

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

HOUSE BILL 3253

By: Osburn

AS INTRODUCED

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

1 prescribing license design details; modifying license
2 renewal and replacement provisions; prescribing
3 disciplinary provisions; modifying notice and hearing
4 language; increasing administrative penalties;
5 clarifying conditions for practice for firms;
6 modifying licensing exceptions; repealing 59 O.S.
7 2021, Section 46.11, which relates to displaying an
8 architect license or certificate; and providing an
9 effective date.

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

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

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

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

17 2. "Practice of architecture" means rendering or offering to
18 render certain services, in connection with the design and
19 construction, enlargement or alteration of a building or a group of
20 buildings and the space surrounding such buildings, including
21 buildings which have as their principal purpose human occupancy or
22 habitation. The services referred to include planning, providing
23 preliminary studies, designs, drawings, specifications,
24 investigations ~~and other~~ or technical submissions, the
 administration of construction contracts, and the coordination of
 any elements of technical submissions prepared by other consultants
 including, as appropriate and without limitation, consulting

1 engineers and landscape architects; provided, that the practice of
2 architecture shall include such other professional services as may
3 be necessary for the rendering of or offering to render
4 architectural services.

5 The preparation of plans and specifications for the following
6 tasks is within the scope of practice of both architecture and
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, and
13 (2) the legal aspects of site development, including
14 setback requirements, zoning, and other legal
15 restrictions,

16 b. life safety plans and related codes analyses,

17 c. roof plans and details depicting the design of roof
18 system materials, components, drainage, slopes, and
19 directions and location of roof accessories and
20 equipment, not involving structural engineering
21 calculations,

22 d. design of shallow spread footing foundations, and

23 e. the incorporation of other design professionals'
24 depiction of building systems, including
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1 architectural, structural, mechanical, electrical, and
2 plumbing systems into the design professionals' own
3 work, in:

4 (1) plan views,

5 (2) cross-sections depicting building components from
6 a hypothetical cut line through buildings, and

7 (3) the design of details of components and
8 assemblies;

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

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

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

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

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

8 8. "Technical submissions" means drawings, plans,
9 specifications, studies and any other technical reports or documents
10 which are issued in the course of practicing architecture, landscape
11 architecture or registered commercial interior design with the
12 intent that they be considered as formal or final documents ~~but.~~

13 Technical submissions shall not include record drawings.

14 ~~Prototypical plans are not technical submissions or prototypical~~
15 ~~plans. However, technical submissions may be further defined by~~
16 Board rules;

17 9. "Responsible control" means ~~the amount of direct control and~~
18 ~~personal supervision of architectural, landscape architectural or~~
19 ~~registered commercial interior designer's work and detailed~~
20 ~~knowledge of the content of tactical and technical submissions~~
21 ~~during their preparation as is ordinarily exercised by licensed~~
22 ~~architects, landscape architects or registered commercial interior~~
23 ~~designers applying the required professional standard of care. The~~
24 ~~terms direct control and personal supervision, whether used~~

1 ~~separately or together, mean active and personal management of the~~
2 ~~firm's personnel and practice to maintain charge of, and concurrent~~
3 ~~direction over, architecture, landscape architecture or the work of~~
4 ~~a registered commercial interior designer's decisions and the~~
5 ~~instruments of professional services to which the licensee or~~
6 ~~registrant affixes the seal, signature, and date~~ the active and
7 personal management by a licensed architect, landscape architect, or
8 registered commercial interior designer of the firm's personnel and
9 practice, applying the required standard of care, to maintain
10 detailed knowledge over the design and technical decisions related
11 to the preparation and implementation of the professional services
12 to which the licensee or registrant affixes his or her seal,
13 signature, and date;

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

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

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

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

23 13. ~~"Applicable building official"~~ "Building official" means
24 the ~~official responsible for the application of the adopted officer,~~

1 other designated authority, or duly authorized representative
2 charged with the administration and enforcement of the building code
3 as implemented by the local, municipal or county jurisdiction in
4 which a building is located. Where no building code has been
5 adopted by the local, municipal or county jurisdiction, the
6 ~~applicable~~ building official shall be defined as the State Fire
7 Marshal;

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

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

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

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

11 18. "Nonstructural commercial interior construction" means the
12 construction of elements which do not include exterior components of
13 a building such as exterior walls, any load-bearing wall, any load-
14 bearing column or any other load-bearing elements of a building
15 essential to the structural integrity of the building such as wind
16 loads and seismic loads and to any element which must be designed
17 for wind loads and seismic loads; and

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

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

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

7 Section 46.4 There is hereby re-created, to continue until July
8 1, 2026, in accordance with the provisions of the Oklahoma Sunset
9 Law, a board to be known as the "Board of Governors of the Licensed
10 Architects, Landscape Architects and Registered Commercial Interior
11 Designers of Oklahoma", hereinafter referred to as the Board. The
12 Board shall be composed of eleven (11) members including six persons
13 who are duly licensed to practice architecture and are in good
14 standing in this state, two persons who are duly licensed to
15 practice landscape architecture and are in good standing in this
16 state, two persons who are registered commercial interior designers
17 and who are active and in good standing and one lay member. Each
18 member of the Board shall be a qualified elector of this state, and
19 the architect, landscape architect and registered commercial
20 interior designer members shall have had five (5) years' licensing
21 or registration experience as the professional position requires in
22 this state. Re-creation of the Board shall not alter existing
23 staggered terms. Board members, other than the lay member, shall be
24 appointed for a period of five (5) years ~~thereafter; provided, that~~

1 ~~nothing herein shall affect the tenure of office of anyone who is a~~
2 ~~member of the Board on May 31, 1957.~~ A member may be reappointed to
3 succeed ~~such membership~~ themselves. The licensed architect,
4 landscape architect or the registered commercial interior designer
5 members may be appointed by the Governor from a list of nominees
6 submitted by respective professional societies of this state.
7 Membership in a professional society shall not be a prerequisite to
8 appointment to the Board. The lay member of the Board shall be
9 appointed by the Governor to a term coterminous with that of the
10 Governor. The lay member shall serve at the pleasure of the
11 Governor. ~~Provided,~~ All board members, including the lay member, may
12 continue to serve after the expiration of ~~the~~ their term ~~of the~~
13 ~~member~~ until such time as a successor is appointed. Vacancies which
14 may occur in the membership of the Board shall be filled by
15 appointment by the Governor. Each person who has been appointed to
16 fill a vacancy shall serve for the remainder of the term for which
17 the member the person shall succeed was appointed and until a
18 successor, in turn, has been appointed and shall have qualified.
19 Each member of the Board, before entering upon the discharge of the
20 duties of the member, shall make and file with the Secretary of
21 State a written oath or affirmation for the faithful discharge of
22 official duties. Each member of the Board ~~and staff~~ shall be
23 reimbursed for travel expenses pursuant to the State Travel
24 Reimbursement Act.

1 SECTION 3. AMENDATORY 59 O.S. 2021, Section 46.7, is

2 amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 24. Take such other action as may be reasonably necessary or
8 appropriate to effectuate the State Architectural and Registered
9 Commercial Interior Designers Act. The Board may, at its
10 discretion, contract with other state agencies and nonprofit
11 corporations for the endowment, management, and administration of
12 scholarships. The requirements of such scholarships shall be
13 determined by the Board. However, nothing contained herein shall be
14 construed as requiring the Board to endow or award any scholarship.

