by licensed professional engineers
3 with expertise in structural engineering having personal knowledge
4 of ~~and verifying~~ the applicant's structural engineering experience;

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

13 ~~4. 3.~~ 3. Proof of successful completion of one of the following
14 structural engineering examination paths below:

- 15 a. the NCEES Structural I and Structural II exams taken
16 prior to January 1, 2011,
- 17 b. an equivalent sixteen-hour state-written examination
18 prior to 2004,
- 19 c. the NCEES Structural II exam plus an equivalent eight-
20 hour state-written structural examination prior to
21 January 1, 2011, or
- 22 d. the NCEES ~~sixteen-hour~~ S.E. Examination taken after
23 January 1, 2011.
- 24

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

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

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

20 ~~F.~~ ~~Beginning November 1, 2020, the following shall be~~
21 ~~considered as minimum evidence for all applicants who wish to apply~~
22 ~~to the Board for authorization that the applicant is qualified to~~
23 ~~use the title "Professional Structural Engineer", "P.E., S.E.",~~
24 ~~"S.E.", or any variation using the "S.E." designation and to perform~~

1 ~~structural engineering analysis and design services for significant~~
2 ~~structures:~~

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

5 ~~2. Successfully completed at least one of the following~~
6 ~~structural engineering examination paths:~~

7 ~~a. the NCEES Structural I and Structural II exams taken~~
8 ~~prior to January 1, 2011,~~

9 ~~b. an equivalent sixteen-hour state-written examination~~
10 ~~prior to January 1, 2004,~~

11 ~~c. the NCEES Structural II exam plus an equivalent eight-~~
12 ~~hour state-written structural examination prior to~~
13 ~~January 1, 2011, or~~

14 ~~d. the NCEES sixteen-hour S.E. Examination taken after~~
15 ~~January 1, 2011; and~~

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

21 ~~G. D. Professional engineers who have indicated in their~~
22 ~~official board records that they have competence in structural~~
23 ~~engineering may offer and perform structural engineering services~~
24 ~~and use the term structural engineer or structural engineering to~~

1 describe their qualifications or services. However, only licensed
2 professional engineers who have been authorized by this Board to do
3 so may use the title "Professional Structural Engineer", "P.E.,
4 S.E.", "S.E.", or any title using the "S.E." designation and to
5 perform structural engineering analysis and design services for
6 significant structures.

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

12 SECTION 14. AMENDATORY 59 O.S. 2021, Section 475.13, is
13 amended to read as follows:

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

24

1 2. The Board may accept the certified information contained in
2 a valid council record issued by the National Council of Examiners
3 for Engineering and Surveying (NCEES) for professional engineer or
4 professional ~~land~~ surveyor applicants in lieu of the same
5 information that is required on the form prescribed and furnished by
6 the Board. All initial applicants for a license shall submit an
7 NCEES Record with any additional required forms to be considered for
8 a license.

9 B. 1. The application fees shall be established by Board
10 rules.

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

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

17 SECTION 15. AMENDATORY 59 O.S. 2021, Section 475.14, is
18 amended to read as follows:

19 Section 475.14. A. Examinations shall be held at such times
20 and places as the Board directs or in accordance with National
21 Council of Examiners for Engineering and Surveying (NCEES)
22 examination policy.

23 B. Examinations may be taken only after the applicant has met
24 other minimum requirements as set forth in Sections ~~9, 10 and 11 of~~

1 ~~this act~~ 475.12a, 475.12b, and 475.12c of this title, and has been
2 authorized to seek admission through NCEES or approved by the Board
3 for admission to one or more of the following examinations:

- 4 1. NCEES Fundamentals of Engineering (FE) examination;
- 5 2. NCEES Principles and Practice of Engineering (PE)
6 examination;
- 7 3. NCEES Structural Engineering (SE) examination;
- 8 4. NCEES Fundamentals of Surveying (FS) examination;
- 9 5. NCEES Principles and Practice of Surveying (PS) examination;
- 10 6. Oklahoma Law and Surveying (OLS) examination; and
- 11 7. Oklahoma Law and Engineering (OLE) examination.

12 C. A candidate failing an NCEES examination may apply for ~~the~~
13 ~~next available examination, as prescribed by NCEES policies and~~
14 ~~procedures, which may be granted upon payment of an application fee~~
15 ~~established by the Board if applicable~~ reexamination in accordance
16 with NCEES policy. A candidate failing a Board examination may
17 apply for reexamination as directed by the Board and rule.

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

22 E. The Board may prepare and adopt specifications for the
23 examinations in engineering and ~~land~~ surveying. They shall be made
24 available to ~~the public and to~~ any person interested in being

1 licensed as a professional engineer or as a professional ~~land~~
2 surveyor.

