OKLAHOMA STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

Statutes Regulating the Practice of Engineering and Land Surveying

O.S. Title 59, Sections 475.1-475.22a

November 1, 2017

Corner Perpetuation and Filing Act

O.S. Title 65, Sections 3.116-3.123

Effective October 1, 1978

Oklahoma Administrative Code

Title 245 Rules of Procedure

Effective July 25, 2013

All regulations are available online at www.ok.gov/pels

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OKLAHOMA STATUTES REGULATING PROFESSIONAL ENGINEERING AND LAND SURVEYING

TITLE 59, SECTIONS 475.1 – 475.22a

Revised Effective November 1, 2017

Section 475.1. Licensure as engineer or land surveyor - Privilege

In order to safeguard life, health and property, and to promote the public welfare, the practice of engineering and the practice of land surveying in this state are hereby declared to be subject to regulation in the public interest. It shall be unlawful to practice or to offer to practice engineering or land surveying in this state, as defined in the provisions of Section 475.1 et seq. of this title, or to use in connection with any name or otherwise assume or advertise any title or description tending to convey the impression that any person is an engineer, professional engineer, professional structural engineer, land surveyor or professional land surveyor, unless such person has been duly licensed or authorized under the provisions of Section 475.1 et seq. of this title. The practice of engineering or land surveying shall be deemed a privilege granted by the state through the State Board of Licensure for Professional Engineers and Land Surveyors, based on the qualifications of the individual as evidenced by a certificate of licensure, which shall not be transferable.

Section 475.2. Definitions

As used in Section 475.1 et seq. of this title:

1. "Engineer" means a person who, by reason of special knowledge and use of the mathematical, physical and engineering sciences and the principles and methods of engineering analysis and design, acquired by engineering education and engineering experience, is qualified, after meeting the requirements of Section 475.1 et seq. of this title and the regulations issued by the Board pursuant thereto, to engage in the practice of engineering;

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

3. "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 subsection D of Section 11 of this act. For purposes of this definition, the term "significant structures" may be defined by Board rule; provided, however, such definition shall not include any structure that is a residential structure;

4. "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 Section 475.1 et seq. of this title and the regulations issued by the Board pursuant thereto;

5. "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 that may impact the life, health, property, and welfare of the public. The services may include, but are not limited to, such services or creative work as:

a. consultation,
b. investigation,
c. evaluation,
d. planning and design of engineering works and systems,
e. planning the engineering use of land and water,
f. teaching of advanced engineering subjects or courses related thereto,
g. engineering research,
h. engineering surveys,
i. engineering studies,
j. engineering reports,
k. written engineering opinions,
l. the inspection or review of construction for the purposes of ensuring compliance with drawings and specifications; and
m. engineering reports or like material developed in connection with expert witness testimony or anticipated testimony,

any of which embraces such services or work, either public or private, 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 systems 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 review and integration of a multidiscipline work, planning, progress and completion of any engineering services.

Design review and integration includes the design review and integration of those technical submissions prepared by others, including as appropriate and without limitation, engineers, architects, landscape establishment of monuments, land surveyors, and other professionals working under the direction of the engineer. The definition of design

review and integration by engineers does not restrict the services other licensed professional disciplines are authorized to offer or perform by statute or regulation.

Engineering surveys include all survey activities required to support the sound conception, planning, design, construction, maintenance and operation of engineered projects, but exclude the surveying of real property for the establishment of land boundaries, rights-of-way, easements and the dependent or independent surveys or resurveys of the public land survey system.

A person or entity shall be construed to practice or offer to practice engineering, within the meaning and intent of Section 475.1 et seq. of this title 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 Section 475.1 et seq. of this title; or who represents qualifications or ability to perform or who does practice engineering;

6. “Professional land surveyor” or “land surveyor” or “P.L.S.” means a person who has been duly licensed as a professional land surveyor pursuant to Section 475.1 et seq. of this title and the regulations issued by the Board pursuant thereto; and is a person who, by reason of special knowledge in the technique of measuring land and use of the basic principles of mathematics, the related physical and applied sciences and the relevant requirements of law for adequate evidence and all requisite to surveying of real property, acquired by education and experience, is qualified to engage in the practice of land surveying;

7. “Land surveyor intern” or “L.S.I.” means a person who complies with the requirement for education and has passed an examination in the fundamental land surveying subjects, as provided in Section 475.1 et seq. of this title and regulations issued by the Board pursuant thereto;

8. a. “Practice of land 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 land boundaries. “Practice of land 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 land 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 land surveying,

(6) establishment, restoration, and rehabilitation of land survey monuments and bench marks,

(7) preparation of land survey plats, condominium plats, monument records, and survey reports,

(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, within underground workings, and on the beds of bodies of water for the purpose of determining areas and volumes for a survey, 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.

b. A person or entity shall be construed to practice or offer to practice land surveying, within the meaning and intent of Section 475.1 et seq. of this title who does any one of the following: practices any branch of the profession of land surveying; by verbal claim, sign, advertisement, letterhead, card or in any other way represents such person to be a professional land surveyor or through the use of some other title implies that such person or entity is a professional land surveyor or that such person is registered, licensed, or qualified under Section 475.1 et seq. of

this title; represents qualifications or ability to perform; or who does practice land surveying;

9. “Board” means the State Board of Licensure for Professional Engineers and Land Surveyors;

10. “Responsible charge” means direct control and personal supervision of engineering or land surveying work;

11. “Rules of professional conduct for professional engineers and professional land surveyors” means those rules promulgated by the Board;

12. “Firm” means any form of business or entity, other than an individual operating as a sole proprietorship under his or her name;

13. “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 land surveying decisions and the instruments of professional services to which the licensee affixes the seal, signature, and date;

14. “Core curriculum” means the Board-approved land surveying courses adopted by Board policy, developed to ensure that professional land surveyor applicants meet the minimum educational requirements for licensure;

15. “Related science degree” means a bachelor’s degree from an Engineering Technology Accreditation Commission/Accreditation Board for Engineering and Technology (ETAC/ABET) accredited engineering technology program of four (4) years or more. A degree of four (4) years or more in architecture, 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, including calculus, and twenty (20) hours of engineering sciences or related sciences, including physics. Non-accredited engineering degree programs shall meet the above requirements to be considered a related science degree;

16. “Authoritative” means being presented as trustworthy and competent when used to describe products, processes, applications, or data resulting from the practice of engineering or land surveying; and

17. “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.

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

A. The State Board of Licensure for Professional Engineers and Land Surveyors is hereby re-created, to continue until July 1, 2020, in accordance with the provisions of the Oklahoma Sunset Law, whose duty it shall be to administer the provisions of Section 475.1 et seq. of this title. The Board shall consist of four professional engineers and two professional land 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 land surveyors shall be appointed by the Governor and shall have the qualifications required by Section 475.4 of this title.

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 land surveyor having the qualifications required in Section 475.4 of this title. 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. Each professional land 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 land surveying as a professional land surveyor for at least ten (10) years. The member shall have been in responsible charge of land surveying projects for at least five (5) years and shall be a licensed professional land 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 Section 475.3 of this title.

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 land surveyor member.

Section 475.8. Powers and authority of Board

A. The State Board of Licensure for Professional Engineers and Land 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 Section 475.1 et seq. of this title, including the adoption and promulgation of Rules of Professional Conduct for Professional Engineers and Land 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 under Section 475.1 et seq. of this title, and shall be applicable to firms holding a certificate of authorization. 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 land surveying;

2. Establish continuing education requirements for renewal of

professional engineering and professional land surveying licenses;

3. Promulgate rules concerning the ethical marketing of professional engineering and professional land 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 certificate of licensure or certificate of authorization. In addition, the Board may suspend, revoke or refuse to renew certificates of licensure or certificates of authorization 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 Section 475.1 et seq. of this title 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 Section 475.1 et seq. of this title or any rule or regulation of the Board promulgated pursuant thereto. The Board shall investigate alleged violations of the provisions of Section 475.1 et seq. of this title 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 Section 475.1 et seq. of this title, 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 Section 475.1 et seq. of this title 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 Section 475.1 et seq. of this title, 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 licensure 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 Section 475.1 et seq. of this title 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 Section 475.1 et seq. of this title 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 Engineering Accreditation Commission (EAC), Technology Accreditation Commission, Accreditation Board for Engineering and Technology (TAC/ABET) or Board-approved accredited degree in engineering or land 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 Land Surveyor's Board. 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 land 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 land surveying. The Board may expend its funds for these purposes and may conduct, sponsor, and arrange for instructional 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, or with Oklahoma Department of Career and Technology Education 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 land surveying. The Board shall encourage the educational institutions in Oklahoma to offer courses necessary to complete the educational requirements of Section 475.1 et seq. of this title. For the purpose of carrying 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 Department of Career and Technology Education.

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

A. The Executive Director of the State Board of Licensure for Professional Engineers and Land Surveyors shall be responsible for accounting for all monies derived under the provisions of Section 475.1 et seq. of this title. This fund shall be known as the "Professional Engineers and Land 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, Principal Assistant, Director of Enforcement, Board Investigator and all other such clerical or other assistants as are necessary for the proper

performance of its work. Effective November 1, 2017, 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 Section 475.1 et seq. of this title, 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 land 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 Section 475.1 et seq. of this title 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 Land Surveyors shall keep a record of its proceedings and of all applications for licensure, 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 certificate of licensure was granted;
8. The date of the action of the Board; and
9. Such other information as may be deemed necessary by the Board.

B. 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.

C. 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.

D. 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 and professional land surveyors shall be maintained and made available to the licensees and the public.

