

TITLE 59, SECTIONS 475.1 – 475.22A
Oklahoma Statutes Regulating Professional Engineering and Land Surveying
Effective November 1, 2017

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

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

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

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

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

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

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", "Land Surveying" or any modification or derivation thereof unless the Board(s) of Licensure for these professions has issued for the applicant a certificate of authorization or a letter indicating the eligibility of such applicant to receive such a certificate. The firm applying shall supply such certificate or letter from the Board with its application for incorporation or registration.

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

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

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

Managing agent. A firm offering either engineering or surveying services shall designate an engineer or surveyor, respectively, to be the managing agent for the firm. A firm offering both engineering and land surveying services must have a licensed professional engineer and licensed professional land surveyor listed as managing agent. A licensee may not be designated as a managing agent for more than one firm without prior

Board approval. The managing agent must hold a position of recognized authority within the firm to be designated as the managing agent. In the case of a corporation, a licensee must be an officer, principal, director, or shareholder of the firm to be designated as the managing agent. In the case of a limited liability company or limited liability partnership, the licensee must be a member of the firm to be designated as the managing agent. In the case of a limited partnership, the licensee must be a general partner of the firm to be designated as the managing agent. In the case of a partnership, the licensee must be an owner of the firm to be designated as the managing agent. If the ownership is less than fifty percent (50%) ownership, an explanation must be included as to the extent of authority this partner holds regarding engineering or surveying decisions, respectively, as it pertains to paragraphs 1 through 3 of this subsection. A licensee who is a full-time employee of a firm and holds a position of recognized authority within the firm but does not hold one of the above-stated titles may request Board approval to be named the managing agent by submitting a letter to the Board on firm letterhead signed by a person within the firm holding one of the above-stated titles, describing the special circumstances surrounding the requested exception and the extent of authority this employee holds regarding engineering or surveying decisions, respectively, as it pertains to paragraphs 1 through 3 of this subsection. A licensee who is self-employed, an independent contractor or who renders consulting engineering or surveying services to, or for, a firm shall not be designated as a managing agent. Firms holding a certificate of authorization with this Board prior to November 1, 2017, must be in compliance with this provision of law by November 1, 2019. The managing agent's responsibilities include:

1. Renewal of the firm's certificate of authorization and notification to the Board of any change in managing agent or firm's contact information;
2. Overall administrative supervision of the firm's licensed and subordinate personnel performing engineering or surveying work in Oklahoma; and
3. Institution and adherence of policies of the firm that are in accordance with Section 475.1 et seq. of this title, Section 3-116 et seq. of Title 65 of the Oklahoma Statutes and the rules of this Board.

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

1. Maintaining and renewal of the firm's certificate of authorization 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 Section 475.1 et seq. of this title, Section 3-116 et seq. of Title 65 of the Oklahoma Statutes and rules promulgated by the Board.