

### **Section 475.1. Licensure as an engineer or surveyor - Privilege**

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

### **Section 475.2. Definitions**

As used in this act:

1. "Professional Engineer" or "P.E" means a person who is qualified to practice engineering by reason of engineering education, training, experience, and examination in the application of engineering principles and the interpretation of engineering data and, is qualified, after meeting the requirements of this Act and the regulations issued by the Board pursuant thereto, to be duly licensed as a professional engineer by the Board and engage in the practice of engineering;
2. "Professional Structural Engineer", "P.E., S.E.", or "S.E." means an individual who has been duly licensed as a professional engineer by the Board, and who has been further authorized by the Board to use the title Professional Structural Engineer, P.E. S.E., or S.E., and perform structural engineering analysis and design services for significant structures based upon education, experience and examinations as described in Section 475.12(c) of this Act. For purposes of this definition, the term "significant structures" may be defined; provided, however, such definition shall not include any structure that is a residential structure.
3. "Engineer Intern" or "E.I." means a person who complies with the requirement for education and has passed an examination in the fundamental engineering subjects, as provided in this Act and the regulations issued by the Board pursuant thereto;
4. "Practice of engineering" means any service or creative work requiring engineering education, training and experience in the application of engineering principles and the interpretation of engineering data to engineering activities, including the engineering design of buildings, structures, products, machines, processes and systems, that potentially impact the life, health, property and welfare of the public. The services may include, but not limited to, providing planning, studies, designs, design coordination, drawings, specifications, and other technical submissions; engineering reports or material developed in connection with expert witness testimony or anticipated testimony; commissioning of engineered systems; and performing surveying that is incidental to the practice of engineering and reviewing construction or other design products for the purposes of monitoring compliance with drawings and specifications related to engineered works. Surveying incidental to the practice of engineering excludes the surveying of real property for the establishment or determination of land boundaries, rights of way, easements, and the dependent or independent surveys or resurveys of the public land survey system and is limited to conducting field measurements to supplement the documentation of existing conditions. Unless a Professional Surveyor has provided the Professional Engineer with geocentric/geodetic control coordinates which meet the accuracy

standards set forth in OAC 245:15-13-2, the Professional Engineer shall only use a coordinate system based on assumed values for the project, and so state on the documents.

These services or work, either public or private, may be performed in connection with any utilities, structures, buildings, machines, equipment, processes, work systems, projects, communication systems, transportation systems and industrial or consumer products or equipment of a mechanical, electrical, chemical, environmental, hydraulic, pneumatic, thermal, control system or communications in nature, insofar as they involve safeguarding life, health or property, and including such other professional services as may be necessary to the design coordination of a multidiscipline work, planning, progress and completion of any engineering services. Design coordination includes the review and coordination of technical submissions prepared by others, including the work of other professionals working with or under the direction of an engineer with professional regard for the ability of each professional involved in a multidisciplinary effort.

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

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

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

- a. site plans depicting the location and orientation of a building on the site based on:
  - (1) a determination of the relationship of the intended use with the environment, topography, vegetation, climate, and geographic aspects;
  - (2) the legal aspects of site development, including setback requirements, zoning and other legal restrictions; and
  - (3) surface drainage.
- b. the depiction of the building systems, including structural, mechanical, electrical, and plumbing systems, in:
  - (1) plan views,
  - (2) cross-sections depicting building components from a hypothetical cut line through a building, and
  - (3) the design of details of components and assemblies, including any part of a building

- exposed to water infiltration or fire-spread considerations.
- c. life safety plans and sheets, including accessibility ramps and related code analyses.
- d. roof plans and details depicting the design of roof system materials, components, drainage, slopes, and directions and location of roof accessories and equipment not involving structural engineering calculations.

The following activities may be performed by an engineer:

- a. programming for construction projects, including:
  - (1) identification of economic, legal, and natural constraints; and
  - (2) determination of the scope of functional elements.
- b. recommending and overseeing appropriate construction project delivery systems.
- c. consulting with regard to, investigating, and analyzing the design, form, materials, and construction technology used for the construction, enlargement, or alteration of a building or its environment; and
- d. providing expert opinion and testimony with respect to issues within the responsibility of the engineer.