15 B. The Board may use its funds to establish and conduct
16 instructional programs for persons who are currently licensed under
17 this act, persons seeking licensure, as well as refresher courses
18 for persons interested in obtaining adequate instruction or programs
19 of study to qualify them for licensure to practice. The Board may
20 expend its funds for these purposes and may conduct, sponsor, and
21 arrange for instructional programs and may carry out instructional
22 programs through extension courses or other media. The Board may
23 enter into plans or agreements with community colleges, public or
24 private institutions of higher learning, the State Board of

1 Education, the Oklahoma Department of Career and Technology
2 Education, or nonprofit organizations for the purpose of planning,
3 scheduling or arranging courses, instruction, extension courses, or
4 assisting in obtaining courses of study or programs in the fields of
5 architecture, landscape architecture, or commercial interior design.
6 The Board shall encourage the educational institutions in Oklahoma
7 to offer courses necessary to complete the educational requirements
8 of Section 46.1 et seq. of this title. For the purpose of carrying
9 out these objectives, the Board may adopt rules as may be necessary
10 for educational programs, instruction, extension services or for
11 entering into plans or contracts with persons or educational
12 institutions and the Oklahoma Department of Career and Technology
13 Education.

14 SECTION 4. AMENDATORY 59 O.S. 2021, Section 46.9, is
15 amended to read as follows:

16 Section 46.9 A. The practice of architecture or landscape
17 architecture or offering to practice these professions for others by
18 persons licensed under this act through a partnership, ~~firm,~~
19 ~~association,~~ corporation, limited liability company or limited
20 liability partnership as directors, partners, officers,
21 shareholders, ~~employees,~~ managers, members or principals is
22 permitted, subject to the provisions of the State Architectural and
23 Registered Commercial Interior Designers Act, provided:
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1 1. One or more of the directors, partners, officers,
2 shareholders, managers, members or principals of said partnership,
3 ~~firm, association,~~ corporation, limited liability company or limited
4 liability partnership is ~~designated as being responsible for the~~
5 ~~entity's activities and decisions~~ legally responsible for the entity
6 of said partnership, ~~firm, association,~~ corporation, limited
7 liability company or limited liability partnership;

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

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

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

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

1 C. A partnership, ~~firm, association,~~ corporation, limited
2 liability company or limited liability partnership desiring to
3 practice architecture or landscape architecture shall file with the
4 Board an application for a certificate of authority, and pay all
5 fees, for each office location performing work on Oklahoma projects
6 on a form approved by the Board which shall include the names,
7 addresses, state of licensure and license number of all partners,
8 directors, officers, members, managers or principals of the
9 partnership, ~~firm, association,~~ corporation, limited liability
10 company or limited liability partnership legally responsible for the
11 entity's practice. The form shall name an individual having the
12 practice of architecture in such person's charge who is a director,
13 partner, officer, member, manager or principal. The person shall be
14 duly licensed as an architect to practice architecture or licensed
15 as a landscape architect to practice landscape architecture in this
16 state through said partnership, ~~firm, association,~~ corporation,
17 limited liability company or limited liability partnership legally
18 responsible for the entity's practice or services offered and other
19 information required by the Board. In the event there shall be a
20 change in any of these persons during the term of the certification,
21 such change shall be filed with the Board within thirty (30) days
22 after the effective date of said change. If all of the requirements
23 of this section and the Board's current rules have been met, the
24 Board shall issue a certificate of authority to such partnership,
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1 ~~firm, association,~~ corporation, limited liability company or limited
2 liability partnership.

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

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

18 F. The Secretary of State shall not issue a certificate of
19 incorporation or register a foreign corporation or any other entity
20 which includes among the objectives for which it is established any
21 of the words "Architect", "Architectural", "Architecture",
22 "Landscape Architect", "Landscape Architecture" or any modification
23 or derivation of these words, unless the Board has issued for said
24 applicant either a certificate of authority for an entity, or a
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1 letter indicating eligibility for an exemption pursuant to the State
2 Architectural and Registered Commercial Interior Designers Act. The
3 entity applying shall supply such certificate or letter from the
4 Board with its application for incorporation or registration.

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

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

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

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

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

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

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

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

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

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

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

21 Section 46.10 A. Every licensed architect, landscape architect
22 ~~and,~~ registered commercial interior designer, partnership,
23 corporation, limited liability company, or limited liability
24 partnership shall pay to the Board a renewal fee as prescribed by
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1 the rules of the Board prior to or on June 30 of odd years. No
2 license, registration, certificate of authority, or certificate of
3 title shall be issued or renewed for longer than two (2) years.

4 Upon receipt of the fee, the Board shall issue a renewal ~~of the~~
5 ~~license or registration,~~ which shall authorize the person,
6 partnership, corporation, limited liability company, or limited
7 liability partnership to practice architecture, landscape
8 architecture or use the title registered commercial interior
9 designer, as the case may be, in this state.

10 B. The license of an architect or landscape architect or the
11 registration of a registered commercial interior designer which has
12 been canceled by the Board for nonpayment of dues may be renewed at
13 any time within three (3) years from the date of the cancellation,
14 upon payment to the Board of the fees ~~which had accrued at the time~~
15 ~~of the cancellation and which would have been paid at the time of~~
16 ~~reinstatement had not the license or registration been suspended,~~
17 ~~together with payment of the amount of~~ and any penalties ~~which may~~
18 ~~have been~~ prescribed by the Board. If a license or registration,
19 initially granted by the State of Oklahoma that was the sole license
20 of a professional, remains canceled for a period exceeding three (3)
21 consecutive years, it ~~shall not~~ may be reinstated ~~unless the~~
22 ~~licensee or registrant has taken or submitted to a test or a quiz or~~
23 a subject to Board review ~~or an examination as the circumstances of~~
24 ~~the individual case may warrant and as may be prescribed by the~~

1 Board. Upon review, the Board may prescribe a test or an examination
2 in order to determine continued competency of the licensee or
3 registrant. An individual who is licensed in another jurisdiction
4 and whose Oklahoma license has been canceled for a period exceeding
5 three (3) consecutive years may reapply as prescribed in the rules
6 of the Board. A partnership, ~~firm, association,~~ corporation,
7 limited liability company or limited liability partnership ~~shall pay~~
8 ~~to the Board the fee prescribed and~~ may reinstate a certificate of
9 authority or a certificate of title canceled for a period exceeding
10 three (3) years in the manner provided by the rules of the Board ~~for~~
11 ~~the renewal of the certificate of authority or certificate of title~~
12 ~~for such partnership, firm, association, corporation, limited~~
13 ~~liability company or limited liability partnership.~~

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

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

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

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

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

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

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

21 2. The competition winner, prior to seeking the commission for
22 architectural services on the proposed project, shall apply for
23 licensing in this state within ten (10) days of notification of
24

1 winning the competition and complete the process within thirty (30)
2 days.

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

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

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

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

- 19 1. Code Use Group I - Institutional;
- 20 2. Code Use Group R-2 - Residential, limited to dormitories,
21 fraternities and sororities, and monasteries and convents;
- 22 3. Code Use Group A-1 - Assembly and theaters;
- 23 4. Code Use Group A-4 - Assembly, arenas and courts;

24
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1 5. Code Use Group A-5 - Assembly, bleachers and grandstands;
2 and

3 6. Buildings for which the designated Code Use Group changes
4 are not exempt from the State Architectural and Registered
5 Commercial Interior Designers Act.

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

11 1. The construction, addition or alteration of a building no
12 more than two stories in height and with a code-defined occupancy of
13 no more than fifty (50) persons for the Code Use Groups A-2 and A-3
14 - Assembly and Code Use Group E - Education;

15 2. The construction, addition or alteration of a building no
16 more than two stories in height and no more than sixty-four
17 transient lodging units per building for the Code Use Group R1 -
18 Residential, including, but not limited to, hotels and motels;

19 3. The construction, addition or alteration of a building no
20 more than two stories in height and with a gross square footage not
21 exceeding one hundred thousand (100,000) in the Code Use Group B -
22 Business;

23 4. The construction, addition or alteration of a building no
24 more than two stories in height and with a gross square footage not
..

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

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

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

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

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

4 E. Upgrades, repairs, replacements and changes made on projects
5 in Code Use Groups found in this title requiring an architect are
6 exempt from hiring an architect if the upgrades, repairs,
7 replacements or changes do not affect the existing primary
8 structural, mechanical, or electrical systems, life-safety systems,
9 fire codes or exit passageways and/or egress as determined by the
10 applicable building official having jurisdiction.