Section 475.12a Qualifications for licensure - engineering

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. Graduating from an engineering program of four (4) years or more accredited by the Engineering Accreditation Commission of ABET (EAC/ABET), or the equivalent, or a related science degree program approved by the State Board of Licensure for Professional Engineers and Land Surveyors, or an engineering master's degree program from an institution that offers EAC/ABET-accredited programs;

2. Passing the National Council of Examiners for Engineering and Surveying (NCEES) Fundamentals of Engineering (FE) examination; and

3. Submitting three (3) professional or character references.

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

1. Be of good character and reputation;

2. Satisfy the education and experience criteria set forth in this section;

3. Pass the applicable examinations set forth in this section; and

4. Submit five references acceptable to the Board, three of which shall be professional engineers having personal knowledge of the applicant's engineering experience.

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 certificate of licensure to engage in the practice of engineering issued by a proper authority of any state or jurisdiction, based on requirements that do not conflict with the provisions of Section 475.1 et seq. of Title 59 of the Oklahoma Statutes 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 judgement 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 Council Record with NCEES whose qualifications as evidenced by the Council Record meet the requirements of Section 475.1 et seq. of Title 59 of the Oklahoma Statutes 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.

D. 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 bachelor's degree in engineering from an EAC/ABET-accredited program, or the equivalent,
   b. a bachelor's degree in a Board-approved related science degree program,
   c. a master's degree in engineering from an institution that offers EAC/ABET-accredited programs,
   d. a master's degree in engineering from an EAC/M-ABET-accredited program, or
   e. an earned doctoral degree in engineering acceptable to the Board.

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

3. 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 policy 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.

4. Experience Requirements. An individual seeking licensure as a professional engineer shall present evidence of a specific record of progressive engineering experience satisfying one of the following. 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:

a. an individual with a bachelor's degree in engineering 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 with a bachelor's degree in a Board-approved related science degree program 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 with a master's degree in engineering pursuant to subparagraph c or d of paragraph 1 of this subsection: three (3) years of experience after the master's degree is conferred, or

d. an individual with an earned doctoral degree acceptable to the Board: two (2) years of experience after the doctoral degree is conferred.

5. 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.

6. 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.

Section 475.12b. Qualifications for licensure - surveying

A. Certification or Enrollment as a Land 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 or enrollment as a land surveyor intern:

1. Graduating from a surveying program of four (4) years or more approved by the Board, providing proof of graduation, and submitting three character or professional references;

2. Graduating from a surveying program of two (2) years or more approved by the Board, providing proof of graduation, and submitting three character or professional references,

3. Graduating from a program of two (2) years or more approved by the Board which shall include the Board-approved core curriculum, providing proof of graduation, and submitting three character or professional references; or

4. Completing sixty (60) college credit hours approved by the Board which shall include the Board-approved core curriculum, providing proof of successful completion of the required college credit hours and submitting three character or professional references.

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

1. Be of good character and reputation;

2. Satisfy the education and experience criteria set forth in this section;

3. Pass the applicable examinations set forth in this section; and

4. Submit five references acceptable to the Board, three of whom shall be professional land surveyors having personal knowledge of the applicant's surveying experience.

C. Comity Licensure for a Professional Land 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 land surveyor:

An individual holding a certificate of licensure to engage in the practice of land surveying issued by a proper authority of any state or jurisdiction, based on requirements that do not conflict with the provisions of Section 475.1 et seq. of Title 59 of the Oklahoma Statutes, 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 Council Record with NCEES, 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 land surveying in Oklahoma.

D. Initial Licensure as a Professional Land Surveyor. An individual meeting the education requirements pursuant to subsection A of this section for a land surveyor intern shall meet the following land 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 land 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 paragraphs 2, 3 and 4 of subsection A of this section: six (6) 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 land surveyor, if otherwise qualified.

Section 475.12c. Qualifications for licensure – structural engineering

A. "Professional Structural Engineer", "P.E., S.E.", or "S.E." Professional engineers licensed in Oklahoma who were approved by the Board to claim structural engineering, with or without an "S.E.", as an area of competence prior to November 1, 2017 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:

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

2. Proof of structural engineering experience by way of a list of representative projects completed, or courses taught, as described on Board-approved application forms, and three references by licensed professional engineers having personal knowledge of and verifying the applicant's structural engineering experience; and

3. Proof of structural engineering education, including ten (10) professional development hours of continuing education related to the technical aspects of structural engineering in the two (2) years preceding the date of application, 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; or

4. 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 sixteen-hour SE Examination taken after January 1, 2011.

B. Professional engineers submitting proof pursuant to paragraph 4 of subsection A of this section shall submit a properly completed application form, including certified copies of all formal or informal disciplinary actions taken against their professional engineering license in any state or jurisdiction, 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.

C. Professional engineers licensed in Oklahoma who were approved by the Board to claim structural engineering with an "S.E." as an area of competence prior to November 1, 2017, who do not submit an application form 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 variation using the "S.E." designation and perform structural engineering analysis and design services for significant structures by October 31, 2020, shall be notified in writing that their file will be amended to state structural engineering without an "S.E." as their area of competence.

D. 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 who apply after November 1, 2017, shall submit the following by application and prescribed fees for Board consideration as minimum evidence that the applicant is qualified:

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

2. Proof of structural engineering experience by way of a list of representative projects completed, or courses taught, as described on Board-approved application forms, and three references by licensed professional engineers having personal knowledge of and verifying the applicant's structural engineering experience;

3. Proof of structural engineering education, including ten (10) professional development hours of continuing education related to the

technical aspects of structural engineering in the two (2) years preceding the date of application, 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

4. 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 sixteen-hour SE Examination taken after January 1, 2011.

E. 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 who apply after November 1, 2017, and before October 31, 2020, shall submit the following by application and prescribed fees for Board consideration as minimum evidence that the applicant is qualified, in addition to all required requirements in Section 475.1 et seq. of Title 59 of the Oklahoma Statutes:

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

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.

F. Beginning November 1, 2020, the following shall be considered as minimum evidence for all applicants who wish to apply to the Board for authorization that the applicant is qualified 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:

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

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

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 sixteen-hour S.E. Examination taken after January 1, 2011; and

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

G. 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 this Board to do so may use the title “Professional Structural Engineer”, “P.E., S.E.”, “S.E.”, or any title using the “S.E.” designation and to perform structural engineering analysis and design services for significant structures.

H. The Board may adopt rules defining 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 council record - Fees

A. 1. Application for licensure as a professional engineer or professional land surveyor, or certification as an engineer intern or land 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 land 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 council record issued by the National Council of Examiners for Engineering and Surveying for professional engineer, or professional land surveyor applicants in lieu of the same information that is required on the form prescribed and furnished by the Board.

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 certificate of licensure to any applicant, including the application of a firm for a certificate of authorization, 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.

B. Examinations may be taken only after the applicant has met other minimum requirements as set forth in Sections 9, 10 and 11 of this act, 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. Fundamentals of Engineering;
2. Principles and Practice of Engineering;
3. Structural Engineering;
4. Fundamentals of Surveying;
5. Principles and Practice of Surveying;
6. Oklahoma Law and Surveying; and
7. Oklahoma Law and Engineering.

C. A candidate failing an examination may apply for the next available examination, as prescribed by NCEES policies and procedures, which may be granted upon payment of an application fee established by the Board if applicable.

D. The applicant shall pay all fees established by the Board for examination documents and grading. The required fees shall be paid by the applicant in advance of the examination.

E. The Board may prepare and adopt specifications for the examinations in engineering and land surveying. They shall be made available to the public and to any person interested in being licensed as a professional engineer or as a professional land 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 period as frequently as prescribed by NCEES policies and procedures.

Section 475.15. Certificate of licensure – 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 Section 475.1 et seq. of this title, a certificate of licensure giving the licensee proper authority to practice in this state. The certificate of licensure for a professional engineer shall carry the designation "Professional Engineer", and for a professional land surveyor, "Professional Land Surveyor". It shall give the full name of the licensee with the licensure number of the licensee and shall be signed by the Chair and the Secretary under the seal of the Board.

B. This certificate shall be prima facie evidence that the person named thereon is entitled to all rights, privileges and responsibilities of a professional engineer or professional land surveyor, while the certificate remains unrevoked and unexpired.

C. Each licensee hereunder may, upon licensure, 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 Section 475.1 et seq. of this title. 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 engineer or professional land surveyor and must conform to the specifications in the Board rules regarding digital or electronic signatures.

D. A professional engineer, professional land surveyor 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 Section 475.1 et seq. of this title, a certificate as an engineer intern or land surveyor intern which indicates that his or her name has been recorded as such in the Board office. The engineer intern or land surveyor intern certificate does not authorize the holder to practice as a professional engineer or professional land surveyor.

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

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

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

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

D. If a licensee is granted inactive status, the licensee may return to active status by notifying the Board in advance of his or her intention, by paying appropriate fees and by meeting all requirements of the Board, including demonstration of continuing professional competency as a condition of reinstatement.

E. 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 certificate of licensure or certificate of authorization, to replace any certificate lost, destroyed or mutilated, 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 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 certificate of licensure, a certificate of authorization, 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 land 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 land surveying or poses a reasonable threat to public safety; or conviction of or entry of a plea of guilty or nolo contendere to a misdemeanor, an essential element of which is dishonesty or is a violation of the practice of engineering or land surveying;

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

5. Disciplinary action, including voluntary surrender of a professional engineer's or professional land 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 complaint to the Board which would indicate a violation of Section 475.1 et seq. of this title;

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 Section 475.1 et seq. of this title 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 land surveying while the professional engineer's license or professional land surveyor's license is suspended, revoked, nonrenewed, retired or inactive;

10. Signing, affixing the professional engineer's or professional land surveyor's seal, or permitting the professional engineer's or professional land 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 land 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 areas of competence designated in the official Board records;

15. Violating the Oklahoma Minimum Standards for the Practice of Land 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 Land Surveyors as provided for in Section 475.8 of this title, which shall be made available in writing to every licensee and applicant for licensure under Section 475.1 et seq. of this title. The Board may revise and amend these Rules of Professional Conduct for Professional Engineers and Professional Land 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 authorization for the firm as required by Section 475.1 et seq. of this title 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 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 Board. All allegations shall be timely investigated by the Board and, unless determined unfounded or trivial by the Board, 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 title, place on probation for a period of time and subject to such conditions as the Board may specify, refuse to issue, restore, renew, suspend or revoke the individual's certificate of licensure, or the firm's certificate of authorization.