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

5. "Professional Surveyor", "P.L.S.", or "P.S." means a person who is qualified to practice surveying by reason of surveying education training, experience, and examination in the application of surveying principles and the interpretation of surveying data and has been duly licensed as a professional surveyor pursuant to this Act and the regulations issued by the Board pursuant thereto is qualified to engage in the practice of surveying;

6. "Surveyor Intern" or "S.I." means a person who complies with the requirement for education and has passed an examination in the fundamental surveying subjects, as provided in this Act and regulations issued by the Board pursuant thereto;

- 7. a. "Practice of surveying" means any authoritative service or work performed to a stated accuracy, the adequate performance of which involves the application of special knowledge of the principles of mathematics, methods of measurement, and the law for the determination and preservation of boundaries. "Practice of surveying" includes, without limitation:
  - (1) restoration and rehabilitation of corners and boundaries in the United States Public Land Survey System or the subdivision thereof,
  - (2) obtaining and evaluating evidence for the accurate determination of boundaries,
  - (3) monumenting the subdivision of land parcels into smaller parcels and the preparation of the descriptions in connection therewith,
  - (4) measuring and platting underground mine workings,
  - (5) creation, preparation or modification of electronic or computerized data including portions of geographic information systems and land information systems, relative to the performance of the practice of surveying,
  - (6) establishment, restoration, and rehabilitation of survey monuments and benchmarks,
  - (7) preparation of survey plats, condominium plats, monument records, survey reports,

and site plans as an ancillary service to surveying work such as noting proposed site improvements,

- (8) surveying, monumenting, and platting of easements, and rights-of-way,
  - (9) measuring, locating, or establishing lines, angles, elevations, natural and man-made features in the air, on the surface of the earth, utilities and other structures within underground workings, and on the beds of bodies of water, the configuration or contour of the earth's surface, or the position of fixed objects on the earth's surface,
  - (10) geodetic surveying,
  - (11) any other activities incidental to and necessary for the adequate performance of the services described in this paragraph, and
  - (12) surveying reports or like material developed in connection with expert witness testimony or anticipated testimony.
  - (13) locating or laying out alignments, positions, or elevations for the construction of fixed works for public projects.
- b. A person or entity shall be construed to practice or offer to practice surveying, within the meaning and intent of this Act who does any one of the following: practices any branch of the profession of surveying; by verbal claim, sign, advertisement, letterhead, card or in any other way represents such person to be a professional surveyor or through the use of some other title implies that such person or entity is a professional surveyor or that such person is licensed, or qualified under this Act; represents qualifications or ability to perform; or who does practice surveying;
8. "Board" means the State Board of Licensure for Professional Engineers and Surveyors;
9. "Responsible charge" means direct control and personal supervision of engineering or surveying work;
10. "Rules of professional conduct for professional engineers and professional surveyors" means those rules promulgated by the Board;
11. "Firm" means any form of business or entity, other than an individual operating as a sole proprietorship under his or her name;
12. "Direct control" and "personal supervision" whether used separately or together mean active and personal management of the firm's personnel and practice to maintain charge of, and concurrent direction over, engineering or surveying decisions and the instruments of professional services to which the licensee affixes the seal, signature, and date;
13. "Core curriculum" means the Board-approved surveying courses adopted by Board policy, developed to ensure that professional surveyor applicants meet the minimum educational requirements for licensing;
14. "Engineering related science degree" means a bachelor's degree from an ETAC/ABET accredited engineering technology program of four (4) years or more. A degree of four (4) years or more in mathematical, physical, or engineering sciences may be considered as a related science degree if it was obtained from a Board-approved program and shall include a minimum of eight (8) hours of mathematics beyond trigonometry, such as calculus and differential equations, and twenty (20) hours of engineering sciences or related sciences, including physics, such as mechanics, fluid mechanics, statics, dynamics, thermodynamics, electrical & electronic circuits, materials science, transport phenomena, computer engineering etc.. Non-accredited engineering degree programs shall meet the above requirements to be considered a related science degree;
15. "Authoritative" means being presented as trustworthy, competent, and in accordance

with the rules and statutes governing the practice of engineering and surveying, codes, ordinances and other recognized standards when used to describe products, processes, applications, or data derived from the practice of engineering or surveying;