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

8 SECTION 16. AMENDATORY 59 O.S. 2021, Section 475.15, is
9 amended to read as follows:

10 Section 475.15. A. The Board shall issue to any applicant who,
11 in the opinion of the Board, has met the requirements of Section
12 475.1 et seq. of this title, a ~~certificate of licensure~~ license
13 giving the licensee proper authority to practice in this state. The
14 ~~certificate of licensure~~ license for a professional engineer shall
15 carry the designation "Professional Engineer", for a professional
16 structural engineer shall carry the designation "Professional
17 Structural Engineer", and for a professional ~~land~~ surveyor,
18 "Professional ~~Land~~ Surveyor". It shall give the full name of the
19 licensee with the ~~licensure~~ license number and shall be signed by
20 the Chair and the Secretary under the seal of the Board.

21 B. This ~~certificate~~ license shall be prima facie evidence that
22 the person named thereon is entitled to all rights, privileges and
23 responsibilities of a professional engineer, professional structural
24

1 engineer, or professional ~~land~~ surveyor, while the ~~certificate~~
2 license remains ~~unrevoked and unexpired~~ active and in good standing.

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

23 D. A professional engineer, professional structural engineer,
24 professional ~~land~~ surveyor, or firm shall retain a hard copy or

1 electronic copy of all technical submissions produced for a minimum
2 of ten (10) years following the date of preparation.

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

10 SECTION 17. AMENDATORY 59 O.S. 2021, Section 475.16, is
11 amended to read as follows:

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

15 B. ~~It shall be the duty of the Executive Director to notify~~
16 ~~every person licensed under Section 475.1 et seq. of this title, and~~
17 ~~every firm holding a certificate of authorization under Section~~
18 ~~475.1 et seq. of this title, of the date of the expiration of the~~
19 ~~certificate of licensure or certificate of authorization, and the~~
20 ~~amount of the fee required for its renewal.~~

21 C. ~~Renewal may be effected at any time prior to or during the~~
22 ~~month of expiration by the payment of a fee as established by the~~
23 ~~Board. Renewal of an expired certificate may be effected under~~

24

1 ~~rules promulgated by the Board regarding requirements for~~
2 ~~reexamination and penalty fees.~~

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

8 ~~E. A license or certificate of authorization may be renewed up~~
9 ~~to sixty (60) days prior to the expiration date. Renewal and~~
10 ~~reinstatement fees and conditions shall be established by the Board.~~

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

16 SECTION 18. AMENDATORY 59 O.S. 2021, Section 475.17, is
17 amended to read as follows:

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

22 SECTION 19. AMENDATORY 59 O.S. 2021, Section 475.18, is
23 amended to read as follows:

24

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

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

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

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

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

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

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

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

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

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

22 10. Signing, affixing the professional engineer's or
23 professional ~~land~~ surveyor's seal, or permitting the professional
24 engineer's or professional ~~land~~ surveyor's seal or signature to be

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

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

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

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

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

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

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

20 B. The Board shall prepare and adopt Rules of Professional
21 Conduct for Professional Engineers and Professional ~~Land~~ Surveyors
22 as provided for in Section 475.8 of this title, ~~which shall be made~~
23 ~~available in writing to every licensee and applicant for licensure~~
24 ~~under Section 475.1 et seq. of this title.~~ The Board may revise and

1 amend these Rules of Professional Conduct for Professional Engineers
2 and Professional ~~Land~~ Surveyors and shall notify each licensee, in
3 writing, of such revisions or amendments.

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

7 D. As used in this section:

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

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

16 SECTION 20. AMENDATORY 59 O.S. 2021, Section 475.19, is
17 amended to read as follows:

18 Section 475.19. A. Investigations and inquiries concerning the
19 professional licensed activities of licensees, or any person or
20 entity who may be in violation of the Board's statutes and rules,
21 may be initiated pursuant to the request of the Investigative
22 Committee or the public. In the event of such an investigation, all
23 licensees and subjects of complaints have a duty to provide all
24 information requested by the Board within thirty (30) days or a

1 later time if agreed to by the licensee and the ~~Board~~ Investigative
2 Committee. All allegations shall be timely investigated by the
3 ~~Board~~ Investigative Committee and, unless determined unfounded or
4 trivial ~~by the Board~~, or unless settled by mutual accord, shall be
5 filed as a formal notice of charges by the Board.

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

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

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

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

12 SECTION 21. AMENDATORY 59 O.S. 2021, Section 475.20, is
13 amended to read as follows:

14 Section 475.20. A. Criminal penalties:

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

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

14 B. Administrative penalties:

15 1. Any person or entity who has been determined by the Board to
16 have violated any provision of Section 475.1 et seq. of this title,
17 or any rule, regulation or order issued pursuant to such provisions,
18 may be liable for an administrative penalty ~~of~~ not less than ~~Two~~
19 ~~Hundred Fifty Dollars (\$250.00)~~ Five Hundred Dollars (\$500.00) nor
20 more than ~~Ten Thousand Dollars (\$10,000.00)~~ Twenty Thousand Dollars
21 (\$20,000.00) for each separate violation.