D. Any named respondent aggrieved by any action of the Board in levying a fine, denying, suspending, refusing to issue, restore or renew or revoking the certificate of licensure of the person, or its certificate of authorization, may appeal there from to the proper court under normal civil procedures.

E. The Board may, upon petition of an individual licensee or firm holding a certificate of authorization, reissue a certificate of licensure 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 land surveying in this state without being licensed by the State Board of

Licensure for Professional Engineers and Land Surveyors in accordance with the provisions of Section 475.1 et seq. of this title, or any person or entity using or employing the words "engineer" or "engineering" or "land surveyor" or "land surveying" or any modification or derivative thereof in its name or form of business or activity except as authorized in Section 475.1 et seq. of this title, or any person presenting or attempting to use the certificate of licensure 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 certificate of licensure, 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 certificate of licensure, or who practices or offers to practice when not qualified, or any person who falsely claims to be registered or licensed under Section 475.1 et seq. of this title, or any person who violates any of the provisions of Section 475.1 et seq. of this title, 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 Section 475.1 et seq. of this title, or any rule, regulation or order issued pursuant to such provisions, may be liable for an administrative penalty of not less than Two Hundred Fifty Dollars ($250.00) nor more than Ten Thousand Dollars ($10,000.00) 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 Section 475.1 et seq. of this title. All monies collected from administrative penalties shall be deposited with the State Treasurer and placed in the "Professional Engineers and Land Surveyors Fund".

3. Any certificate of licensure or certificate of authorization holder may request to surrender the certificate of licensure or certificate of authorization in lieu of an administrative action, but shall be permanently barred from obtaining a reissuance of the certificate of licensure or

certificate of authorization. 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 Section 475.1 et seq. of this title. 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 Section 475.1 et seq. of this title.

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 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. 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.

Section 475.22. Exceptions

Section 475.1 et seq. of this title 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 title, in the applicant's resident state or jurisdiction and who has made application for licensure to this 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 written 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 this Board. Further such person shall not have been disciplined in any jurisdiction by a Board of licensure for engineering, and shall not have been convicted in any jurisdiction of a felony. 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 Section 475.1 et seq. of this title 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 land surveyor. The practice of land surveying under a temporary permit by a person licensed as a professional land surveyor in another state is not considered to be in the best interest of the public and therefore shall not be granted;

3. Employees and subordinates. The work of an employee or a

subordinate of a person holding a certificate of licensure under Section 475.1 et seq. of this title, 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 land surveying designs or decisions and is done under the direct supervision of and verified by a person holding a certificate of licensure under Section 475.1 et seq. of this title 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 land surveying, within the meaning and intent of Section 475.1 et seq. of this title, who merely acts as an agent of a purchaser of land surveying services. Agents of a purchaser of land 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 land surveying services. The coordination of land surveying services includes, but is not limited to, sales and marketing of services, discussion of requirements of land surveys, contracting to furnish land surveys, review of land surveys, the requesting of revisions of land surveys, and making any and all modifications to surveys with the written consent of the professional land surveyor, and furnishing final revised copies to the professional land surveyor showing all revisions, the distribution of land surveys, and receiving payment for such services. These actions do not constitute the practice of land surveying, and do not violate any part of Section 475.1 through 475.22a of this title or the bylaws and rules of the Board;

Section 475.22a. Land 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 land surveying which do not have impressed thereon and affixed thereto the personal signature and seal of a professional land surveyor by whom or under whose direct supervision the map, plat, survey or other documents were prepared.

OKLAHOMA STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

CORNER PERPETUATION & FILING ACT
TITLE 65 O.S. 3.116-3.123
EFFECTIVE OCTOBER 1, 1978

SECTION 3-116. CITATION

This act shall be known and may be cited as the "Corner Perpetuation and Filing Act"

SECTION 3-117. PURPOSE

It is the purpose of this act to protect and perpetuate public land survey corners and information concerning the location of such corners by requiring the systematic establishment of monuments and filing of information concerning the marking of the location of such public land survey corners and to allow the systematic location of other property corners, thereby providing for property security and a coherent system of property location and identification; and thereby eliminating the repeated necessity for re-establishment and relocation of such corners once they are established and located.

SECTION 3-118. DEFINITIONS

As used in this act:

1. "Property corner" means a geographic point on the surface of the earth, and is on, a part of, and controls a property line;

2. "Property controlling corner" means a public land survey corner, or any property corner, which does not lie on a property line of the property in question, but which controls the location of one or more of the property corners of the property in question;

3. "Public land survey corner" means any corner actually established and monumented in an original survey or resurvey used as a basis of legal description for issuing a patent for the land to a private person from the United States government;

4. "Accessory to a corner" means any exclusively identifiable physical object whose spatial relationship to the corner is recorded. Accessories may be bearing trees, bearing objects, monuments, reference monuments, line trees, pits, mounds, charcoal-filled bottles, steel or wooden stakes, or other objects;

5. "Monument" means a physical structure that occupies the exact position of a corner;

6. "Reference monument" means a special monument that does not occupy the same geographical position as the corner itself, but whose spatial relationship to the corner is recorded, and which serves to witness the corner;

7. "Surveyor" means any person who is authorized by the laws of this

state to practice land surveying;

8. “Board” means the State Board of Registration for Professional Engineers and Land Surveyors; and

9. “Division” means the Office of Archives and Records of the Oklahoma Department of Libraries.

SECTION 3-119. PUBLIC LAND SURVEY CORNER RECORDS - FILING

A. A surveyor shall complete, sign and file with the Division a written record of the establishment or restoration of a public land survey corner. This record shall be known as a "public land survey corner record" and such a filing shall be made for every public land survey corner and accessory to such public land survey corner which is established, reestablished, monumented, remonumented, restored, rehabilitated, perpetuated or used as control in any survey. The survey information shall be filed within ninety (90) days after the survey is completed, unless the public land survey corner and its accessories are substantially, as described in an existing public land survey corner record, filed in accordance with the provisions of this act.

B. A surveyor may file or record any corner record as to any property corner, property controlling corner, reference monument or accessory to a corner.

C. The Board shall, by regulation, provide and prescribe the information which shall be necessary to be included in the public land survey corner record and the Board shall prescribe the form in which such public land survey corner record shall be presented and filed or recorded.

D. No corner record shall be filed or recorded unless it is signed by a land surveyor as defined herein, or in the case of an agency of the United States government, the certificate may be signed by the survey party chief making the survey.

SECTION 3-120. PUBLIC LAND SURVEY CORNER RECORD BOOK - INDEX - FILING AND RECORDING FEES - EXEMPTIONS

A. The Division shall receive the completed public land survey corner record and preserve it in an appropriate book. The books shall be in numerical order; provided, however, public land survey corner records may also be preserved in the same manner as any other recorded instruments.

B. The Division shall provide a suitable system for indexing said

documents, whereby access and recovery of the information contained therein shall be readily accessible and available for the use of the public.

C. The Division may charge a reasonable filing fee for the filing and recording of the information. However, all corners, monuments and their accessories established prior to the effective date of this act, for which a written record is completed as required herein, and which are offered for filing or recording within six (6) months of the effective date of this act, shall be accepted and filed by the Division without requiring the payment of fees therefor.

D. Corner records concerning corners established, reestablished or restored may be filed or recorded before the effective date of this act.

SECTION 3-121. RECONSTRUCTION OR REHABILITATION OF MONUMENT CORNERS

In every case where a corner record of a public land survey corner is required to be filed or recorded under the provisions of this act, the surveyor shall reconstruct or rehabilitate the monument of such corner, and accessories to such corners so that it will be as permanent a monument as is reasonably possible to provide and so that it may be located with facility at any time in the future.

SECTION 3-122. FEDERAL GOVERNMENT SURVEYS

All federal government surveys performed by authorized personnel of agencies of the federal government shall be subject to the provisions of this act but shall be exempt from filing fees required in Section 5 of this act (Section 3-120 of this title).

SECTION 3-123. FAILURE TO COMPLY WITH ACT

A surveyor failing to comply with the provisions of this act shall be subject to the revocation or suspension of his certificate of registration, after a hearing by the Board.

OKLAHOMA STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

Oklahoma Administrative Code, Title 245
Rules of Procedure
Effective July 25, 2013

TITLE 245 STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

CHAPTER 2. ADMINISTRATIVE OPERATIONS

245:2-1-1. Purpose

The Rules of Procedure of the Board are set forth for the purpose of interpreting and implementing 59 O.S., Sections 475.1 et seq., establishing the State Board of Licensure for Professional Engineers and Land Surveyors and conferring upon it the responsibility for the licensing of engineers, land surveyors, engineering and land surveying firms, regulation of the practice of engineering and land surveying, and enforcement of the Statutes. The Rules of Procedure are known and cited as OAC 245.

245:2-1-2. Terms defined by Statute

Terms defined in 59 O.S., Sections 475.1 et seq. shall have the same meanings when used in the Rules of Procedure unless the context or subject matter clearly requires a different interpretation.