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

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

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

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

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

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

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

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

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

23 1. The use of the title "Registered Commercial Interior
24 Designer" by a partnership, ~~firm, association,~~ corporation, limited
..

1 liability company or limited liability partnership is allowed to
2 those entities listed, provided:

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

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

15 3. A partnership, ~~firm, association,~~ corporation, limited
16 liability company or limited liability partnership shall file with
17 the Board an application for a certificate of title on a form
18 approved by the Board which shall include the names, addresses,
19 state of registration and registration number of all directors,
20 partners, officers, shareholders, members, managers or principals of
21 the partnership, ~~firm, association,~~ corporation, limited liability
22 company or limited liability partnership. In the event there shall
23 be a change in any of these persons during the term of
24 certification, the change shall be filed with the Board within
--

1 thirty (30) days after the effective date of the change. If all the
2 requirements of this section and the Board's current rules have been
3 met, the Board shall issue a certificate of title to the
4 partnership, ~~firm, association,~~ corporation, limited liability
5 company or limited liability partnership;

6 4. The Secretary of State shall not issue a certificate of
7 incorporation or register a foreign corporation or any other entity
8 which includes among the objectives for which it is established the
9 words "Registered Commercial Interior Designer" or any modification
10 or derivation of these words, unless the Board has issued for the
11 applicant either a certificate of title for an entity, or a letter
12 indicating the eligibility for an exemption pursuant to the
13 requirements of this act. The firm applying shall supply the
14 certificate of title or letter from the Board with its application
15 for incorporation or registration;

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

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

1 F. No registration for registered commercial interior designers
2 or a certificate of title for a partnership, ~~firm, association,~~
3 corporation, limited liability company or limited liability
4 partnership, shall be issued or renewed for longer than two (2)
5 years. A registration or certificate of title may be renewed upon
6 application, compliance with the rules of the Board and payment of
7 fees prior to or on June 30 of alternate years. The registration
8 for registered commercial interior designers shall begin July 1,
9 2007, and shall end June 30, 2009, unless renewed every two (2)
10 years thereafter. A new registration to replace a lost, destroyed
11 or mutilated registration shall be issued by the Board upon payment
12 of a fee established in accordance with the rules of the Board.

13 SECTION 9. AMENDATORY 59 O.S. 2021, Section 475.1, is
14 amended to read as follows:

15 Section 475.1 In order to safeguard life, health and property,
16 and to promote the public welfare, the practice of engineering and
17 the practice of ~~land~~ surveying in this state are hereby declared to
18 be subject to regulation in the public interest. It shall be
19 unlawful for any person or entity to practice or to offer to
20 practice engineering ~~or land~~ and/or surveying in this state, as
21 defined in the provisions of ~~Section 475.1 et seq. of this title~~
22 act, or to use in connection with any name or otherwise assume or
23 advertise any title or description tending to convey the impression
24 that ~~any person is an~~ they are a licensed engineer, professional
..

1 engineer, professional structural engineer, ~~and a licensed~~ surveyor
2 ~~or~~ and/or professional ~~land~~ surveyor, unless such person has been
3 duly licensed ~~or~~, authorized, or is exempt under the provisions of
4 ~~Section 475.1 et seq. of this title act.~~ The practice of
5 engineering or ~~land~~ surveying shall be deemed a privilege granted by
6 the state through the State Board of Licensure for Professional
7 Engineers and ~~Land~~ Surveyors, based on the qualifications of the
8 individual as evidenced by a ~~certificate of licensure~~ license, which
9 shall not be transferable.

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

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

14 1. ~~"Engineer"~~ "Professional Engineer" or "P.E." means a person
15 who, ~~by reason of special knowledge and use of the mathematical,~~
16 ~~physical and engineering sciences and the principles and methods of~~
17 ~~engineering analysis and design, acquired by engineering education~~
18 ~~and engineering experience,~~ is qualified to practice engineering by
19 reason of engineering education, training, experience, and
20 examination in the application of engineering principles and the
21 interpretation of engineering data and is qualified, after meeting
22 the requirements of ~~Section 475.1 et seq. of this title act~~ and the
23 regulations issued by the Board pursuant thereto, to be duly

1 licensed as a professional engineer by the Board and engage in the
2 practice of engineering;

3 2. ~~"Professional engineer" or "P.E." means a person who has~~
4 ~~been duly licensed as a professional engineer as provided in Section~~
5 ~~475.1 et seq. of this title and the regulations issued by the Board~~
6 ~~pursuant thereto;~~

7 3. "Professional Structural Engineer", ~~"P.E.", "S.E."~~ "P.E.,
8 S.E." or "S.E." means an individual who has been duly licensed as a
9 professional engineer by the Board, and who has been further
10 authorized by the Board to use the title Professional Structural
11 Engineer, P.E. S.E., or S.E., and perform structural engineering
12 analysis and design services for significant structures based upon
13 education, experience and examinations as described in ~~subsection D~~
14 ~~of Section 475.12c of this act~~ title. For purposes of this
15 definition, the term "significant structures" ~~may be defined by~~
16 ~~Board rule; provided, however, such definition~~ shall not include any
17 structure that is a residential structure;

18 4. ~~"Engineer intern"~~ 3. "Engineer Intern" or "E.I." means a
19 person who complies with the requirement for education and has
20 passed an examination in the fundamental engineering subjects, as
21 provided in ~~Section 475.1 et seq. of this title~~ act and the
22 regulations issued by the Board pursuant thereto;

23 5. 4. "Practice of engineering" means any service or creative
24 work requiring engineering education, training and experience in the
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1 application of engineering principles and the interpretation of
2 engineering data to engineering activities, including the
3 engineering design of buildings, structures, products, machines,
4 processes, and systems, that ~~may~~ potentially impact the life,
5 health, property and welfare of the public. The services may
6 include, but are not limited to, ~~such services or creative work as:~~

- 7 a. ~~consultation,~~
- 8 b. ~~investigation,~~
- 9 c. ~~evaluation,~~
- 10 d. ~~planning and design of engineering works and systems,~~
- 11 e. ~~planning the engineering use of land and water,~~
- 12 f. ~~teaching of advanced engineering subjects or courses~~
13 ~~related thereto,~~
- 14 g. ~~engineering research,~~
- 15 h. ~~engineering surveys,~~
- 16 i. ~~engineering studies,~~
- 17 j. ~~engineering reports,~~
- 18 k. ~~written engineering opinions,~~
- 19 l. ~~the inspection or review of construction for the~~
20 ~~purposes of ensuring compliance with drawings and~~
21 ~~specifications, and~~
- 22 m. ~~engineering reports or like material developed in~~
23 ~~connection with expert witness testimony or~~
24 ~~anticipated testimony,~~

1 ~~any of which embraces such~~ providing planning, studies, designs,
2 design coordination, drawings, specifications, and other technical
3 submissions; engineering reports or material developed in connection
4 with expert witness testimony or anticipated testimony;
5 commissioning of engineered systems; and performing surveying that
6 is incidental to the practice of engineering and reviewing
7 construction or other design products for the purposes of monitoring
8 compliance with drawings and specifications related to engineered
9 works. Surveying incidental to the practice of engineering excludes
10 the surveying of real property for the establishment or
11 determination of land boundaries, rights-of-way, easements, and the
12 dependent or independent surveys or resurveys of the United States
13 Public Land Survey System and is limited to conducting field
14 measurements to supplement the documentation of existing conditions.
15 Unless a Professional Surveyor has provided the professional
16 engineer with geocentric/geodetic control coordinates which meet the
17 accuracy standards set forth in OAC 245:15-13-2, the professional
18 engineer shall only use a coordinate system based on assumed values
19 for the project, and so state on the documents. These services or
20 work, either public or private, may be performed in connection with
21 any utilities, structures, buildings, machines, equipment,
22 processes, work systems, projects, communication systems,
23 transportation systems and industrial or consumer products or
24 equipment of a mechanical, electrical, chemical, environmental,

1 hydraulic, pneumatic, thermal, control system or communications
2 nature, insofar as they involve safeguarding life, health or
3 property, and including such other professional services as may be
4 necessary to the design ~~review and integration~~ coordination of a
5 multidiscipline work, planning, progress and completion of any
6 engineering services.