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

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

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

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

- (1) buildings and other structures whose primary occupancy is public assembly with an occupant load greater than three hundred (300),
- (2) elementary schools, secondary schools or day care facilities with an occupant load greater than fifty (50),
- (3) adult education facilities, such as colleges and universities, with an occupant load greater than five hundred (500),
- (4) hospitals, nursing homes, mental hospitals and detoxification facilities with an occupant load of fifty (50) or more resident care recipients and/or surgery or emergency treatment facilities,
- (5) prisons, jails, reformatories, detention centers, correctional centers,
- (6) any building or other structure with an occupant load greater than five thousand (5,000),
- (7) primary power-generating structures above fifty (50) kilowatts,
- (8) structures at water treatment facilities for potable water and wastewater treatment facilities serving more than five thousand (5,000) people,
- (9) structures for public utility facilities containing quantities of toxic or explosive materials that are sufficient to pose a threat to the public if released,
- (10) fire, rescue, ambulance and police stations and emergency vehicle garages,
- (11) designated tornado, earthquake or other non-residential emergency shelters,
- (12) designated emergency preparedness, communications and operations centers and other facilities required for emergency response,
- (13) aviation control towers, air traffic control centers and emergency aircraft hangars,
- (14) buildings and other structures having critical national defense functions,
- (15) elevated water storage structures, and

- (16) buildings and other structures with high lateral loadings including:
  - (a) those subjected to ultimate design three-second wind gust speeds equaling or exceeding wind speeds corresponding to approximately a three percent (3%) probability of exceedance in fifty (50) years, or
  - (b) those that are in Seismic Design Category D and above.
- b. "Significant structures" shall exclude bridges and geo-structures. As defined in this document, "bridges" shall not include elevated structures linking buildings. "Geo-structures" shall mean engineered structures that are loaded by the earth or whose resistance is derived from the earth.
- c. A project defined as a "Significant structure" shall be required to have an engineer of record who is a licensed Professional Structural Engineer.

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

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

22. "Person" means an individual or firm.

### **Section 475.3. State Board of Licensure for Professional Engineers and Surveyors**

A. The State Board of Licensure for Professional Engineers and Surveyors is hereby re-created, to continue until July 1, 2026, in accordance with the provisions of the Oklahoma Sunset Law, whose duty it shall be to administer the provisions of this Act. The Board shall consist of four professional engineers and two professional surveyors, at least one of whom is not a professional engineer, all of whom shall be appointed by the Governor, with the advice and consent of the Senate. The Governor shall also appoint one lay member. The professional engineers and professional surveyors shall have the qualifications required by Section 475.4 of this act.

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

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

#### **Section 475.4. Qualifications of Board members**

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

#### **Section 475.6. Removal of Board members - Vacancies**

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

#### **Section 475.7. Meetings – Officers - Quorum**

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

#### **Section 475.8. Powers and authority of Board**

A. The State Board of Licensure for Professional Engineers and Surveyors shall have the power to adopt and amend all bylaws and rules of procedure, not inconsistent with the Constitution and laws of this state and this act, including the adoption and promulgation of Rules of Professional Conduct for Professional Engineers and Surveyors, which may be reasonably necessary for the proper performance of its duties and the regulation of its proceedings, meetings, records, examinations and the conduct thereof. These actions by the Board shall be binding upon persons licensed or recognized under this act and shall be applicable to firms which hold or should hold a certificate of authority, and non-licensees found by the Board to be in violation of provisions of this act. The Board shall adopt and have an official seal, which shall be affixed to each certificate issued. The Board shall have the further power and authority to:

1. Establish and amend minimum standards for the practice of engineering and surveying;
2. Establish continuing education requirements for renewal of professional engineering and professional surveying licenses;
3. Promulgate rules concerning the ethical marketing of professional engineering and professional surveying services; and
4. Upon good cause shown, as hereinafter provided, deny the issuance, restoration or renewal of, or place on probation for a period of time and subject to such conditions as the Board may specify, a license or certificate of authority. In addition, the Board may suspend, revoke, place practice restrictions, or refuse to renew licenses or certificates of authority previously

issued, and upon proper showing to review, affirm, reverse, vacate or modify its orders with respect to such denial, suspension, revocation or refusal to renew.