245:2-1-4. Board meetings

(a) The Board holds at least four (4) regular meetings each year within the State of Oklahoma.
(b) All meetings shall be conducted by the current edition of "Roberts Rules of Order Newly Revised" unless otherwise provided herein or by Statute.
(c) A quorum of the Board shall consist of a majority of the full Board that includes at least one (1) Professional Land Surveyor Member. A majority vote of those present is required to pass a motion. The Chair shall vote as a member of the Board.
(d) In the absence of a quorum at any regular or special meeting called, those members of the Board in attendance shall reschedule such meeting to any later date.

245:2-1-5. Duties of Board officers

(a) **Election of Board officers.** The Board elects annually from its membership as officers a Chair, Vice Chair, and a Secretary.
(b) **Duties of the Chair.** The duties of the Chair are defined in the Statute. The Chair shall also serve as executive officer of the Board and

shall perform the additional duties:

(1) preside at all meetings;

(2) appoint such committees as the Board may authorize or require in the conduct of the Board business;

(3) sign all certificates and perform all other duties usually pertaining to the office of Chair and required or permitted by law.

(c) **Duties of the Vice Chair.** The duties of the Vice Chair are as defined in the Statute. The Vice Chair shall also serve as executive officer of the Board and perform the duties of the Chair in the absence of the Chair.

(d) **Duties of the Secretary.** The duties of the Secretary are as defined in the Statute. The Secretary shall also sign all certificates and other official documents required or permitted by law.

245:2-1-6. Duties of Executive Director and Principal Assistant

(a) The Board shall employ an Executive Director who shall be responsible for the administration of the policies of the Board, the processing of its routine operations, and other administrative and ministerial duties as the Board authorizes.

(b) The Board shall employ a Principal Assistant for the Board, who shall not be a member of the Board, and may be a Professional Engineer or Land Surveyor. The Principal Assistant's duties shall be to assist the Executive Director in the administration of the policies of the Board and other administrative and ministerial duties as the Board authorizes. The Principal Assistant shall act on behalf of the Executive Director in the absence of the Executive Director.

(c) The Board shall furnish the Executive Director and Principal Assistant the necessary equipment, supplies and clerical assistance, paying for same as prescribed herein and by law.

(d) The Executive Director and Principal Assistant shall make available to the Public for inspection at its official published address, all public records of the Board, and shall accept submissions and requests at said location.

(e) The Executive Director shall present monthly reports to the Board for the “Professional Engineers and Land Surveyors Fund”, which shall show all funds received and disbursed from the fund.

245:2-1-7. Vacancies

(a) If, for any reason, a vacancy shall occur in the Board, the Chair shall prepare a notice to the Governor asking for the appointment of a new member to fill the unexpired term.

(b) If the vacancy shall occur in the office of the Chair, the Vice Chair shall prepare a notice to the Governor asking for the appointment of a new member to fill the unexpired term. In such case, the Board shall elect, from its own membership, at the first regular or special meeting, a new Chair to serve for the balance of the unexpired term.

245:2-1-8. Reimbursement for travel

Members of the Board, Board staff and authorized representatives shall be reimbursed for travel expenses incurred in the performance of their official duties, as allowed by the State Travel Act, and shall be paid on claims handled as prescribed herein and by the law.

245:2-1-9. Official Board Seal

The Seal of the Board shall be a circular seal, 2 1/4" in diameter, consisting of two concentric circles. The inner circle shall be 1 3/8" in diameter and shall contain the great seal of the State of Oklahoma. The outer circle shall be 2 1/8" in diameter and the area between the two circles shall contain the wording "State Board of Licensure for Professional Engineers and Land Surveyors" and the word "Oklahoma".

245:2-1-10. Official records

Among other official records required by law, or by rules of other agencies in support of law, the Board shall maintain accurate and current records including, but not limited to:

(1) A record of minutes, in proper order, containing a summary of actions of all meetings of the Board.

(2) Records of Licensees, containing the name and license number of all persons to whom Certificates of Licensure are issued, date of original license, the last known physical and e-mail addresses of all current licensees and renewals affected through biennial licensure, and the discipline(s) of engineering in which the applicant is claiming competency.

(3) Licensee files for each current licensee containing the original application, relevant verification and evaluation data, record of

examination results, and when applicable, records of alleged violations, suspensions, revocations, refusal to renew, orders issued, hearing transcriptions and penalties levied.

(4) Certificate of Authorization files containing the name of each current firm holding a current certificate, the engineer(s) or land surveyor(s) of record, a record of all partners, officers and directors of the entity, their license number and state in which they are licensed, if applicable, and the last known address.

(5) A system of finance records indicating funds received, budgeted, committed, spent, remaining and projections of appropriate request for consideration in budget development.

245:2-1-11. Inactive records

All inactive licensees and Certificates of Authorization files and records over three (3) years old may be microfilmed or imaged and disposed of according to the current State law and Archives and Records Commission Rules. Files and records containing violations and penalties over ten (10) years old may be microfilmed or imaged and disposed of according to the current State law and Archives and Records Commission Rules.

245:2-1-12. Public records

Public records of the Board are open for public inspection and copying at any time during normal business hours. A nominal fee shall be charged for copying. If extensive and time consuming copying or record searches are required, the person requiring such information or copying must supply personnel acceptable to Board staff, to do the tasks required, under the supervision of the Board staff. All records copied or searched shall be kept in the order found and shall be put back in the files as such. Costs incurred by the Board shall be paid by the person requiring such information or copying.

245:2-1-13. Confidential records

(a) Prior to presentation to the Board for formal or informal adjudication, files of investigations in progress shall be deemed not subject to the Open Records Act and therefore, confidential. Files of investigation that are confidential shall not be subject to disclosure to the extent such files would not be discoverable under state law, are protected by an evidentiary

privilege, contain the record of a lawfully constituted executive session, or contain the personal notes or personally created materials of a public official prior to taking action, or contain materials otherwise exempt from disclosure or discovery under applicable laws.
(b) Files of investigations in progress as referenced in this Section, shall mean any record, as defined by 5l O.S. 1991, Section 24A.3 and any amendments thereto pertaining to alleged violations of the Act or the Rules in this Chapter, by an individual, firm, partnership, association, corporation or entity prior to presentation to the Board for formal or informal adjudication.
(c) Upon written request, the Board or Board staff will examine its investigation files to determine the extent to which material contained in the file of an investigation in process should be deemed not confidential and, therefore, may be disclosed. In all cases, the Board will confirm a complaint has or has not been received and that an investigation is in progress.
(d) Other Board records and papers that may be kept confidential according to Title 59, Section 475.10(D): examination materials, file records of examination problem solutions, exam scores, letters of inquiry and reference concerning applicants, transcripts of college courses and grades, closed complaints, information otherwise protected by law and all other matters of like confidential nature.

245:2-1-14. Filing and disposition of petitions for declaratory rulings
(a) Any person may file a request for a declaratory ruling by the Board as to the application or enforcement of any Rule or Statute to a given set of circumstances. Such request shall be in writing, signed by a person seeking the ruling, state the Rule or Statute involved and contain a brief and concise statement of facts to which the ruling shall apply. Requests shall be submitted to the Board at its office, either in person, by mail, or electronic media and may be in any form. The Board will consider the request at its next regular or special meeting unless the question has been resolved by prior ruling of the Board, in which event the petitioner shall be promptly notified of the prior ruling.
(b) The Board may defer action or hold such request on its agenda pending any investigation or hearing which the Board might conduct. The Board shall issue the requested rulings promptly upon the determination thereof or send an explanation to the petitioner stating why a ruling will

not be issued. Unless a ruling states otherwise, rulings contemplated herein shall constitute precedent for the purpose of the Board's application and enforcement of the Rules in this Chapter and Statutes until revoked or overruled by the Board or the Courts. Such rulings shall be indexed by Statute section or Rule and shall be available for inspection by members of the public at the Board office. With respect to indexed rulings, the Board may delete nonessential and repetitive information and may edit any ruling to protect proprietary or confidential information.

245:2-1-15. Request for promulgation, amendment, or repeal of rules

(a) Any interested person may request the Board to promulgate, amend, or repeal a rule. Such request must be in writing and must state the reasons supporting the proposed rule, amendment or repeal. The request must also state whether the proposal conflicts with any existing rule. Further, the request must state what statutory provisions, if any, are involved. The request must be signed by the requester.

(b) These requests must be submitted to the Board's office, either in person or by mail. Requests may be considered by the Board at its next regular meeting or may be continued to a subsequent meeting for further consideration. Upon this preliminary consideration, if the Board approved the proposed change, notice will be given to requester that the proposed rule, amendment or repeal will be formally considered for adoption at a subsequent Board meeting. If, however, the Board initially determines that the proposed rule, amendment or repeal is not necessary, the request will be denied. This denial will be recorded in the regular minutes of the Board.

245:2-1-16. National Council of Examiners for Engineering and Surveying

The Board shall maintain membership in the National Council of Examiners for Engineering and Surveying (NCEES). At the National and Zone annual meetings, the Board may be represented by one or more members of the Board, Executive Director and/or Principal Assistant, and others whom the Board may designate.

245:2-1-18. Fees and penalties

(a) Schedule of fees and penalties, effective July 1, 2013, are as follows:

(1) Application:

(A) Original

(i) Engineer/Surveyor - $150.00

(ii) Intern - $50.00

(iii) Firm - $200.00

(B) Comity

(i) Engineer/Surveyor - $250.00

(ii) Intern - $50.00

(iii) Firm - $250.00

(C) Re-license

(i) Engineer/Surveyor - $250.00

(ii) Intern - $50.00

(iii) Firm - $250.00

(D) Requalification

(i) Engineer/Surveyor - $150.00

(ii) Intern - $25.00

(2) Biennial renewals:

(A) Individuals (Renewal fees are waived for Oklahoma licensed engineers and surveyors at 70 years old. Individuals must be 70 years old prior to their biennial renewal date and comply with the administrative renewal requirements of the Board to qualify.)