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

15 ~~Engineering surveys include all survey activities required to~~
16 ~~support the sound conception, planning, design, construction,~~
17 ~~maintenance and operation of engineered projects, but exclude the~~
18 ~~surveying of real property for the establishment of land boundaries,~~
19 ~~rights of way, easements and the dependent or independent surveys or~~
20 ~~resurveys of the public land survey system~~ Design coordination
21 includes the review and coordination of technical submissions
22 prepared by others, including the work of other professionals
23 working with or under the direction of an engineer, with
24
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1 professional regard for the ability of each professional involved in
2 a multidisciplinary effort.

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

6 (1) plans for a structural, mechanical, plumbing,
7 electrical, low voltage fire suppression,

8 utilities, or geotechnical system in a building,

9 (2) specification of structural elements and
10 connections of a building,

11 (3) evaluation of structural members before the
12 addition of roof-mounted equipment or a heavier
13 roof covering,

14 (4) design of changes in roof pitch by the addition
15 of structural members and diaphragm,

16 (5) repair of damaged structural systems including,
17 but not limited to, roof structural members and
18 diaphragm,

19 (6) hydrologic management calculations and design of
20 surface water control and detention necessary for
21 compliance with ordinances and regulations,

22 (7) design of changes in roof pitch by the addition
23 of structural framing members,

24
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- 1 (8) evaluation and repair of damaged roof structural
2 framing,
- 3 (9) design of electrical and signal and control
4 systems,
- 5 (10) shop drawings by manufacturers or fabricators of
6 materials and products to be used in the building
7 features designed by the engineer, and
- 8 (11) specifications listing the nature and quality of
9 materials and products for construction of
10 features of the building elements or systems
11 designed by an engineer.

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

- 15 (1) site plans depicting the location and orientation
16 of a building on the site based on:
- 17 (a) a determination of the relationship of the
18 intended use with the environment,
19 topography, vegetation, climate, and
20 geographic aspects,
- 21 (b) the legal aspects of site development,
22 including setback requirements, zoning, and
23 other legal restrictions, and
- 24 (c) surface drainage,
--

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

4 (a) plan views,

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

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

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

14 (4) roof plans and details depicting the design of
15 roof system materials, components, drainage,
16 slopes, and directions and location of roof
17 accessories and equipment not involving
18 structural engineering calculations.

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

21 (1) programming for construction projects, including:

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

1 (b) determination of the scope of functional
2 elements,

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

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

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

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

1 ~~6. "Professional land surveyor" or "land surveyor" or~~ 5.

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

15 ~~7. "Land surveyor intern"~~ 6. "Surveyor Intern" or "L.S.I."

16 "L.I." means a person who complies with the requirement for
17 education and has passed an examination in the fundamental ~~land~~
18 surveying subjects, as provided in ~~Section 475.1 et seq. of this~~
19 ~~title act~~ and regulations issued by the Board pursuant thereto;

20 ~~8.~~

21 7. a. "Practice of ~~land~~ surveying" means any authoritative
22 service or work performed to a stated accuracy, the
23 adequate performance of which involves the application
24 of special knowledge of the principles of mathematics,
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1 methods of measurement, and the law for the
2 determination and preservation of ~~land~~ boundaries.

3 "Practice of ~~land~~ surveying" includes, without
4 limitation:

- 5 (1) restoration and rehabilitation of corners and
6 boundaries in the United States Public Land
7 Survey System or the subdivision thereof,
- 8 (2) obtaining and evaluating evidence for the
9 accurate determination of ~~land~~ boundaries,
- 10 (3) monumenting the subdivision of land parcels into
11 smaller parcels and the preparation of the
12 descriptions in connection therewith,
- 13 (4) measuring and platting underground mine workings,
- 14 (5) creation, preparation or modification of
15 electronic or computerized data including
16 portions of geographic information systems and
17 land information systems, relative to the
18 performance of the practice of ~~land~~ surveying,
- 19 (6) establishment, restoration, and rehabilitation of
20 ~~land~~ survey monuments and bench marks,
- 21 (7) preparation of ~~land~~ survey plats, condominium
22 plats, monument records, ~~and~~ survey reports, and
23 site plans as an ancillary service to surveying
24 work, such as noting proposed site improvements,
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- 1 (8) surveying, monumenting, and platting of
2 easements, and rights-of-way,
3 (9) measuring, locating, or establishing lines,
4 angles, elevations, natural and man-made features
5 in the air, on the surface of the earth,
6 utilities and other structures within underground
7 workings, and on the beds of bodies of water ~~for~~
8 ~~the purpose of determining areas and volumes for~~
9 ~~a survey~~, the configuration or contour of the
10 earth's surface, or the position of fixed objects
11 on the earth's surface,
12 (10) geodetic surveying,
13 (11) any other activities incidental to and necessary
14 for the adequate performance of the services
15 described in this paragraph, ~~and~~
16 (12) surveying reports or like material developed in
17 connection with expert witness testimony or
18 anticipated testimony, and
19 (13) locating or laying out alignments, positions, or
20 elevations for the construction of fixed works
21 for public projects.

22 b. A person or entity shall be construed to practice or
23 offer to practice ~~land~~ surveying, within the meaning
24 and intent of ~~Section 475.1 et seq. of this title act,~~

1 who does any one of the following: practices any
2 branch of the profession of ~~land~~ surveying; by verbal
3 claim, sign, advertisement, letterhead, card or in any
4 other way represents such person to be a professional
5 ~~land~~ surveyor or through the use of some other title
6 implies that such person or entity is a professional
7 ~~land~~ surveyor or that such person is ~~registered,~~
8 ~~licensed,~~ or qualified under ~~Section 475.1 et seq. of~~
9 this ~~title~~ act; represents qualifications or ability
10 to perform; or who does practice ~~land~~ surveying;

11 ~~9.~~ 8. "Board" means the State Board of Licensure for
12 Professional Engineers and ~~Land~~ Surveyors;

13 ~~10.~~ 9. "Responsible charge" means direct control and personal
14 supervision of engineering or ~~land~~ surveying work;

15 ~~11.~~ 10. "Rules of professional conduct for professional
16 engineers and professional ~~land~~ surveyors" means those rules
17 promulgated by the Board;

18 ~~12.~~ 11. "Firm" means any form of business or entity, other than
19 an individual operating as a sole proprietorship under his or her
20 name;

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

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

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

1 ~~16.~~ 15. "Authoritative" means being presented as trustworthy
2 and, competent, and in accordance with the rules and statutes
3 governing the practice of engineering and surveying, codes,
4 ordinances, and other recognized standards when used to describe
5 products, processes, applications or data ~~resulting~~ derived from the
6 practice of engineering or ~~land~~ surveying; ~~and~~

7 ~~17.~~ 16. "Disciplinary action" means any final written decision
8 or settlement taken against an individual or firm by a licensing
9 board based upon a violation of the Board's laws and rules unless
10 otherwise stated in the decision or settlement. Disciplinary
11 actions may include reprimands; sanctions; administrative fines; the
12 Board's refusal to issue, restore, or renew a license; settlement
13 agreements or consent orders; probation; suspension; revocation;
14 practice restriction, surrendering, relinquishing, or agreeing not
15 to renew a license as part of an agreement or board order; or any
16 combination thereof;

