

TITLE 245 CHAPTER 15.
LICENSURE AND PRACTICE OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS

SUBCHAPTER 19. ORGANIZATIONAL PRACTICE

245:15-19-1. Certificate of Authorization required

Firms practicing, offering to practice or contracting to perform engineering or land surveying services in the State of Oklahoma shall obtain a Certificate of Authorization issued by the Board. Certificates of Authorization may be granted by the Board to any firm approved by the Board which meets the criteria in the Statutes and this Chapter.

245:15-19-2. Criteria for issuance of Certificate of Authorization

The Board may grant a Certificate of Authorization to practice through individual licensees to those firms meeting the following criteria:

- (1) An application is filed and approved by the Board or its designee.
- (2) A firm offering engineering and/or surveying services shall designate an engineer or land 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. The designated managing agent(s) must hold a position of recognized authority within the firm. A licensee who does not hold an otherwise qualifying title within a firm, as described in Title 59, 475.21(F), shall qualify as a managing agent under the following conditions:
 - (A) the licensee shall be a full-time employee of the firm and not a consultant or an independent contractor;
 - (B) the licensee shall hold the proper professional license in good-standing with the Board; and
 - (C) the licensee and firm both shall certify that the licensee can fulfill the responsibilities of the managing agent, including:
 - (i) renewal and maintenance of the firm's certificate of authorization and notification to the Board of any change in managing agent or firm's contact information within 30 days of the change;
 - (ii) overall administrative supervision of the firm's licensed and subordinate personnel performing engineering or surveying work, respectively, in Oklahoma; and
 - (iii) the 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, and of the Oklahoma Statutes and Rules of this Board.
- (3) The firm's practice of engineering or land surveying in any main office or branch office is under the direct control and personal supervision of a duly licensed professional engineer or professional land surveyor in responsible charge. In the case of an out-of-state firm authorized to perform engineering services in Oklahoma, the firm may have one or more branch offices located in Oklahoma only if the firm has a professional engineer designated responsible and in charge of the firm's professional practice in this state. The professional engineer designated for this purpose shall be duly licensed as a professional engineer in Oklahoma and be a full-time resident of Oklahoma or shall be required to spend a majority of normal business hours at one or more branch offices located in Oklahoma.
- (4) A Certificate of Authorization shall be issued to a firm which is in compliance with the statutory requirements and the current Rules of Procedure of the Board. The certificate will identify the firm by name and authorization number, show the effective date, and confirm the firm's right to practice engineering and/or land surveying in the State of Oklahoma.
- (5) One Certificate of Authorization will be issued by the Board for each firm, which shall be subject to powers of renewal, reinstatement, suspension, revocation, penalties, orders or refusal to renew for cause, vested in the Board by the statutes.

- (6) Firms holding a Certificate of Authorization shall display or maintain it at the firm's place of practice.
- (7) A duplicate original Certificate of Authorization will be issued to a firm provided:
 - (A) The current Certificate of Authorization's renewal is effective;
 - (B) The firm makes written request for a replacement of certificate;
 - (C) The firm certifies that the original certificate has been lost, damaged or destroyed; and
 - (D) The firm pays the prescribed fee.
- (8) Duplicate Certificates of Authorization will be issued for multiple places of practice upon a written request and payment of the prescribed fee. However, each duplicate certificate will be marked as such.

245:15-19-3. Biennial license for Certificate of Authorization

- (a) A firm desiring to practice under the Certificate of Authorization must submit the proper fees and forms for renewal biennially. No Certificate of Authorization shall be valid for longer than a two (2) year period.
- (b) Failure to biennially renew and remit renewal fees by the renewal date will result in automatic revocation of the Certificate of Authorization.
- (c) One notice of revocation will be sent to the last known address of the firm failing to biennially renew and remit renewal fees.