(i) Engineer/Surveyor - $150.00

(ii) Intern – WAIVED

(B) Firm - $200.00

(3) Reinstatement penalty (in addition to the renewal fee): The following reinstatement penalty schedule refers to payments received by the Board within the prescribed number of days following the expiration date of the renewal:

(A) 1 – 60 days:

(i) Engineer/Surveyor - $100.00

(ii) Firm - $100.00

(B) 61 – 120 days:

(i) Engineer/Surveyor - $150.00

(ii) Firm - $150.00

(C) 121 – 180 days:
(i) Engineer/Surveyor - $250.00
(ii) Firm - $250.00

(D) Reinstatement penalties for professional engineers and land surveyors may be waived if the licensee was unable to renew because they were in non-compliance with the Oklahoma Tax Commission.

(4) Re-examination application:
(A) Engineer/Surveyor - $50.00
(B) Intern - $10.00

(5) Temporary Permit (Engineering) - $750.00

(6) Administrative fee for returned checks: $25.00

(7) Duplicate certificate: $25.00

(8) Application fee to revise license or authorization
(A) Engineer/Surveyor $50.00
(B) Intern – no charge
(C) Firm - $100.00

(9) Transcript of hearing – Actual cost

(10) Copy of public records (per page): $.25

(b) The Board shall make no refunds of any fees or penalties to any applicant or licensee.

(c) These fees and penalties apply to the Rules in this Chapter and Chapter 15 of this Title.

(1) The administrative fee for returned checks shall be applied to any check returned to the Board for insufficient funds.

(2) Any such check returned to the Board shall be replaced with a cashier's check or money order within ten (10) days following notification from the Board of the returned check.

(d) Any member of the Armed Forces of the United States who is deployed on active duty who at the time of deployment was duly licensed in good standing as a professional engineer or land surveyor in Oklahoma may renew their license without the payment of renewal or reinstatement fees. The license or certificate issued pursuant to the provisions of this section may be continued as long as the licensee or certificate holder is a member of the Armed Forces of the United States on active duty and for a period of at least one (1) year after discharge from active duty.

245:2-1-19. Severability clause

Any part of the Rules in this Chapter, found by a Court or the Attorney General to be inconsistent with the provisions thereof as presently exist or are hereafter amended, shall be interpreted so as to comply with such Statutes as they presently exist or are hereafter amended and the partial or total invalidity of any section or sections of these Rules shall not affect its valid sections. These Rules go through the legislative process, thereby giving them the same effect as law.

245:2-1-20. Conflicting statutes

When a Statute or a part of a Statute is found to be in conflict or inconsistent with the provisions of 59 O.S., Sections 475.1 et seq. or the Rules in Chapters 2 or 15 as promulgated by the Board or the Administrative Procedures Act, 75 O.S. Sections 301 et seq., the provisions of 59 O.S., Sections 475.1 et seq. and the Administrative Procedures Act shall govern.

TITLE 245. STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

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

SUBCHAPTER 1. GENERAL PROVISIONS

245:15-1-1. Purpose

The Rules of Procedure of the Board are set forth for the purpose of interpreting and implementing 59 O.S., Sections 475.1 et seq., establishing the State Board of Licensure for Professional Engineers and Land Surveyors and conferring upon it the responsibility for licensing of engineers, land surveyors, engineering and land surveying firms, regulation of the practice of engineering and land surveying, and enforcement of the Statutes. The Rules of Procedure are known and cited as OAC 245.

245:15-1-2. Terms defined by Statute

Terms defined in 59 O.S., Sections 475.1 et seq. shall have the same meanings when used in this Chapter unless the context or subject matter clearly requires a different interpretation.

245:15-1-3. Definitions

The following words or terms, when used in the Rules of Procedure, shall have the following meaning, unless the context clearly indicates otherwise. Definitions in 59 O.S. Section 475.2 and 65 O.S. Section 3-118 shall be read together with the definitions and interpretations provided in the Rules of Procedure of the Board.

"Accessory to a corner" means any exclusively identifiable physical object whose spatial relationship to the corner is recorded. Accessories may be bearing trees, bearing objects, monuments, reference monuments, line trees, pits, mounds, charcoal filled bottles, steel or wooden stakes, or other objects.

"Certify" or "Certification" or similar expressions relating to engineering or land surveying services shall mean a statement based upon facts and knowledge known to the licensee and is not a guarantee or warranty, either expressed or implied.

"Closure error" means the ratio between the horizontal linear error of closure to the total horizontal distance traversed, with the numerator of the ratio being the number "one".

"Land or boundary survey" means a survey, the primary purpose of which includes, but is not limited to, the determining of the perimeter of a parcel or tract of land by establishing or reestablishing corners, monuments and boundary lines.

"Linear closure" means a measure of the horizontal linear error without regard to direction, between the computed location of the first and last points of a traverse when either the traverse actually returns to its beginning point (geometrically and mathematically closed), or the traverse ends at a point of previously established control relative to the beginning point (geometrically open, but mathematically closed).

"Mortgage Inspection Report" means a representation of the boundaries of a parcel of real property and the improvements thereon, prepared incident to a mortgage of real property.

"Monument" means a physical structure that occupies the exact position of a corner.

"Oklahoma Model Law Engineer" means a person who meets the minimum requirements of this act and:

(A) is a graduate of an engineering curriculum accredited by the Engineering Accreditation Commission (EAC) of the Accreditation Board for Engineering and Technology (ABET) or, has an engineering degree recognized as equivalent to an EAC/ABET degree by the Board, or has a Board-approved related science degree;

(B) has passed the Fundamentals of Engineering examination using the NCEES cut score except that for an applicant having eight years of acceptable engineering experience who obtained an original license prior to December 31, 1996, the Fundamentals of Engineering examination is waived for this definition only;

(C) has a specific record of an additional four years of progressive experience on engineering projects following graduation, or has a Board-approved related degree and an additional six years of progressive experience on engineering projects following graduation;

(D) has passed the Principles and Practices of Engineering examination using the National Council of Examiners for Engineering and Surveying (NCEES) cut score if the state of Oklahoma required such an examination at the time the comity applicant's original license was granted;
(E) has not been disciplined in any jurisdiction by a Board of licensure for engineering or land surveying or architecture;
(F) has not been convicted of a felony.

"Positional error" means the difference between the actual position of a corner monument and its described or computed position. This error may be determined by computing the difference between the measured position and the adjusted position of the monument or by measurement of angle and distance between three of the corner monuments on the survey if made with precise surveying instruments using proper procedures.

"Practice of land surveying" as defined by Title 59 O.S. Section 475.2(7)(a) also includes monumenting the subdivision of land into smaller parcels and the preparation of legal descriptions in connection therewith; however, the preparation of legal descriptions by a person who does not monument the land so described is not the practice of land surveying. Preparation of the control portion of geographic information systems and land information systems means the authoritative and monumented ground survey of a system of marks or objects to establish horizontal or vertical positions.

"Professional Engineer, Retired" – The term "Professional Engineer, Retired" as used in these rules, shall mean an individual who has been duly licensed as a professional engineer by the Board and who chooses to relinquish or not to renew a license and who applies to and is approved by the Board to be granted the use of the title "Professional Engineer, Retired."

"Professional Land Surveyor, Retired" – The term "Professional Land Surveyor, Retired" as used in these rules, shall mean an individual who has been duly licensed as a professional land surveyor by the Board and who chooses to relinquish or not to renew a license and who applies to and is approved by the Board to be granted the use of the title "Professional Land Surveyor, Retired."

"Related science degree" means one of the following: a degree from an ETAC/ABET accredited engineering technology program of four (4) years or more, or a degree from an architecture program accredited by

the National Architectural Accrediting Board (NAAB). Further, degrees of four (4) years or more in mathematical, physical, or engineering sciences may only be considered as a related science degree if they were obtained from a university with an EAC/ABET or ETAC/ABET accreditation in a program of engineering and must include a minimum of 8 hours of mathematics beyond trigonometry and 20 hours of engineering or related sciences. Otherwise, the degree may be considered as a step towards licensure under 245:15-3-7(2)(B)(ii). Provided, after July 1, 2016, non-accredited technology degrees shall no longer be eligible for consideration as a related science degree, but may be considered by the Board as a step towards licensure under O.S. Title 59, 475.12(A)(d). Further, no examination shall be administered following July 1, 2020, for applicants applying with a non-accredited technology degree or non-related science degree for licensure as a Professional Engineer even if the applicant's application was approved by the Board prior to July 1, 2016.

"Rules of professional conduct for Professional Engineers and Land Surveyors" means those rules promulgated by the Board.

"Signature" means "manual signature" or "digital signature" and shall be defined as follows:

(A) Manual signature means the handwritten name of a person applied to a document that identifies the person, serves as a means of authentication of the contents of the document, provides responsibility for the creation of the document and provides for accountability for the contents of the document.
(B) A digital signature shall carry the same weight, authority, and effects as a manual signature.

"Survey plat", "sketch", or "map", or similar document, shall mean any drawing of a parcel or tract of real property used for the purpose of depicting the results of a field survey.

245:15-1-4. Statutory charges to the Board

Provisions of the Statutes charge the Board with adoption and enforcement of all reasonable and necessary Rules and Regulations which it may deem advisable and empowers the Board with authority to 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, suspend, revoke or refuse to renew Certificates of Licensure and Certificates of Authorization for certain causes. The Statutes also empower the Board

with administrative penalties (fines) and do not preclude the Board from using any necessary legal proceedings to enforce its decisions.