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

19 18. "Plans" means technical documents issued by the licensed
20 professionals intended to meet all current and applicable codes as
21 adopted by the Oklahoma Uniform Building Code Commission, other
22 statutory codes and applicable federal codes and which shall be
23 submitted to all required building code and/or permit offices
24
--

1 required by the State of Oklahoma, county, municipal, and/or federal
2 government;

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

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

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

13 (3) adult education facilities, such as colleges and
14 universities, with an occupant load greater than
15 five hundred (500),

16 (4) hospitals, nursing homes, mental hospitals, and
17 detoxification facilities with an occupant load
18 of fifty (50) or more resident care recipients
19 and/or surgery or emergency treatment facilities,

20 (5) prisons, jails, reformatories, detention centers,
21 and correctional centers,

22 (6) any building or other structure with an occupant
23 load greater than five thousand (5,000),

- 1 (7) primary power-generating structures above fifty
2 (50) kilowatts,
3 (8) structures at water treatment facilities for
4 potable water and wastewater treatment facilities
5 servicing more than five thousand (5,000) people,
6 (9) structures for public utility facilities
7 containing quantities of toxic or explosive
8 materials that are sufficient to pose a threat to
9 the public if released,
10 (10) fire, rescue, ambulance, and police stations and
11 emergency vehicle garages,
12 (11) designated tornado, earthquake, or other
13 nonresidential emergency shelters,
14 (12) designated emergency preparedness,
15 communications, and operations centers and other
16 facilities required for emergency response,
17 (13) aviation control towers, air traffic control
18 centers, and emergency aircraft hangars,
19 (14) buildings and other structures having critical
20 national defense functions,
21 (15) elevated water storage structures, and
22 (16) buildings and other structures with high lateral
23 loadings including:

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

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

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

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

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

22 21. "Technical submissions" means the documents necessary to
23 demonstrate compliance with applicable regulatory requirements
24 and/or to fabricate or construct a project including, but not
--

1 limited to, drawings, surveys, plats, digital models,
2 specifications, performance criteria, and installation requirements;
3 and

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

5 SECTION 11. AMENDATORY 59 O.S. 2021, Section 475.3, as
6 amended by Section 1, Chapter 63, O.S.L. 2023 (59 O.S. Supp. 2023,
7 Section 475.3), is amended to read as follows:

8 Section 475.3 A. The State Board of Licensure for Professional
9 Engineers and ~~Land~~ Surveyors is hereby re-created, to continue until
10 July 1, 2026, in accordance with the provisions of the Oklahoma
11 Sunset Law, whose duty it shall be to administer the provisions of
12 ~~Section 475.1 et seq. of this title act.~~ The Board shall consist of
13 four professional engineers and two professional ~~land~~ surveyors, at
14 least one of whom is not a professional engineer, all of whom shall
15 be appointed by the Governor, with the advice and consent of the
16 Oklahoma State Senate. The Governor shall also appoint one lay
17 member. The professional engineers and professional ~~land~~ surveyors
18 shall ~~be appointed by the Governor and shall~~ have the qualifications
19 required by ~~Section 475.4 of this title act.~~

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

23 C. Appointments to the Board shall be in such manner and for
24 such period of time so that no two terms, with the exception of the
--

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

18 SECTION 12. AMENDATORY 59 O.S. 2021, Section 475.4, is
19 amended to read as follows:

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

1 projects for at least five (5) years and shall be a licensed
2 professional engineer in this state. Not more than two professional
3 engineer board members shall have the same primary area of
4 competence designated in the Board records. A minimum of one
5 professional engineer board member shall be a Professional
6 Structural Engineer. Each professional ~~land~~ surveyor member of the
7 Board shall be a citizen of the United States and a resident of this
8 state. The member shall have been engaged in the lawful practice of
9 ~~land~~ surveying as a professional ~~land~~ surveyor for at least ten (10)
10 years. The member shall have been in responsible charge of ~~land~~
11 surveying projects for at least five (5) years and shall be a
12 licensed professional ~~land~~ surveyor in this state.

13 SECTION 13. AMENDATORY 59 O.S. 2021, Section 475.6, is
14 amended to read as follows:

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

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

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

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

5 SECTION 15. AMENDATORY 59 O.S. 2021, Section 475.8, is
6 amended to read as follows:

7 Section 475.8 A. The State Board of Licensure for Professional
8 Engineers and ~~Land~~ Surveyors shall have the power to adopt and amend
9 all bylaws and rules of procedure, not inconsistent with the
10 Constitution and laws of this state and ~~Section 475.1 et seq. of~~
11 ~~this title act~~, including the adoption and promulgation of Rules of
12 Professional Conduct for Professional Engineers and ~~Land~~ Surveyors,
13 which may be reasonably necessary for the proper performance of its
14 duties and the regulation of its proceedings, meetings, records,
15 examinations and the conduct thereof. These actions by the Board
16 shall be binding upon persons licensed or recognized under ~~Section~~
17 ~~475.1 et seq. of this title act~~ and shall be applicable to firms
18 ~~holding a~~ which hold or should hold a certificate of authorization
19 authority, and non-licensees found by the Board to be in violation
20 of the provisions of this act. The Board shall adopt and have an
21 official seal, which shall be affixed to each certificate issued.
22 The Board shall have the further power 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~~ authority. In addition, the Board may suspend,
11 ~~revoke,~~ place practice restrictions, or refuse to renew ~~certificates~~
12 ~~of licensure~~ licenses or certificates of ~~authorization~~ authority
13 previously issued, and upon proper showing to review, affirm,
14 reverse, vacate or modify its orders with respect to such denial,
15 suspension, 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~~ act or any
19 rule or regulation promulgated pursuant thereto. The Board is
20 hereby authorized to initiate disciplinary, prosecutorial and
21 injunctive proceedings against any person or entity who or which has
22 violated any of the provisions of ~~Section 475.1 et seq.~~ of this
23 ~~title~~ act or any rule or regulation of the Board promulgated
24 pursuant thereto. The Board shall investigate alleged violations of
..

1 the provisions of ~~Section 475.1 et seq.~~ of this title act or of the
2 rules or regulations, 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 act, 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 act 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 act,~~ or to restrain any
7 violation thereof. In such proceedings, it shall not be necessary
8 to allege or prove either that an adequate remedy at law does not
9 exist or that substantial or irreparable damage would result from
10 the continued violation thereof. The members of the Board shall not
11 be personally liable under this proceeding.

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

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

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

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

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

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

19 SECTION 16. AMENDATORY 59 O.S. 2021, Section 475.9, is
20 amended to read as follows:

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

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

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

1 classified service. The Board shall make expenditures from the fund
2 created in subsection A of this section for any purpose which, in
3 the opinion of the Board, is reasonably necessary for the proper
4 performance of its duties under ~~Section 475.1 et seq. of this title~~
5 act, including examination administration fees, the expenses of the
6 Board's delegates to meetings of and membership fees to the National
7 Council of Examiners for Engineering and Surveying, meaning the
8 national nonprofit organization composed of engineering and ~~land~~
9 surveying licensing boards commonly called NCEES, and any of its
10 subdivisions, as provided in the State Travel Reimbursement Act,
11 Section 500.1 et seq. of Title 74 of the Oklahoma Statutes. Under
12 no circumstances shall the total amount of warrants issued in
13 payment of the expenses and compensation provided for in ~~Section~~
14 ~~475.1 et seq. of this title~~ act exceed the amount of monies in the
15 fund.

16 SECTION 17. AMENDATORY 59 O.S. 2021, Section 475.10, is
17 amended to read as follows:

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

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

24 2. The date of application;

1 3. The place of business of the applicant;

2 4. The education, experience and other qualifications of the
3 applicant;

4 5. The type of examination required;

5 6. Whether or not the applicant was rejected;

6 7. Whether or not a ~~certificate of licensure~~ license was
7 granted;

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

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

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

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

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

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

21 2. The date of application;

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

24 4. Whether or not the application was rejected;
..