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

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

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

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

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

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

H. The Board may give scholarships, as determined by the Board, to an individual or individuals advancing toward obtaining an EAC, ETAC/ABET, or Board-approved degree in engineering or surveying at an Oklahoma higher education institution, and take such other action as may be reasonably necessary or appropriate to effectuate the rules of the State Board of

Licensure for Professional Engineers and Surveyor's. The Board may, at its discretion, contract with other state agencies and nonprofit corporations for the endowment, management and administration of scholarships. The requirements of such scholarships shall be determined by the Board. However, nothing contained herein shall be construed as requiring the Board to endow or award any scholarship.

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

#### **Section 475.9. Professional Engineers and Surveyors Fund – Expenditures - Audits**

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

B. The Board shall obtain an office, secure such facilities, and employ, direct, discharge and define the duties and salaries of an Executive Director as necessary for the proper performance of its work. The Executive Director shall be responsible for the administration of the policies of the Board and for the processing of its routine operations. The Executive Director may also employ those persons required and qualified, including full or part-time, to perform the administration of the laws in Oklahoma and those rules regulating the practice of engineering and surveying. This includes the use of consultants when deemed necessary. All employees of the Board, current or future, shall be considered in the unclassified service and shall not be placed under the classified service. The Board shall make expenditures from the fund created in subsection A of this section for any purpose which, in the opinion of the Board, is reasonably necessary for the proper performance of its duties under this act, including examination administration fees, the expenses of the Board's delegates to meetings of and membership fees to the National Council of Examiners for Engineering and Surveying, meaning the national nonprofit organization composed of engineering and surveying licensing boards commonly called NCEES, and any of its subdivisions, as provided in the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes. Under no circumstances shall the

total amount of warrants issued in payment of the expenses and compensation provided for in this act exceed the amount of monies in the fund.

**Section 475.10. Record of proceedings and applications – Evidentiary use – Annual Reports - Confidentiality**

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

1. The name, date of birth and last-known mailing and email address of each applicant;
2. The date of application;
3. The place of business of the applicant;
4. The education, experience and other qualifications of the applicant;
5. The type of examination required;
6. Whether or not the applicant was rejected;
7. Whether or not a license was granted;
8. The date of the action of the Board;
9. The board-approved area(s) of competence in a specific discipline(s) or branch(es) of engineering;

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

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

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

1. The name, date of formation, and business address of each applicant;
2. The date of application;
3. The name, physical address, and license number of the managing agent;
4. Whether or not the application was rejected;
5. Whether or not a certificate of authority was granted;
6. The date of the action by the Board;
7. Services offered from each location;

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

9. Any other information deemed necessary by the Board.

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

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

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

### **Section 475.11. Rosters**

Complete rosters showing the names and last-known mailing addresses of all professional engineers, professional structural engineers, professional surveyors, certified interns, and firms holding a certificate of authority shall be made available to the licensees and the public.

### **Section 475.12a Licensure as a professional engineer or certification as an engineer intern**

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

1. Satisfy the education requirements as outlined in this section; and
2. Passing the National Council of Examiners for Engineering and Surveying (NCEES)

Fundamentals of Engineering (FE) examination.

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

1. Satisfy the education and experience criteria set forth in this section;
2. Pass the applicable examinations set forth in this section; and
3. Submit references acceptable to the Board as described in Board rules.

