

ALONG THE PATH TO COMPLIANCE

Mobility . . . Know the Law Before You Travel

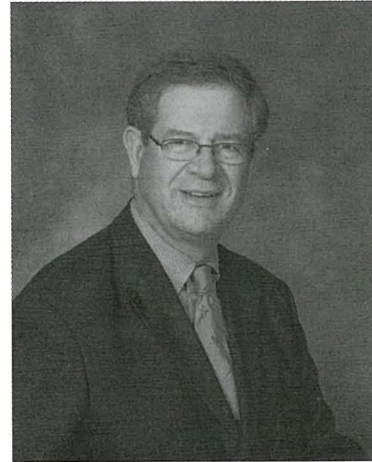
A number of years ago the National Council for Engineering and Surveying (NCEES) introduced a Records Program that was intended to facilitate and expedite mobility. The program vastly speeds up the out-of-state licensing process. The Oklahoma Board has embraced this program and encourages our in-state licensees seeking projects in other states to take advantage of this time and resource saving program. *(For more information regarding the Records Program go to www.ncees.org/records/)*

However, with mobility comes the added responsibility of tracking your licenses, keeping them current in each state, and knowing and applying the rules and laws of the states where you are licensed. Differences in surveying practice from state to state require that land surveyors take and pass a state examination that includes state specific licensing laws and rules. Engineering mobility may require state specific examinations and sometimes the licensing laws and rules are overlooked. Licensees are required to know the laws where they practice and you don't want to be disciplined because of ignorance of the law. Further, you would then be required to report this disciplinary action on every application and renewal you complete. So if you are in doubt – ASK! Call the appropriate licensing board and ask any questions you may have concerning their state laws and rules. *(For contact information of all licensing boards go to www.ncees.org/licensure/licensing_boards/)*

An example of an Oklahoma Rule that is frequently violated is our OAC 245:15-23 –1(a) that requires that **“a person, firm or entity holding itself out as having the qualifications to, is able to or who does contract, offer or perform engineering or land surveying services in this state shall be licensed”**. That includes the individual licensee and the firm, if the licensee is not practicing as an individual. The Oklahoma Board regularly disciplines licensees for offering to practice and practicing prior to becoming licensed. Obtaining the license must happen before offering and practicing engineering and land surveying. *[See exceptions to this rule OAC 245-15-23-1(a)(5)]*

Another example of a law that our licensees must be familiar with is the definition of **“Direct Control and Personal Supervision”**. In Oklahoma, our strict definition includes **“active and personal management of the firm’s personnel and practice including personal presence in the workplace to maintain charge of, and concurrent direction over engineering or land surveying decisions”**. There is no provision in our law to simply “review” the work of non-licensed individuals and there are no provisions for remote direct control and personal supervision. Out-sourcing engineering design work to foreign countries is not allowed because the licensed engineer cannot exercise direct control or personal supervision over the engineering work. Since Oklahoma requires firm authorization, a licensee must be prepared to demonstrate an employment relationship with the firm that is not a part-time or consulting relationship.

Knowledge of state laws and rules affecting engineering and surveying is important to your successful practice. So go ahead and get mobile, but slow down and take the time to get familiar with state specific requirements.



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