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

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

3 7. Services offered from each location;

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

9 9. Any other information deemed necessary by the Board.

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

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

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

1 closed complaints, information otherwise protected by law and all
2 other matters of like confidential nature.

3 SECTION 18. AMENDATORY 59 O.S. 2021, Section 475.11, is
4 amended to read as follows:

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

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

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

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

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.~~

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 as described in Board rules.~~

18 ~~D. C.~~ Initial Licensure as a Professional Engineer. An
19 applicant 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 bachelor's program, or the equivalent,
3 b. a ~~bachelor's~~ degree in a Board-approved related
4 science ~~degree~~ bachelor's program,
5 c. a ~~master's~~ degree in engineering from an ~~institution~~
6 ~~that offers EAC/ABET- or ETAC/ABET-accredited programs~~
7 master's program from an institution that offers an
8 EAC/ABET- or ETAC/ABET-accredited bachelor's program
9 in the same or similar discipline of engineering,
10 d. a degree in engineering from a non-EAC/ABET- or
11 ETAC/ABET-accredited bachelor's, master's, or
12 doctorate program. This individual's education shall
13 be evaluated by the NCEES Credentials Evaluation
14 service or other Board-approved evaluation service
15 based upon the criteria set forth in the NCEES
16 Engineering Education Standard,
17 ~~d.~~
18 e. a master's degree in engineering from an EAC/M-ABET-
19 accredited program, or
20 ~~e.~~
21 f. an earned doctoral degree in engineering acceptable to
22 the Board.

23 2. ~~Non-U.S., non-EAC/ABET-accredited degrees which are not~~
24 ~~approved by the Board may be considered following a degree~~
..

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

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

- 15 a. the FE examination may be taken at any time according
16 to NCEES examination ~~policy~~ policies and procedures,
17 but is recommended to be taken during the student's
18 senior year of college,
- 19 b. the PE examination may be taken by a graduate of an
20 approved degree program pursuant to this section, or
- 21 c. the Board may waive the FE examination requirement for
22 the issuance of a license if the applicant possesses,
23 at a minimum, fifteen (15) years of progressive
24 experience on engineering projects which indicate to
..

1 the Board the applicant may be competent to practice
2 engineering. The Board shall evaluate all elements of
3 the application, according to Board rules, to assess
4 waiver requests.

5 ~~4.~~ 3. Experience Requirements. An individual seeking licensure
6 as a professional engineer shall present evidence of a specific
7 record of ~~progressive~~ engineering experience ~~satisfying one of the~~
8 following the conferment of the qualifying degree as described in
9 paragraph 1 of this subsection. This experience should be
10 progressive and of a grade and character that indicate to the Board
11 that the applicant may be competent to practice engineering. The
12 following educational criteria may apply as a substitute to the
13 length of experience set forth in this section:

- 14 a. an individual ~~with a bachelor's degree in engineering~~
15 who qualifies pursuant to subparagraph a of paragraph
16 1 of this subsection: four (4) years of experience
17 after the bachelor's degree is conferred,
- 18 b. an individual ~~with a bachelor's degree in a Board-~~
19 ~~approved related science degree program~~ who qualifies
20 pursuant to subparagraph b of paragraph 1 of this
21 subsection: six (6) years of experience after the
22 bachelor's degree is conferred,
- 23 c. an individual ~~with a master's degree in engineering~~
24 who qualifies pursuant to subparagraph c or ~~d~~ e of
--

1 paragraph 1 of this subsection: three (3) years of
2 experience after the master's degree is conferred, or
3 d. an individual ~~with an earned doctoral degree~~
4 ~~acceptable to the Board~~ who qualifies pursuant to
5 subparagraph f of paragraph 1 of this subsection: two
6 (2) years of experience after the doctoral degree is
7 conferred.

8 A graduate degree that is used to satisfy education requirements
9 cannot be applied for experience credit toward licensure. To be
10 eligible for experience credit, graduate degrees shall be relevant
11 to the applicant's area of professional practice. Experience credit
12 for a graduate degree cannot be earned concurrently with work
13 experience credit.

14 ~~5.~~ 4. Partial experience credit may be awarded for experience
15 earned prior to conferment of the qualifying degree, at the
16 discretion of the Board, as described in Board rules. In no case
17 shall the experience credit exceed one-half (1/2) of that required
18 for approved qualifying experience. The experience credit shall not
19 be claimed if the applicant is also claiming the experience time as
20 experience credit for a cooperative education program.

21 ~~6.~~ 5. EAC/ABET-accredited engineering cooperative education
22 programs may be considered as experience credit earned prior to the
23 qualifying degree if the program meets the experience requirement
24 pursuant to this subsection. Otherwise, a maximum of six (6) months
..

1 experience may be claimed. Experience credit for a cooperative
2 education program shall not be claimed if the applicant also claims
3 the experience time as experience credit earned prior to the degree.

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

8 1. An individual holding a license to engage in the practice of
9 engineering issued by a proper authority of any state, jurisdiction,
10 or foreign country, based on requirements that do not conflict with
11 the provisions of this act, and possessing credentials that are, in
12 the judgment of the Board, of a standard not lower than that
13 specified in the applicable licensure act in effect in Oklahoma at
14 the time such license was issued may, upon application, be licensed
15 without further examination except as required to examine the
16 applicant's knowledge of statutes, rules, and other requirements
17 unique to this state. If the requirements that were met were of a
18 standard lower than that specified in the applicable licensure act
19 in effect in this state at the time such license was issued but, in
20 the judgment of the Board, the standard was a reasonable standard at
21 the time the original license was issued, the individual may, upon
22 application, be considered by the Board according to the provisions
23 in the Board rules; or

1 2. An individual holding an active NCEES Record whose
2 qualifications, as evidenced by the NCEES Record, meet the
3 requirements of this act may, upon application, be licensed without
4 further examination except as required to examine the applicant's
5 knowledge of statutes, rules, and other requirements unique to
6 Oklahoma.

7 SECTION 20. 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, providing proof of graduation ~~and submitting~~
19 ~~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 completed with a minimum grade of C, and providing proof of
23 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 completed with a minimum grade of C, and providing proof of
4 graduation; or

5 5. Completing sixty (60) college credit hours approved by the
6 Board which shall include the Board-approved core curriculum,
7 completed with a minimum 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 will be accepted after January 1, 2026, for an applicant
11 qualifying 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~~ act;

17 2. Pass the applicable examinations set forth in this ~~section~~
18 act; 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 described in Board rules.

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

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

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

9 2. An individual meeting the experience requirements in
10 paragraph 2 or 3 of subsection A of this section: five (5) years of
11 total experience including two (2) years which shall follow the date
12 of the conferment of the degree; or

13 3. An individual meeting the experience requirements in
14 paragraph 4 of subsection A of this section: five (5) years of
15 total experience.

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

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

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

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

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

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

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

9 SECTION 21. AMENDATORY 59 O.S. 2021, Section 475.12c, is
10 amended to read as follows:

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

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

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

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

19 2. Proof of structural engineering education evidenced by
20 original transcripts submitted directly to the Board office from the
21 university or college showing coursework or degrees obtained. This
22 requirement may be satisfied by the licensee's original application
23 if all relevant transcripts are included; and
24
..

1 4. 3. Proof of successful completion of one of the following
2 structural engineering examination paths below:

- 3 a. the NCEES Structural I and Structural II exams taken
4 prior to January 1, 2011,
5 b. an equivalent sixteen-hour state-written examination
6 prior to January 1, 2004,
7 c. the NCEES Structural II exam plus an equivalent eight-
8 hour state-written structural examination prior to
9 January 1, 2011, or
10 d. the NCEES ~~sixteen-hour~~ S.E. examination taken after
11 January 1, 2011.