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

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

- a. a degree in engineering from an EAC/ABET-accredited bachelor's program, or the equivalent,
- b. a degree in a Board-approved related science bachelor's program,
- c. a degree in engineering from an EAC/ABET or ETAC/ABET-accredited master's program from an institution that offers an EAC/ABET or ETAC/ABET-accredited bachelor's program in the same or similar discipline of engineering,
- d. a degree in engineering from a non-EAC/ABET or ETAC/ABET-accredited bachelor's, master's or doctorate program. This individual's education shall be evaluated by the NCEES Credentials Evaluation Service or other Board approved evaluation service based upon the criteria set forth in the NCEES *Engineering Education Standard*.
- e. a master's degree in engineering from an EAC/M-ABET-accredited program, or
- f. an earned doctoral degree in engineering acceptable to the Board.

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

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

be competent to practice engineering. The Board shall evaluate all elements of the application, according to Board rules, to assess waiver requests.

3. Experience Requirements. An individual seeking licensure as a professional engineer shall present evidence of a specific record of engineering experience following the conferment of the qualifying degree as described in paragraph 1 of this subsection. This experience should be progressive and of a grade and character that indicate to the Board that the applicant may be competent to practice engineering. The following educational criteria may apply as a substitute to the length of experience set forth above:

- a. an individual who qualifies pursuant to subparagraph a of paragraph 1 of this subsection: four (4) years of experience after the bachelor's degree is conferred,
- b. an individual who qualifies pursuant to subparagraph b of paragraph 1 of this subsection: six (6) years of experience after the bachelor's degree is conferred,
- c. an individual who qualifies pursuant to subparagraph c or e of paragraph 1 of this subsection: three (3) years of experience after the master's degree is conferred, or
- d. an individual who qualifies pursuant to subparagraph f of paragraph 1 of this subsection: two (2) years of experience after the doctoral degree is conferred.

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

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

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

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

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

2. An individual holding an active NCEES Record whose qualifications, as evidenced by the NCEES Record, meet the requirements of this Act may, upon application, be licensed without

further examination except as required to examine the applicant's knowledge of statutes, rules, and other requirements unique to Oklahoma.

**Section 475.12b. Licensure as a professional surveyor or certification as a surveyor intern**

A. Certification as a Surveyor Intern. Passing of the NCEES Fundamentals of Surveying (FS) examination and completion of one of the following shall be considered as minimum evidence that the applicant is qualified for certification as a surveyor intern:

1. Graduating from a surveying program of four (4) years or more approved by the Board and providing proof of graduation;
2. Graduating from a surveying program of two (2) years or more approved by the Board and providing proof of graduation;
3. Graduating from a program of two (2) years or more approved by the Board which shall include the Board-approved core curriculum completed with a minimum grade of C, and providing proof of graduation;
4. Graduating from a program of four (4) years or more approved by the Board which shall include the Board-approved core curriculum completed with a minimum grade of C and providing proof of graduation; or,
5. Completing sixty (60) college credit hours approved by the Board which shall include the Board-approved core curriculum completed with a minimum grade of C, and providing proof of successful completion of the required college credit hours. No application will be accepted after January 1, 2026, for an applicant qualifying under this paragraph.

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

1. Satisfy the education and experience criteria set forth in this act;
2. Pass the applicable examinations set forth in this act; and
3. Submit references acceptable to the Board as described in Board Rules.

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

1. An individual meeting the experience requirements in paragraph 1 of subsection A of this section: four (4) years of total experience including two (2) years which shall follow the date of the conferment of the degree; or
2. An individual meeting the experience requirements in paragraph 2 or 3 of subsection A of this section: five (5) years of total experience including two (2) years which shall follow the date of the conferment of the degree; or
3. An individual meeting the experience requirements in paragraph 4 of subsection A of this section: five (5) years of total experience.

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

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

An individual holding a license to engage in the practice of surveying issued by a proper authority of any state or jurisdiction, based on requirements that do not conflict with the provisions of this act, and possessing credentials that are, in the judgment of the Board, of a standard not lower than that specified in the applicable licensure act in effect in this jurisdiction at the time such certificate was issued may, upon application, which may include a NCEES Record, be licensed upon passing an examination or examinations of such duration as established by the Board, which shall include questions on laws, procedures and practices pertaining to surveying in Oklahoma.