245:15-1-5. Severability clause

Any part of the Rules in this Chapter, found by a Court or the Attorney General to be inconsistent with the provisions thereof as presently exist or are hereafter amended, shall be interpreted so as to comply with such Statutes as they presently exist or are hereafter amended and the partial or total invalidity of any section or sections of these Rules shall not affect its valid sections. These Rules go through the legislative process, thereby giving them the same effect as law.

245:15-1-6. Administrative Procedures Act

The provisions of the Administrative Procedures Act, 75 O.S., Sections 250 et seq, shall apply to the Board.

SUBCHAPTER 3. APPLICATION AND ELIGIBILITY FOR LICENSING

245:15-3-1. Availability of forms and Board records

Applications required to be submitted to the Board are available at the Board office and other locations as deemed appropriate by the Board. Completed applications, with all attachments and the required fee, when received by the Board will be entered into the Board records.

245:15-3-2. Documents required for licensing

(a) Every individual applying for a license shall submit an application, which shall be the forms furnished by the Board or forms located on the Board's website, accompanied by the applicable fees.

(b) All information filled in on the application forms must be typewritten or computer generated. In case there is not sufficient room on the form to present all the subject matter necessary, the applicant shall set forth the additional information on additional sheets of plain white paper, 8 1/2" x 11" in size. Such sheets shall be typewritten or computer generated on one side only, shall be marked and numbered consecutively and in series with the regular pages of the application.

(c) An affidavit certifying the truthfulness of the statements in the application shall constitute a part of each application. Withholding

information or providing statements which are untrue or misrepresent the facts may be cause for denial of an application.
(d) An applicant shall request the university or college, or its designee, from which credit has been obtained to forward directly to the Board a properly certified university or college transcript showing all academic work.
(e) All application forms and information furnished thereon and all examinations and answers thereto shall be entirely in the English language.

245:15-3-3. Non-resident applications for original license

All applicants for original license must show proof they are a United States citizen or show proof they are lawfully present in the United States.

245:15-3-4. Board action required

(a) Individual comity applicants meeting the requirements of a **"**Oklahoma Model Law Engineer**"** as defined in these regulations and the application for Certificate of Authorization of the firm for which the comity applicant is in responsible charge, may be approved by the Principal Assistant and Executive Director, or the designee. Certificate of Authorization applications for firms in which the responsible charge engineer or surveyor is a currently licensed engineer and/or surveyor in Oklahoma may also be approved by the Principal Assistant and Executive Director if the firm has not been disciplined in any jurisdiction by a Board of licensure for engineering, land surveying or architecture. All other applications for Professional Engineer, Professional Land Surveyor and Certificate of Authorization submitted for a license shall be first considered by the Board for approval or disapproval.
(b) Intern applications for certification may be approved by the Executive Director, Principal Assistant, or the designee.
(c) The Board or its designee shall approve or disapprove applications for certification as an Engineer Intern or Land Surveyor Intern.

245:15-3-5. Examination dates and locations

Examinations are offered on dates and locations as set by NCEES and/or the Board.

245:15-3-6. Active and inactive applications

(a) Incomplete applications will be withdrawn from consideration by the Board after one year from the date submitted to the Board and a new and complete application shall be required from an applicant seeking licensure.

(b) An applicant's application will be closed after a prescribed number of failures of any NCEES paper and pencil examination or the Oklahoma Law and Surveying Examination, regardless of the jurisdiction in which the examination is administered. For further consideration, an applicant shall file a new and complete application for re-examination, to include evidence of additional education, knowledge or skill sufficient to materially improve the applicant's qualifications for re-examination. NCEES examinations administered using computer based testing will be administered per NCEES policy and the policies of the Board.

(c) If an applicant requests that the applicant's application be withdrawn from consideration, the Board will reject the application. Any further consideration will require a new and complete application and fee.

245:15-3-7. Qualifications for engineer license

To be eligible for consideration for licensure as a Professional Engineer or certification as an Engineer Intern, the applicant must be of good character and reputation. Applicants must meet all qualifications as contained within the Statutes and the Rules of the Board. Applications for professional licensure shall be individually reviewed by the Board or its designee. Evidence of minimum qualifications is required by the Board in accordance with the following requirements:

(1) Engineer Intern:

(A) Graduation and Examination – A graduate of an EAC/ABET accredited engineering program of four (4) years or more, or an engineering program of four (4) years or more determined by the Board to be equivalent to an EAC/ABET accredited engineering program, or an applicant who has completed ninety (90) semester hours or more of academic requirements towards such degree for graduation, shall register with NCEES to take the NCEES Fundamentals of Engineering examination. Upon passing such examination and providing an application to the Board including proof of graduation, the applicant shall be certified as an engineer intern, if otherwise qualified.

(B) Alternative Graduation, Experience, and Examination – A graduate of a related science program other than those approved in 245:15-3-7(1)(A) or an applicant who has completed ninety (90) semester hours or more of academic requirements towards such degree for graduation shall register with NCEES to take the NCEES Fundamentals of Engineering examination. Upon passing such an examination, providing proof of graduation and providing an application to the Board including proof of a specific record of one year or more of progressive engineering experience in engineering projects of a grade and character satisfactory to the Board, the applicant shall be certified as an engineer intern, if otherwise qualified. No examination shall be administered following July 1, 2020, for applicants applying under this Section of the Rules for licensure as a Professional Engineer who do not meet these educational requirements even if the applicant's application was approved by the Board prior to July 1, 2016.
(C) A graduate of a four (4) year degree program in a science not considered an equivalent engineering or a related science degree by the Board must complete a Board approved Master's Degree in engineering before being considered for approval as a related science degree by the Board. Following completion of the undergraduate degree program, the Board approved Master's Degree, passing the NCEES Fundamentals of Engineering examination and providing proof of a specific record of one year or more of progressive engineering experience in engineering projects of a grade and character satisfactory to the Board, the applicant shall, upon application, be certified as an Engineer Intern, if otherwise qualified. The one year of required experience must follow the completion of the Master's Degree in engineering.
(D) Foreign degrees not determined by the Board to be equivalent to an EAC/ABET accredited engineering degree may be considered following a degree evaluation by an evaluation service approved by the Board. The maximum equivalency granted for all non-EAC/ABET foreign degrees, except those determined by the Board to be equivalent to an EAC/ABET accredited engineering degree, shall be that of a related science degree.
(E) All applicants for the NCEES Fundamentals of Engineering examination administered using computer based testing will

register directly with NCEES to sit for the examination according to NCEES and Board policy and procedures.

(F) Passing results of the NCEES Fundamentals of Engineering examination shall be accepted whether or not they were obtained prior to meeting the education requirements outlined in this section.

(2) Professional Engineer (original license):

(A) Graduation, Experience, and Examination – The Board shall license as a professional engineer, an applicant who meets one of the following as minimum evidence that an applicant is qualified for licensure:

(i) A graduate of an EAC/ABET accredited engineering program of four (4) years or more, or an engineering program of four (4) years or more determined by the Board to be equivalent to an EAC/ABET accredited engineering program with four (4) years or more of progressive experience on engineering projects of a grade and character which indicates to the Board that the applicant may be competent to practice engineering, who has passed the NCEES Fundamentals of Engineering examination and the NCEES Principles and Practice of Engineering examination; or

(ii) A graduate of a related science program other than those approved in 245:15-3-7(2)(A)(i) and following the date of degree has a specific record of six (6) years or more of progressive experience on engineering projects of a grade and character which indicates to the Board that the applicant may be competent to practice engineering, who has passed the NCEES Fundamentals of Engineering examination. the NCEES Principles and Practice of Engineering examination; or,

(iii) A graduate of a four (4) year degree program in a science, not considered an equivalent engineering or a related science degree by the Board, who has completed a Board-approved Master's Degree in engineering, with six (6) years of progressive experience, following the date of the

Master's degree, on engineering projects of a grade and character which indicates to the Board that the applicant may be competent to practice engineering, who has passed the NCEES Fundamentals of Engineering examination, and the NCEES Principles and Practice of Engineering examination.

(B) Foreign degrees not determined by the Board to be equivalent to an EAC/ABET engineering degree may be considered following a degree evaluation by an evaluation service approved by the Board; however maximum equivalency granted shall be that of a related science degree in 245:15-3-7 (2)(A)(ii). Foreign degrees determined not to be equivalent to an EAC/ABET engineering degree may not qualify for education or experience credit earned by obtaining a Master's Degree in engineering.

(C) Experience credit may be claimed to the date of the application and is based on employment on a 40 hour per week full-time basis. Experience record is to be continuous from beginning to the date of the application. Experience time shall not exceed elapsed calendar time. Applications with insufficient experience will be rejected by the Board. Only experience obtained directly within the professional field will be considered as qualifying experience by the Board and must be verified. Experience shall be gained under the supervision of a licensed professional engineer or, if not, an explanation shall be made showing why the experience should be considered acceptable. United States experience gained under the technical supervision of an unlicensed individual may be considered if the appropriate credentials of the unlicensed supervisor are submitted and approved by the Board. Engineering experience gained outside the United States shall be verified by a U.S. licensed professional engineer. At least half of the required experience for initial licensure must be obtained in the United States or, if the experience is not in the United States, it must be obtained working for a United States owned firm. In evaluating experience that indicates to the Board that the applicant may be competent to practice engineering, the following will be considered:

(i) Experience must be progressive on engineering projects to indicate that it is of increasing quality and requiring greater responsibility.

(ii) Experience must not be obtained in violation of the licensure act.

(iii) Experience gained in the armed services, to be creditable, must be of a character equivalent to that which would have been gained in the civilian sector doing similar work. Normally, it would be expected that the applicant, while in the armed services, served in an engineering or engineering-related group.

(iv) For sales experience to be creditable, it must be demonstrated that engineering principles were required and used in gaining the experience.

(v) Teaching experience, to be creditable, must be in engineering or engineering-related courses at an advanced level in a college or university offering an engineering program of 4 years or more that is approved by the Board.