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

22 ~~C. Professional engineers licensed in Oklahoma who were
23 approved by the Board to claim structural engineering with an "S.E."
24 as an area of competence prior to November 1, 2017, who do not~~

1 ~~submit an application form and prescribed fees, if applicable, for~~
2 ~~Board consideration as minimum evidence that the applicant is~~
3 ~~qualified to use the title "Professional Structural Engineer",~~
4 ~~"P.E., S.E.", "S.E.", or any variation using the "S.E." designation~~
5 ~~and perform structural engineering analysis and design services for~~
6 ~~significant structures by October 31, 2020, shall be notified in~~
7 ~~writing that their file will be amended to state structural~~
8 ~~engineering without an "S.E." as their area of competence.~~

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

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

20 2. Proof of acceptable structural engineering experience by way
21 of a ~~list~~ description of representative projects completed, or
22 courses taught, ~~as described on Board approved application forms,~~
23 and ~~three references~~ verified by licensed professional engineers
24 ~~having~~ who claim competence in structural engineering, and have

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

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

11 ~~4.~~ 3. Proof of successful completion of one of the following
12 structural engineering examination paths below:

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

22 ~~E.~~ C. Initial applicants for a professional engineer license
23 who wish to also apply for authorization to use the title
24 "Professional Structural Engineer", "P.E., S.E.", "S.E.", or any
..

1 variation using the "S.E." designation and to perform structural
2 engineering analysis and design services for significant structures
3 ~~who apply after November 1, 2017, and before October 31, 2020,~~ shall
4 submit the following by application and prescribed fees for Board
5 consideration as minimum evidence that the applicant is qualified,
6 in addition to all requirements in ~~Section 475.1 et seq. of Title 59~~
7 ~~of the Oklahoma Statutes~~ this act:

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

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

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

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

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

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; and~~

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

19 ~~G. D.~~ Professional engineers who have indicated in their
20 official board records that they have competence in structural
21 engineering may offer and perform structural engineering services
22 and use the term structural engineer or structural engineering to
23 describe their qualifications or services. However, only licensed
24 professional engineers who have been authorized by this Board to do
..

1 so may use ~~the title~~ "Professional Structural Engineer", "P.E.,
2 S.E.", "S.E.", or any ~~title using the~~ "S.E." designation and to
3 perform structural engineering analysis and design services for
4 significant structures.

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

10 SECTION 22. AMENDATORY 59 O.S. 2021, Section 475.13, is
11 amended to read as follows:

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

22 2. The Board may accept the certified information contained in
23 a valid ~~council record~~ NCEES Record issued by the National Council
24 of Examiners for Engineering and Surveying for professional engineer
..

1 or professional ~~land~~ surveyor applicants in lieu of the same
2 information that is required on the form prescribed and furnished by
3 the Board. All initial applicants for a license must submit an
4 NCEES Record along with any additional required forms to be
5 considered for licensure.

6 B. 1. The application fees shall be established by Board
7 rules.

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

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

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

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

19 B. Examinations may be taken only after the applicant has met
20 other minimum requirements as set forth in Sections ~~9, 10 and 11~~
21 475.12a, 475.12b and 475.12c of this ~~act~~ title, and has been
22 authorized to seek admission through NCEES or approved by the Board
23 for admission to one or more of the following examinations:

24 1. NCEES Fundamentals of Engineering (FE) examination;
--

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

8 C. A candidate failing an NCEES examination may apply for ~~the~~
9 ~~next available examination, as prescribed by NCEES policies and~~
10 ~~procedures, which may be granted upon payment of an application fee~~
11 ~~established by the Board if applicable~~ re-examination in accordance
12 with NCEES policy. A candidate failing a Board examination may
13 apply for re-examination as directed by the Board and Board policy.

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

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

23 F. For any examination that is administered by NCEES using
24 computer-based testing, a candidate shall only be admitted pursuant
..

1 to Board policy and administered the examination during a specified
2 time ~~period~~ as frequently as prescribed by NCEES policies and
3 procedures.

4 SECTION 24. AMENDATORY 59 O.S. 2021, Section 475.15, is
5 amended to read as follows:

6 Section 475.15 A. The Board shall issue to any applicant who,
7 in the opinion of the Board, has met the requirements of ~~Section~~
8 ~~475.1 et seq. of this title act~~, a ~~certificate of licensure~~ license
9 giving the licensee proper authority to practice in this state. The
10 ~~certificate of licensure~~ license for a professional engineer shall
11 carry the designation "Professional Engineer", for a professional
12 structural engineer shall carry the designation "Professional
13 Structural Engineer", and for a professional ~~land~~ surveyor,
14 "Professional ~~Land~~ Surveyor". It shall give the full name of the
15 licensee with the ~~licensure~~ license number of the licensee and shall
16 be signed by the Chair and the Secretary under the seal of the
17 Board.

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

23 C. Each licensee hereunder may, ~~upon licensure~~, obtain a seal,
24 the design and use of which are described in Board rules. It shall
--

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

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

22 E. The Board shall issue to any applicant who, in the opinion
23 of the Board, has met the requirements of ~~Section 475.1 et seq. of~~
24 ~~this title act,~~ a certificate as an engineer intern or ~~land~~ surveyor
..

1 intern which indicates that his or her name has been recorded as
2 such in the Board office. The engineer intern or ~~land~~ surveyor
3 intern certificate does not authorize the holder to practice as a
4 professional engineer or professional ~~land~~ surveyor.

5 SECTION 25. AMENDATORY 59 O.S. 2021, Section 475.16, is
6 amended to read as follows:

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

10 B. ~~It shall be the duty of the Executive Director to notify~~
11 ~~every person licensed under Section 475.1 et seq. of this title, and~~
12 ~~every firm holding a certificate of authorization under Section~~
13 ~~475.1 et seq. of this title, of the date of the expiration of the~~
14 ~~certificate of licensure or certificate of authorization, and the~~
15 ~~amount of the fee required for its renewal.~~

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

21 D. ~~If a licensee is granted inactive status, the licensee may~~
22 ~~return to active status by notifying the Board in advance of his or~~
23 ~~her intention, by paying appropriate fees and by meeting all~~
24 ~~requirements of the Board, including demonstration of continuing~~
..

1 ~~professional competency as a condition of reinstatement~~ A license or
2 certificate of authority may be renewed up to sixty (60) days prior
3 to the expiration date. Renewal and reinstatement fees and
4 conditions shall be established by Board rules.

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

11 SECTION 26. AMENDATORY 59 O.S. 2021, Section 475.17, is
12 amended to read as follows:

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

17 SECTION 27. AMENDATORY 59 O.S. 2021, Section 475.18, is
18 amended to read as follows:

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

1 1. Any fraud or deceit in obtaining or attempting to obtain or
2 renew a ~~certificate of licensure~~ license, or a certificate of
3 ~~authorization~~ authority, or in taking the examinations administered
4 by the Board or its authorized representatives;

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

8 3. Conviction of or entry of a plea of guilty or nolo
9 contendere to a felony crime that substantially relates to the
10 practice of engineering or ~~land~~ surveying and poses a reasonable
11 threat to public safety; or conviction of or entry of a plea of
12 guilty or nolo contendere to ~~a~~ any crime, whether a felony,
13 misdemeanor, or otherwise, an essential element of which is
14 dishonesty or is a violation of the practice of engineering or ~~land~~
15 surveying;

16 4. Failure to comply with any of the provisions of ~~Section~~
17 ~~475.1 et seq.~~ of this ~~title~~ act or any of the rules or regulations
18 pertaining thereto;

19 5. Disciplinary action, including voluntary surrender of a
20 professional engineer's or professional ~~land~~ surveyor's license in
21 order to avoid disciplinary action by another state, territory, the
22 District of Columbia, a foreign country, the United States
23 government, or any other governmental agency, if at least one of the
24

1 grounds for discipline is the same or substantially equivalent to
2 those contained in this section;

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

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

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

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

18 10. Signing, affixing the professional engineer's or
19 professional ~~land~~ surveyor's seal, or permitting the professional
20 engineer's or professional ~~land~~ surveyor's seal or signature to be
21 affixed to any specifications, reports, drawings, plans, design
22 information, construction documents, calculations, other documents,
23 or revisions thereof, which have not been prepared by, or under the
24

1 direct control and personal supervision of the professional engineer
2 or professional ~~land~~ surveyor in responsible charge;

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

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

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

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

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

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

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

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

4 D. As used in this section:

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

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

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

15 Section 475.19 A. Investigations and inquiries concerning the
16 professional licensed activities of licensees, or any person or
17 entity who may be in violation of the Board's statutes and rules,
18 may be initiated pursuant to the request of the Investigative
19 Committee or the public. In the event of such an investigation, all
20 licensees and subjects of complaints have a duty to provide all
21 information requested by the Board within thirty (30) days or a
22 later time if agreed to by the licensee and the ~~Board~~ Investigative
23 Committee. All allegations shall be timely investigated by the
24 Investigative Committee of the Board and, unless determined
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1 unfounded or trivial ~~by the Board~~, or unless settled by mutual
2 accord, shall be filed as a formal notice of charges by the Board.