### **Section 475.12c. Qualifications for licensure – structural engineering**

A. A “Professional Structural Engineer”, “P.E., S.E.”, or “S.E.” professional engineer licensed in Oklahoma shall submit the following by application and prescribed fees, if applicable, for Board consideration as minimum evidence that the applicant is qualified to use the title “Professional Structural Engineer”, “P.E., S.E.”, “S.E.”, or any similar variation using the “S.E.” designation and perform structural engineering analysis and design services for significant structures, as defined:

1. Proof of acceptable structural engineering experience by way of a description of representative projects completed, or courses taught, verified by licensed professional engineers who claim competence in structural engineering, and have personal knowledge of the applicant’s structural engineering experience. This requirement may be satisfied by the licensee’s original application if sufficient structural engineering-specific experience is included and verified by a qualified reference(s); and

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

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

- a. the NCEES Structural I and Structural II exams taken prior to January 1, 2011,
- b. an equivalent sixteen-hour state-written examination prior to January 1, 2004,
- c. the NCEES Structural II exam plus an equivalent eight-hour state-written structural examination prior to January 1, 2011, or
- d. the NCEES SE Examination taken after January 1, 2011.

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

1. Proof of acceptable structural engineering experience by way of a description of representative projects completed, or courses taught, and verified by licensed professional engineers who claim competence in structural engineering, and have personal knowledge of the applicant’s structural engineering experience;

2. Proof of structural engineering education, and original transcripts submitted directly to the Board office from the university or college showing coursework or degrees obtained since the individuals original professional engineer application to the Board, if applicable; and

3. Proof of successful completion of one of the following structural engineering examination

paths below:

- a. the NCEES Structural I and Structural II exams taken prior to January 1, 2011,
- b. an equivalent sixteen-hour state-written examination prior to January 1, 2004,
- c. the NCEES Structural II exam plus an equivalent eight-hour state-written structural examination prior to January 1, 2011, or
- d. the NCEES SE Examination taken after January 1, 2011.

C. Initial applicants for a professional engineer license who wish to also apply for authorization to use the title "Professional Structural Engineer", "P.E., S.E.", "S.E.", or any variation using the "S.E." designation and to perform structural engineering analysis and design services for significant structures shall submit the following by application and prescribed fees for Board consideration as minimum evidence that the applicant is qualified, in addition to all requirements in this act:

1. Proof of acceptable structural engineering experience by way of a description of representative projects completed, or courses taught, and verified by licensed professional engineers having personal knowledge of the applicant's structural engineering experience; and
2. Proof of structural engineering education evidenced by original transcripts submitted directly to the Board office from the university or college showing coursework or degrees obtained.

D. Professional engineers who have indicated in their official board records that they have competence in structural engineering may offer and perform structural engineering services and use the term structural engineer or structural engineering to describe their qualifications or services. However, only licensed professional engineers who have been authorized by the Board to do so may use the title "Professional Structural Engineer", "P.E., S.E.", "S.E.", or any title using "S.E." designation and to perform structural engineering analysis and design services for significant structures.

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

### **Section 475.13. Application form – Certified NCEES record - Fees**

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

2. The Board may accept the certified information contained in a valid NCEES Record issued by the National Council of Examiners for Engineering and Surveying for professional engineer, or professional surveyor applicants in lieu of the same information that is required on the form prescribed and furnished by the Board. All initial applications for a license must submit an NCEES Record along with any additional required forms to be considered for licensure.

- B. 1. The application fees shall be established by Board rules.
2. The certification fee for a firm shall be established by Board rules.
3. Should the Board deny the issuance of a license to any applicant, including the application of a firm for a certificate of authority, the fee shall be retained as an application fee.

#### **Section 475.14. Examinations**

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

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

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

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

D. The applicant shall pay all NCEES examination fees per published NCEES policies and procedures.

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

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

#### **Section 475.15. License – Issuance – Seal – Intern Enrollment Card**

A. The Board shall issue to any applicant who, in the opinion of the Board, has met the requirements of this act, a license giving the licensee proper authority to practice in this state. The license for a professional engineer shall carry the designation "Professional Engineer", for a professional structural engineer shall carry the designation "Professional Structural Engineer", and for a professional surveyor, "Professional Surveyor". It shall give the full name of the licensee with the license number of the licensee and shall be signed by the Chair and the Secretary under the seal of the Board.