245:15-19-4. Reinstatement of revoked Certificate of Authorization

- (a) Certificates of Authorization revoked for nonpayment of fees, may be reinstated within one hundred eighty (180) days of revocation after payment of the reinstatement fee and renewal fee.
- (b) Certificates of Authorization revoked for longer than one hundred eighty (180) days without reinstatement must submit a new application and fee to be considered by the Board. If reinstatement is within one hundred eighty (180) days following the date of the revocation, then the Certificate of Authorization will be deemed to have been continuous. The practice of engineering or land surveying by and through a firm whose Certificate of Authorization has been revoked, including practice during any eligible reinstatement period, is a violation of Title 59, Section 475.1 et seq. and the Rules of this Board.
- (c) Certificates of Authorization suspended, denied, refused renewal, or revoked for cause may be reinstated only by Board action and only then in the manner determined by such Board action. Requests for reinstatement of the Certificate of Authorization revoked for cause shall be addressed to the Board at the Board office and shall show cause why such reinstatement is justified.

245:15-19-5. Compliance with laws, rules, regulations and orders

- (a) All firms and entities shall comply with all laws, rules, regulations and orders issued, to the same extent as they apply to an individual engineer or land surveyor.
- (b) The Board shall investigate complaints, hold hearings, issue orders and determine penalties against firms and entities in the same manner, procedure, and with the same rights and offenses as are authorized against an individual engineer or land surveyor, as designated in this Chapter.
- (c) Upon notice of the Board, Certificates of Authorization suspended, refused renewal, or revoked for cause by Board action shall be surrendered immediately in the manner prescribed by that notice.

245:15-19-6. Notification of changes in firm practice required

Firms shall notify the Board office within thirty (30) days of any or all changes which affect the Certificate of Authorization. Notification shall be on the Board's form, signed by a Professional Engineer or Land Surveyor designated in responsible charge on the Certificate of Authorization or partner or director of the firm, and accompanied by the fees prescribed in Chapter 2 of this title. Failure to properly and promptly notify the Board of changes shall be cause for penalties, revocation, refusal to renew or suspension of the Certificate of Authorization, as designated in the Rules of Procedure of the Board.

245:15-19-7. Authority to use professional titles

(a) Only persons holding current Certificates of Licensure in Oklahoma and firms or entities holding current Certificates of Authorization issued by the Board, are authorized to employ the title "Engineer" or "Land Surveyor" and use any various construction thereof, in describing or identifying services solicited, offered, contracted or performed.

(b) No other person, entity, or firm may employ the title "Engineer" or "Land Surveyor" or any various construction thereof, to describe persons, entities or services, nor do such unlicensed individuals, firms or entities have authority to solicit, offer, contract or execute engineering or land surveying services in the State of Oklahoma.

245:15-19-8. Firms required to file with Secretary of State; restriction on similar names

(a) Failure to properly file a Certificate of Incorporation or authentication and maintain same with the Secretary of State may result in revocation of the Certificate of Authorization and disciplinary action pursuant to the Rules of this Chapter.

(b) The name of a firm or entity shall not be the same as or deceptively similar to the name of any other firm or entity then existing. The name shall not be the same or deceptively similar to any name that has existed within the preceding three (3) years, without the written consent of the previously existing firm or entity.

245:15-19-9. Exceptions

(a) A firm whose business does not consist, either wholly or in part, of the rendering of engineering or land surveying services to the public is allowed without obtaining a Certificate of Authorization, providing they are also in compliance with OAC 245:15-19-7.

(b) The work of a person rendering engineering or land surveying services to a firm as an employee of the firm, when the services are rendered in carrying on the general business of the firm and the general business does not consist, either wholly or in part, of the rendering of engineering or land surveying services to the public, is allowed under the provision of O.S. Title 59, Section 475.1 et seq.

(c) The use of the terms 'network engineering' or 'software engineering' by firms and 'network engineer' or 'software engineer' by individuals is allowed under provision of O.S. Title 59, Section 475.1 et seq. Firms may not use the word engineer or any derivative thereof in the name of the firm and individuals and firms are prohibited from offering or performing professional engineering services without being duly licensed or authorized to do so.