(vi) Experience gained in engineering research and design projects by members of an engineering faculty, where the program is approved by the Board, is creditable.

(vii) Experience in construction, to be creditable, must demonstrate the application of engineering principles.

(viii) Experience should include demonstration of knowledge of engineering mathematics, physical and applied science, properties of materials, and the fundamental principles of engineering design.

(ix) Experience should include demonstration of the application of engineering principles in the practical solution of engineering problems.

(D) A maximum of six (6) months experience may be allowed for successful completion of an EAC/ABET accredited engineering cooperative education program with work experience meeting (2)(A) of this Sections. Partial experience credit may be given for experience earned prior to receipt of a baccalaureate degree, at the discretion of the Board, if the employment is at least half-time and the work is performed under the supervision of a professional engineer. At the time the experience was gained, the applicant

must have passed upper level engineering or related engineering science courses and applied relevant engineering knowledge in the claimed experience In no case shall the experience credit exceed one half of that required for approved qualifying experience.
(E) Concurrent time, that is, time spent in engineering work while attending school will be credited either as education experience or work experience but not both.
(F) Applicants, applying under (2)(A)(i), or (2)(A)(ii) who successfully complete graduate study leading to a Board approved Master's Degree in engineering may be awarded one (1) years' experience. If a Ph.D. in engineering is completed under the same conditions, two years total experience may be awarded. The two years awarded include the one year awarded for the master's degree. If the Ph.D. in engineering is completed under the same conditions but without the master's degree in engineering one year of experience may be awarded for the combined master's degree and Ph.D.
(G) Accredited engineering programs of six (6) years or more which confer a master's of science in engineering without first conferring a bachelor of science in engineering may be accepted under 2(A)(i) and may be allowed the additional one year of engineering experience under 2(F) of this section.
(H) Applicants shall submit a minimum of five (5) acceptable references, three (3) of whom shall be Professional Engineers having personal knowledge of the applicant's engineering experience, none of whom may be current members of the Board. References verifying experience, who have been disciplined by any professional licensure board within the past 10 years, must submit a copy of the formal disciplinary action taken for the Board's review and consideration. References should verify the periods of experience since the beginning of the history, leaving no gaps in dates. Comity applicants who obtained their original license more than ten years prior must list all engineering experience obtained since their original license, but shall only be required to verify the most recent ten years of experience. The Board cannot give credit for engineering experience that has not been verified by one or more references.

(I) When the requirements of the Statutes and of this Chapter are met, the applicant shall be admitted to, and must pass, an examination covering the laws, rules, procedures and practices pertaining to engineering in the state of Oklahoma.
(J) Applicants may apply for a waiver of the NCEES Fundamentals of Engineering examination by showing proof of a minimum of fifteen (15) years of acceptable progressive engineering experience following the date of the conferred degree qualifying the applicant for licensure.

245:15-3-8. Qualifications for land surveying licensure

To be eligible for consideration for licensure as a Professional Land Surveyor or certification as a Land Surveyor Intern, an applicant must be of good character and reputation. Applicants must meet all qualifications as contained within the Statutes and the Rules of the Board. Applications for professional licensure shall be individually reviewed by the Board or its designee. All applicants for admittance to the NCEES Fundamentals of Surveying examination administered using computer based testing will register directly with NCEES to sit for the examination according to NCEES and Board policy and procedures. Evidence of minimum qualifications is required by the Board in accordance with the following requirements:

(1) Land Surveyor Intern:
(A) A graduate of a surveying program of four (4) years or more approved by the Board, or an applicant who has completed sixty (60) semester hours or more of academic requirements for graduation, shall register with NCEES to take the NCEES Fundamentals of Surveying examination. Upon passing such examination and providing an application to the Board including proof of graduation, the applicant shall be certified as a Land Surveyor Intern, if otherwise qualified.
(B) A graduate of a surveying program of two (2) years or more approved by the Board, or an applicant who has completed forty-five (45) semester hours or more of academic requirements for graduation from a two-year surveying program approved by the Board shall register with NCEES to take the NCEES Fundamentals of Surveying examination. Upon passing such examination and providing proof of graduation the applicant

shall be certified as a Land Surveyor Intern, if otherwise qualified.

(C) A graduate of other academic programs of two (2) years or more approved by the Board, which shall include the Board-approved Core Curriculum in surveying, or an applicant who has completed forty-five (45) semester hours or more of academic requirements for graduation, including twenty-one (21) semester hours or more of the Core Curriculum, from another academic program of two (2) years or more approved by the Board, shall register with NCEES to take the Fundamentals of Surveying examination. Upon passing such examination, providing an application to the Board including proof of graduation and providing proof of a specific record of one year or more of progressive experience satisfactory to the Board on land surveying projects of a grade and character which indicates to the Board that the applicant may be competent to practice land surveying, the applicant shall be certified as a Land Surveyor Intern, if otherwise qualified.

(D) An applicant who provides proof of completion of sixty (60) credit hours approved by the Board, which shall include the Board-approved Core Curriculum in surveying, or an applicant who has completed forty-five (45) semester hours or more of academic requirements for graduation, including twenty-one (21) semester hours or more of the Core Curriculum, shall register with NCEES to take the NCEES Fundamentals of Surveying. Upon passing such examination and providing an application to the Board including proof of completion of the educational requirements and a specific record of one year or more of progressive experience satisfactory to the Board on land surveying projects of a grade and character which indicates to the Board that the applicant may be competent to practice land surveying, the applicant shall be certified as a Land Surveyor Intern, if otherwise qualified.

(E) All applicants for the NCEES Fundamentals of Surveying examination administered using computer based testing will register directly with NCEES to sit for the examination according to NCEES and Board policy and procedures.

(F) Passing results of the NCEES Fundamentals of Surveying examination shall be accepted whether or not they were obtained prior to meeting the education requirements outlined in this section.

(2) Professional Land Surveyor (original license):

(A) Graduation, Experience, and Examination:

(i) A graduate of a surveying program of four (4) years or more approved by the Board and a specific record of four (4) years or more of progressive combined office and field experience satisfactory to the Board on land surveying projects of a grade and character which indicates to the Board that the applicant may be competent to practice land surveying, of which no less than two (2) years' experience must be following the date of the degree, who has also passed the NCEES Fundamentals of Surveying examination, shall be admitted to a the NCEES Principles and Practice of Surveying examination and an Oklahoma Law and Surveying examination. Upon passing such examinations, the applicant shall be granted a certificate of licensure to practice land surveying in this state, if otherwise qualified.

(ii) A graduate of a surveying program of two (2) years or more approved by the Board and a specific record of six (6) years or more of progressive combined office and field experience satisfactory to the Board on land surveying projects of a grade and character which indicates to the Board that the applicant may be competent to practice land surveying and who has also passed the NCEES Fundamentals of Surveying examination shall be admitted to the NCEES Principles and Practice of Surveying examination and an Oklahoma Law and Surveying examination. Upon passing such examinations, the applicant shall be granted a certificate of licensure to practice land surveying in this state, if otherwise qualified.

(B) Alternative Graduation, Experience and Examination:

(i) A graduate of other academic programs of two (2) years or more, approved by the Board, which shall include the Board-approved Core Curriculum in surveying and a

specific record of six (6) years or more of progressive combined office and field experience satisfactory to the Board on land surveying projects of a grade and character which indicates to the Board that the applicant may be competent to practice land surveying, who has also passed the NCEES Fundamentals of Surveying examination shall be admitted to the NCEES Principles and Practice of Surveying examination and an Oklahoma Law and Surveying examination. Upon passing such examinations, the applicant shall be granted a certificate of licensure to practice land surveying in this state, if otherwise qualified.

(ii) An applicant who provides proof of completion of sixty (60) credit hours, approved by the Board, which shall include the Board-approved Core Curriculum in surveying, and a specific record of six (6) years or more of progressive combined office and field experience satisfactory to the Board on land surveying projects of a grade and character which indicates to the Board that the applicant may be competent to practice land surveying, who has also passed the NCEES Fundamentals of Surveying shall be admitted to the NCEES Principles and Practice of Surveying examination and an Oklahoma Law and Surveying examination. Upon passing such examinations, the applicant shall be granted a certificate of licensure to practice land surveying in this state, if otherwise qualified.

(C) Long Established Practice and Examination:

(i) An applicant with a specific record of nine (9) years or more of practice in land surveying of a grade and character which indicates to the board that the applicant may be competent to practice surveying shall register with NCEES to take the NCEES Fundamentals of Surveying examination, and, if passed, then shall be admitted to the NCEES Principles and Practice of Surveying examination and an Oklahoma Law and Surveying examination. Upon passing such examinations, the applicant shall be granted a certificate of licensure to practice land surveying in this state, if otherwise qualified. Provided, after July 1, 2014,

the record of practice in land surveying specified in this paragraph shall not be considered by the Board as minimum evidence that an applicant is qualified for licensure as a professional land surveyor. No examination shall be administered following July 1, 2014, for applicants applying under this section of the rules for licensure as a Professional Land Surveyor, even if the applicant's application was approved by the Board prior to July 1, 2014.

(D) Experience record may be claimed to the date of the application and is based on employment on a 40 hour per week full-time basis. Experience record is to be continuous from the beginning to the date of the application. Experience time shall not exceed elapsed calendar time. Applications with insufficient experience will be rejected by the Board. Only experience obtained directly within the land surveying area will be considered as qualifying experience by the Board. United States experience shall be gained under the supervision of a licensed professional surveyor; or if not, an explanation shall be made showing why the experience should be considered acceptable. Land Surveying experience gained outside the United States must be verified by a U.S. licensed professional land surveyor. At least half of the required experience for initial licensure must be obtained in the United States. In evaluating experience which indicates to the Board that the applicant may be competent to practice surveying, the following will be considered:

(i) Experience must be progressive on surveying projects to indicate that it is of increasing quality and requiring greater responsibility.