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

C. Each licensee hereunder may obtain a seal, the design and use of which is described in Board rules. It shall be unlawful for a licensee to affix, or permit his or her seal or signature to be affixed, to any document after the expiration or revocation of a license, or for the purpose of aiding or abetting any other person to evade or attempt to evade any provision of act. Whenever the seal is applied, the document must be signed by the licensee thereby certifying that he or she is competent in the subject matter and was in responsible charge of the work product.

Documents must be sealed and signed in accordance with the Board rules whenever presented to a client, a user or any public or governmental agency. Whenever the seal is applied, the

signature of the licensee and date of signature shall be placed adjacent to or across the seal. Drawings, reports or documents that are signed using a digital or electronic signature must be done in a manner that is in direct control and personal supervision of the professional and must conform to the specifications in the Board rules regarding digital or electronic signatures.

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

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

#### **Section 475.16. Term of certificate – Notice of expiration date – Renewal – Continuing Education**

A. The Board shall issue licenses and certificates of authority for firms for a term of twenty-four (24) months.

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

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

#### **Section 475.17. Lost or destroyed certificates - Replacement**

A new license or certificate of authority, to replace any certificate lost or destroyed, may be issued, subject to the rules of the Board.

#### **Section 475.18. Disciplinary actions – Grounds – Rules of Professional Conduct**

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

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

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

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

4. Failure to comply with any of the provisions of this act or any of the rules or regulations pertaining thereto;

5. Disciplinary action, including voluntary surrender of a professional engineer's or

professional surveyor's license in order to avoid disciplinary action, by another state, territory, the District of Columbia, a foreign country, the United States government, or any other governmental agency, if at least one of the grounds for discipline is the same or substantially equivalent to those contained in this section;

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

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

8. Aiding or assisting another person or entity in violating any provision of this act or the rules or regulations pertaining thereto;

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

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

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

12. Providing false testimony or information to the Board;

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

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

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

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

B. The Board shall prepare and adopt Rules of Professional Conduct for Professional Engineers and Professional Surveyors as provided for in Section 475.8 of this title. The Board may revise and amend these Rules of Professional Conduct for Professional Engineers and Surveyors and shall notify each licensee, in writing, of such revisions or amendments.

C. Principals of a firm who do not obtain a certificate of authority for the firm as required by this act may be subject to disciplinary action.

D. As used in this section:

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

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

#### **Section 475.19. Allegations of violations – Notice and hearing - Appeal**

A. Investigations and inquiries concerning the professional licensed activities of licensees, or any person or entity who may be in violation of the Board's statutes and rules, may be initiated

pursuant to the request of the Investigative Committee or the public. In the event of such an investigation, all licensees and subjects of complaints have a duty to provide all information requested by the Board within thirty (30) days or a later time if agreed to by the licensee and the Investigative Committee. All allegations shall be timely investigated by the Investigative Committee of the Board and, unless determined unfounded or trivial, or unless settled by mutual accord, shall be filed as a formal notice of charges by the Board.

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

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

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

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

### **Section 475.20. Criminal and administrative penalties – Legal counsel**

#### **A. Criminal penalties:**

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

#### **B. Administrative penalties:**

1. Any person or entity who has been determined by the Board to have violated any provision of this act, or any rule, regulation or order issued pursuant to such provisions, may be

liable for an administrative penalty of not less than Five Hundred Dollars (\$500.00) nor more than Twenty Thousand Dollars (\$20,000) for each separate violation.

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

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

C. Legal Counsel:

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

**Section 475.21. Condition for practice of engineering or surveying by firm**

A. The practice of or offer to practice engineering or surveying by firms authorized under this act, or by more than one person acting individually through a firm, is permitted provided:

1. The managing agent(s) in responsible charge of such practice and all personnel who act on behalf of the firm in professional engineering and surveying matters in this state are licensed under this act; and

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

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

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

C. The Secretary of State shall not issue a certificate of incorporation to an applicant, approve for filing articles of organization for a limited liability company, approve for filing a certificate of limited partnership or accept a registration as a foreign firm to a firm which includes in the firm's name or among the objectives or for which it is established any of the words "Engineer", "Engineering", "Surveyor", "Surveying" or any modification or derivation thereof unless the Board for these professions has issued for the applicant a certificate of

authority or a letter indicating the eligibility of such applicant to receive such a certificate. The firm applying shall supply such certificate or letter from the Board with its application for incorporation or registration.