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

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

22 D. Any named respondent aggrieved by any action of the Board in
23 levying a fine, denying, suspending, refusing to issue, restore or
24 renew, placing practice restrictions on, or revoking the ~~certificate~~

1 ~~of licensure~~ license of the person, or its certificate of
2 ~~authorization~~ authority, may appeal therefrom to the proper court
3 under normal civil procedures.

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

8 SECTION 29. AMENDATORY 59 O.S. 2021, Section 475.20, is
9 amended to read as follows:

10 Section 475.20 A. Criminal penalties:

11 Any person or entity who practices, or offers to practice,
12 engineering or ~~land~~ surveying in this state without being licensed
13 by the State Board of Licensure for Professional Engineers and ~~Land~~
14 Surveyors in accordance with the provisions of ~~Section 475.1 et seq.~~
15 ~~of this title act~~, or any person or entity using or employing the
16 words "engineer" or "engineering" or "~~land~~ surveyor" or "~~land~~
17 surveying" or any modification or derivative thereof in its name or
18 form of business or activity except as authorized in ~~Section 475.1~~
19 ~~et seq. of this title act~~, or any person presenting or attempting to
20 use the ~~certificate of licensure~~ license or the seal of another, or
21 any person who gives false or forged evidence of any kind to the
22 Board or to any member thereof in obtaining or attempting to obtain
23 a ~~certificate of licensure~~ license, or any person who falsely
24 impersonates any other licensee of like or different name, or any

1 person who attempts to use an expired, suspended, revoked, or
2 nonexistent ~~certificate of licensure~~ license, or who practices or
3 offers to practice when not qualified, or their practice is
4 restricted, or any person who falsely claims to be registered or
5 licensed under ~~Section 475.1 et seq.~~ of this title act, or any
6 person who violates any of the provisions of ~~Section 475.1 et seq.~~
7 ~~of this title act~~, shall be guilty of a misdemeanor, punishable by a
8 fine of not less than Two Hundred Fifty Dollars (\$250.00), nor more
9 than Two Thousand Dollars (\$2,000.00).

10 B. Administrative penalties:

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

18 2. The amount of the penalty shall be assessed by the Board
19 pursuant to the provisions of paragraph 1 of this subsection, after
20 notice and hearing. In determining the amount of the penalty, the
21 Board shall include, but not be limited to, consideration of the
22 nature, circumstances and gravity of the violation, and with respect
23 to the person or entity found to have committed the violation, the
24 degree of culpability, the effect on ability of the person or entity

1 to continue to do business, and any show of good faith in attempting
2 to achieve compliance with the provisions of ~~Section 475.1 et seq.~~
3 ~~of this title act.~~ All monies collected from administrative
4 penalties shall be deposited with the State Treasurer and placed in
5 the "Professional Engineers and ~~Land~~ Surveyors Fund".

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

13 C. Legal Counsel:

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

21 SECTION 30. AMENDATORY 59 O.S. 2021, Section 475.21, is
22 amended to read as follows:

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

1 ~~475.1 et seq.~~ of this title act, or by more than one person acting
2 individually through a firm, is permitted provided:

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

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

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

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

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

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

22 E. The certificate of ~~authorization~~ authority shall be renewed
23 as hereinbefore provided in Section 475.16 of this title.
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1 F. ~~Effective November 1, 2017, all firms~~ Firms applying for a
2 certificate of ~~authorization~~ authority shall designate a managing
3 agent.

4 Managing agent. A firm offering ~~either~~ engineering or surveying
5 services shall designate an engineer or surveyor, respectively, to
6 be the managing agent for the firm. A firm offering both
7 engineering and ~~land~~ surveying services must have a licensed
8 professional engineer and licensed professional ~~land~~ surveyor listed
9 as managing agent. A licensee may not be designated as a managing
10 agent for more than one firm without prior Board approval. The
11 managing agent must hold a position of recognized authority within
12 the firm to be designated as the managing agent. In the case of a
13 corporation, a licensee must be an officer, principal, director or
14 shareholder of the firm to be designated as the managing agent. In
15 the case of a limited liability company or limited liability
16 partnership, the licensee must be a member of the firm to be
17 designated as the managing agent. In the case of a limited
18 partnership, the licensee must be a general partner of the firm to
19 be designated as the managing agent. In the case of a partnership,
20 the licensee must be an owner of the firm to be designated as the
21 managing agent. If the ownership is less than fifty percent (50%)
22 ownership, an explanation must be included as to the extent of
23 authority this partner holds regarding engineering or surveying
24 decisions, respectively, as it pertains to paragraphs 1 through 3 of

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

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

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

23 3. Institution and adherence of policies of the firm that are
24 in accordance with ~~Section 475.1 et seq. of this title act,~~ Section
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1 3-116 et seq. of Title 65 of the Oklahoma Statutes and the rules of
2 the Board.

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

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

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

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

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

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

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

7 2. Temporary license:

8 a. Professional engineer. The practice or offer to
9 practice engineering by a person not a resident of or
10 having no established place of business in this state
11 is allowed; provided, such person is legally qualified
12 by licensure to practice engineering, as defined in
13 Section 475.2 of this title, in the applicant's
14 resident state or jurisdiction and who has made
15 application for licensure to ~~this~~ the Board. Such
16 person shall make application for temporary ~~license~~
17 licensure to the Board, in a manner prescribed by the
18 Board. After payment of a temporary license fee, a
19 ~~written~~ temporary license may be granted to perform a
20 particular job for a definite period of time, to
21 expire at the earliest issuance of a professional
22 engineering license by ~~this~~ the Board. ~~Further, such~~
23 ~~person shall not have been disciplined in any~~
24 ~~jurisdiction by a Board of licensure for engineering,~~
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1 ~~land surveying or architecture, and shall not have~~
2 ~~been convicted in any jurisdiction of a felony.~~

3 Further, such person shall submit a complete permanent
4 professional engineer application to the Board within
5 thirty (30) days of the date of issuance of the
6 temporary license, with all required properly
7 completed forms and fees. Failure to submit a
8 permanent professional engineer application for Board
9 consideration within the designated thirty-day time
10 period may be considered a violation of ~~Section 475.1~~
11 ~~et seq. of this title act~~ and Board rules. No right
12 to practice engineering shall accrue to such applicant
13 by reason of a temporary license for any works not set
14 forth in the license, and

15 b. Professional ~~land~~ surveyor. The practice of ~~land~~
16 surveying under a temporary permit by a person
17 licensed as a professional ~~land~~ surveyor in another
18 state is not considered to be in the best interest of
19 the public and therefore shall not be granted unless
20 the person is applying pursuant to the Military
21 Service Occupation, Education and Credentialing Act;

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

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

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

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

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

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

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

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