22 2. The amount of the penalty shall be assessed by the Board
23 pursuant to the provisions of paragraph 1 of this subsection, after
24 notice and hearing. In determining the amount of the penalty, the

1 Board shall include, but not be limited to, consideration of the
2 nature, circumstances and gravity of the violation, and with respect
3 to the person or entity found to have committed the violation, the
4 degree of culpability, the effect on ability of the person or entity
5 to continue to do business and any show of good faith in attempting
6 to achieve compliance with the provisions of Section 475.1 et seq.
7 of this title. All monies collected from administrative penalties
8 shall be deposited with the State Treasurer and placed in the
9 "Professional Engineers and ~~Land~~ Surveyors Fund".

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

17 C. Legal Counsel:

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

1 SECTION 22. AMENDATORY 59 O.S. 2021, Section 475.21, is
2 amended to read as follows:

3 Section 475.21. A. The practice of or offer to practice
4 engineering or ~~land~~ surveying by firms authorized under Section
5 475.1 et seq. of this title, or by more than one person acting
6 individually through a firm, is permitted provided:

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

11 2. The firm has been issued a certificate of authorization by
12 the Board.

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

23 No such firm shall be relieved of responsibility for the conduct
24 or acts of its agents, employees, officers or partners by reason of

1 its compliance with the provisions of this section. No individual
2 practicing engineering or ~~land~~ surveying, pursuant to the provisions
3 of Section 475.1 et seq. of this title, shall be relieved of
4 responsibility for engineering or ~~land~~ surveying services performed
5 by reason of employment or other relationship with a firm holding a
6 certificate of authorization.

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

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

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

5 F. ~~Effective November 1, 2017, all~~ All firms applying for a
6 certificate of authorization shall designate a managing agent.

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

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

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

23
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1 2. Overall administrative supervision of the firm's licensed
2 and subordinate personnel performing engineering or surveying work
3 in Oklahoma; and

4 3. Institution and adherence of policies of the firm that are
5 in accordance with Section 475.1 et seq. of this title, Section 3-
6 116 et seq. of Title 65 of the Oklahoma Statutes and the rules of
7 the Board.

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

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

23

24

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

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

8 SECTION 23. AMENDATORY 59 O.S. 2021, Section 475.22, is
9 amended to read as follows:

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

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

14 2. Temporary license:

15 a. Professional engineer. The practice or offer to
16 practice engineering by a person not a resident of or
17 having no established place of business in this state
18 is allowed; provided, such person is legally qualified
19 by licensure to practice engineering, as defined in
20 Section 475.2 of this title, in the applicant's
21 resident state or jurisdiction and who has made
22 application for licensure to this Board. Such person
23 shall make application for temporary license to the
24 Board, in a manner prescribed by the Board. After

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

- 22 b. Professional ~~land~~ surveyor. The practice of ~~land~~
23 surveying under a temporary permit by a person
24 licensed as a professional ~~land~~ surveyor in another

1 state is not considered to be in the best interest of
2 the public and therefore shall not be granted unless
3 the person is applying pursuant to the Military
4 Service Occupation, Education and Credentialing Act
5 pursuant to Section 4100.8 of this title;

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

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

21 5. A person shall not be construed to practice or offer to
22 practice ~~land~~ surveying, within the meaning and intent of Section
23 475.1 et seq. of this title, who merely acts as an agent of a
24 purchaser of ~~land~~ surveying services. Agents of a purchaser of ~~land~~

1 surveying services include, but are not limited to, real estate
2 agents and brokers, title companies, attorneys providing title
3 examination services, and persons who or firms that coordinate the
4 acquisition and use of ~~land~~ surveying services. The coordination of
5 ~~land~~ surveying services includes, but is not limited to, sales and
6 marketing of services, discussion of requirements of ~~land~~ surveys,
7 contracting to furnish ~~land~~ surveys, review of ~~land~~ surveys, the
8 requesting of revisions of ~~land~~ surveys, and making any and all
9 modifications to surveys with the written consent of the
10 professional ~~land~~ surveyor, and furnishing final revised copies to
11 the professional ~~land~~ surveyor showing all revisions, the
12 distribution of ~~land~~ surveys and receiving payment for such
13 services. These actions do not constitute the practice of ~~land~~
14 surveying, and do not violate any part of Sections 475.1 through
15 475.22a of this title or the bylaws and rules of the Board.

16 SECTION 24. AMENDATORY 59 O.S. 2021, Section 475.22a, is
17 amended to read as follows:

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

1 SECTION 25. This act shall become effective November 1, 2024.

2 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND COMMERCE
3 February 12, 2024 - DO PASS
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