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

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

F. Firms applying for a certificate of authority shall designate a managing agent.

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

1. Renewal of the firm's certificate of authority and notification to the Board of any change in managing agent or firm's contact information;
2. Overall administrative supervision of the firm's licensed and subordinate personnel performing engineering or surveying work in Oklahoma; and
3. Institution and adherence of policies of the firm that are in accordance with this act, Section 3-116 et seq. of Title 65 of the Oklahoma Statutes and the rules of the Board.

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

surveyor designated managing agent shall be responsible for:

1. Maintaining and renewal of the firm's certificate of authority and notification to the Board of any change in managing agent or firm's contact information;
2. Overall administrative supervision of the firm's licensed and subordinate personnel who provide the engineering or surveying work in this state; and
3. The institution of and adherence to policies of the firm that shall be in accordance with this act, Section 3-116 et seq. of Title 65 of the Oklahoma Statutes and rules promulgated by the Board.

### **Section 475.22. Exceptions**

This act shall not be construed to prevent:

1. Other Professions. The practice of any other legally recognized profession;
2. Temporary license:
  - a. Professional engineer. The practice or offer to practice engineering by a person not a resident of or having no established place of business in this state is allowed; provided, such person is legally qualified by licensure to practice engineering, as defined in Section 475.2 of this act, in the applicant's resident state or jurisdiction and who has made application for licensure to the Board. Such person shall make application for temporary license to the Board, in a manner prescribed by the Board. After payment of a temporary license fee, a temporary license may be granted to perform a particular job for a definite period of time, to expire at the earliest issuance of a professional engineering license by the Board. Further, such person shall submit a complete permanent professional engineer application to the Board within thirty (30) days of the date of issuance of the temporary license with all required properly completed forms and fees. Failure to submit a permanent professional engineer application for Board consideration within the designated thirty-day time period may be considered a violation of this act and Board rules. No right to practice engineering shall accrue to such applicant by reason of a temporary license for any works not set forth in the license, and
  - b. Professional surveyor. The practice of surveying under a temporary permit by a person licensed as a professional surveyor in another state is not considered to be in the best interest of the public and therefore shall not be granted unless the person is applying pursuant to the Military Service Occupation, Education and Credentialing Act.
3. Employees and subordinates. The work of an employee or a subordinate of a person holding a license under this act, or an employee of a person practicing lawfully under paragraph 2 of this section is allowed; provided, such work does not include final engineering or surveying designs or decisions and is done under the direct control and personal supervision of and verified by a person holding a license under this act or a person practicing lawfully under paragraph 2 of this section;
4. Material Takeoff. Providing a list of material derived from measuring and interpreting a set of blueprints or plans, otherwise known as a "material takeoff" or advising a person on such a "material takeoff" shall not constitute the practice of engineering; and
5. A person shall not be construed to practice or offer to practice surveying, within the meaning and intent of this act, who merely acts as an agent of a purchaser of surveying services. Agents of a purchaser of surveying services include, but are not limited to, real estate agents and

brokers, title companies, attorneys providing title examination services, and persons who or firms that coordinate the acquisition and use of surveying services. The coordination of surveying services includes, but is not limited to, sales and marketing of services, discussion of requirements of surveys, contracting to furnish surveys, review of surveys, the requesting of revisions of surveys, and making any and all modifications to surveys with the written consent of the professional surveyor, and furnishing final revised copies to the professional surveyor showing all revisions, the distribution of surveys, and receiving payment for such services. These actions do not constitute the practice of surveying, and do not violate any part of this act or the bylaws and rules of the Board.

**Section 475.22a. Surveying documents – Condition of filing**

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