(ii) Experience must not be obtained in violation of the licensure act.

(iii) Experience gained in the armed services, to be creditable, must be of a character equivalent to that which would have been gained in the civilian sector doing similar work. Normally it would be expected that the applicant while in the armed services served in a surveying group.

(iv) Teaching experience, to be creditable, must be at an advanced level in a surveying program that is approved by the Board.

(v) A substantial portion of the experience must be spent in charge of work related to property conveyance, retracement and original boundary line determination.

(vi) Adequate experience in the technical field aspects of the profession must be demonstrated.

(vii) Experience should include demonstration of the application of surveying principles in the practical execution of surveying tasks.

(E) Professional land surveyor applicants shall submit a minimum of five (5) acceptable references, at least three (3) of whom shall be Professional Land Surveyors having personal knowledge of the applicant's land surveying experience and none of whom may be current members of the Board. References verifying experience who have been disciplined by any professional licensure board within the past 10 years must submit a copy of the formal disciplinary action taken for the Board's review and consideration. References should verify the periods of experience since the beginning of the history, leaving no gaps in dates. Comity applicants who obtained their original license more than ten years prior must list all surveying experience obtained since their original license, but shall only be required to verify the most recent ten years of experience. The Board cannot give credit for surveying experience that has not been verified by one or more references.

245:15-3-9. License by comity or endorsement

(a) Applicant for comity or endorsement license shall provide proof that the applicant is a person holding a Professional Engineer or Land Surveyor license, in good standing, issued by a proper authority.

(b) Applicant must have been licensed, based on requirements that do not conflict with the provisions of the Statutes and Rules of the Board. If the applicant was originally licensed by standards lower than those specified in the applicable Statute in effect in Oklahoma at the time such license was issued, the applicant must provide proof that they have not been subject to a disciplinary action in any licensing jurisdiction and possess a record of

sufficient verifiable experience since the date of their original license evidencing their qualification for Oklahoma licensure.
(c) Applicant shall submit a minimum of five (5) references, three (3) of whom shall be Professional Engineers or Land Surveyors having personal knowledge of the applicant's engineering or surveying experience, none of whom may be current members of the Board. Comity applicants who obtained their original license more than ten years prior must list all engineering and/or surveying experience obtained since their original license, but only shall be required to verify the most recent ten years.
(d) An applicant with less than the standards outlined in subsection (b) of this section may be required to obtain additional experience and examination requirements as the Board may determine to establish the applicant's qualifications.
(e) Upon satisfactorily complying with minimum requirements of this section, the applicant shall be licensed in the State of Oklahoma.

245:15-3-10. Temporary Permits

The Executive Director or Principal Assistant shall be authorized to issue a Temporary Permit to an engineer, subject to the approval of the Board, under the following conditions:

(1) An applicant for a Temporary Permit shall have a valid professional engineer's license in the applicant's resident state or jurisdiction, shall submit a complete permanent professional engineer application to this Board within 30 days of the date of issuance of the temporary permit, and the information provided by the applicant on the application form approved by the Board does not disclose a prima facie violation of any provision of Sections 475.1 et seq of the laws of the state of Oklahoma or the rules of this Board; has not been disciplined in any jurisdiction by a Board of licensure for either engineering or land surveying or architecture; has not been convicted in any jurisdiction of a felony.

(2) An applicant who is granted a Temporary Permit, but fails to submit their complete permanent professional engineer application within the prescribed period of time, may be considered to be in violation of the Rules of this Board. An application shall be considered complete when all required properly completed forms and fees have been received in this office.

(3) Information relative to a license in the other state or jurisdiction shall be verified before issuance of a Temporary Permit.
(4) The Temporary Permit fee as prescribed by law shall be remitted with the application.
(5) A Temporary Permit shall be issued for a definite period of time not to exceed 120 days, for a specifically described single work project in one location as set out in the application form and may not be renewed or extended.
(6) A Temporary Permit shall expire the earliest of the issuance of the permanent professional engineer license by this Board, the rejection of the application for licensure, or a time limit stated in the temporary permit, but not later than 120 days after issuance.
(7) The holder of a Temporary Permit shall seal plans, specifications, surveys, or documents only in accordance with the Statutes and Rules of this Board. The seal used shall be the holder's license seal of the state on which issuance of the Temporary Permit was based and immediately under the seal the following shall be inserted:

Oklahoma Temporary Permit number _____
Date of issue _____
Date of expiration _____
Signature of holder _____

(8) No person may be issued more than one (1) temporary permit.

SUBCHAPTER 5. EXAMINATIONS

245:15-5-1. Examinations required, scheduling, and postponements
(a) An applicant who fails to attend an examination for which he or she has been scheduled will forfeit the fee paid for the examination, except in the case of illness, death in the family, or other unavoidable causes for absence where the application fee may be applied to the next examination administration.
(b) An applicant may be admitted to an examination, following the deadline, by the Principal Assistant or Executive Director if sufficient evidence of hardship exists to warrant such action.

245:15-5-3. Examination specifications
(a) Examinations offered by the Board will be in accordance with NCEES specifications, developed by NCEES examinations committees.

(b) Land surveyor applicants will, in addition, be tested by an examination approved by the Board, upon their knowledge of Oklahoma laws and surveying.
(c) All applicants will, in addition, be tested by an open book exam based on Oklahoma laws, approved by the Board and administered by Board policy.

245:15-5-4. Taking and order of taking examinations
(a) Applicants approved to take examinations will be required to take one or more of the examinations listed in this subsection.
(1) Fundamentals of Engineering (FE)
(2) Principles and Practice of Engineering (PE)
(3) Fundamentals of Surveying (FS)
(4) Principles and Practice of Surveying (PS)
(5) Oklahoma Law and Surveying (OLS)
(6) Oklahoma Law and Engineering/Surveying (OLE/S)
(b) Applicants required to take the Fundamentals of Engineering or Surveying examination and the Principles and Practice of Engineering or Surveying, shall have received a passing score on the Fundamentals examination prior to being permitted to take the Principles and Practice examination.
(c) The Structural examination shall be considered and referred to as one 16-hour examination. The Structural examination shall consist of two 8-hour components: the Vertical Forces (gravity/other) and Incidental Lateral component and the Lateral Forces (wind/earthquake) component. A candidate must receive acceptable results on both 8-hour components to pass the Structural examination. A candidate may sit for each component in separate exam administrations but must receive acceptable results on both components within a 5-year period. Receiving acceptable results on only one 8-hour component shall not be sufficient for licensure purposes.
(d) Examination subversion is the use of any means to alter the results of an examination to cause the results to inaccurately represent the competency of an examinee. Examination subversion for paper-and-pencil examination offerings includes, but is not limited to:
(1) Communication between examinees inside of the examination room.
(2) Giving or receiving any unauthorized assistance on the examination while an examination is in progress.

(3) Having any unauthorized printed or written matter or other devices in his or her possession which might serve to aid the examinee on the examination.

(4) Obtaining, using, buying, selling, distributing, having possession of, or having unauthorized access to secured examination questions or other secured examination material prior to, during or after the administration of the examination.

(5) Copying another examinee's answers or looking at another examinee's materials while an examination is in progress.

(6) Permitting anyone to copy answers to the examination.

(7) Removing any secured examination materials from the examination facility.

(8) Allowing another person to take the examination in the examinee's place.

(9) Placing any identifying mark upon his or her examination papers other than his or her identification number or other identifiers as directed by the examination administrator.

(10) Use by an examinee of any written material, audio material, video material, digital material, or any other mechanism not specifically authorized during the examination for the purpose of assisting any examinee in the examination.

(11) Writing on anything other than designated examination material.

(12) Writing or erasing anything after time is called.

(e) If there is evidence of examination subversion by an examinee prior to, during, or after the administration of the examination, one or more of the following may occur:

(1) The examinee may be denied the privilege of taking the examination if examination subversion is detected before the administration of the examination.

(2) If the examination subversion detected has not yet compromised the integrity of the examination, such steps as are necessary to prevent further examination subversion shall be taken, and the examinee may be permitted to continue with the examination.

(3) The examinee may be requested to leave the examination facility if examination subversion is detected during the examination.

(4) The examinee may be requested to submit written advisement of his or her intent to comply with and understanding of the law.

(5) The examination results may be voided and the application fee forfeited.

(6) The examinee may not be allowed to sit for an examination for a time prescribed by the Board following investigation.

(f) The Executive Director reserves the right not to release the examination results to the examinee pending the outcome of any investigation of examination subversion.

(g) Removal from or voidance of one part of a multiple-part examination taken during a single examination administration shall constitute removal from or voidance of all other parts of the multiple-part examination.

245:15-5-5. Examination grading, and retention of ~~grades~~ examination results

(a) **Grading**. NCEES examinations will be graded and results released in accordance with NCEES policies and procedures. Examination results will be reported as pass or fail only.

(b) **Retention of examination results**. The Board or its representative will maintain an applicant's examination results obtained on the examinations taken for reference.

245:15-5-7. Transfer of examination grades

(a) **Outgoing**. The Board or its representative, upon written request, will transfer examination results given under the Board's jurisdiction to any other duly constituted licensing board for use in evaluating such applicant's eligibility for a license or to NCEES for use in evaluating such applicant's eligibility for certification with NCEES records program.

(b) **Incoming**. The Board will accept examination results or examinations taken in other states by applicants who met the requirements in effect in Oklahoma at the time the examinations were taken or who meet the current requirements for licensing in Oklahoma. All others will be considered by the Board on a case-by-case basis.

SUBCHAPTER 7. LICENSURE

245:15-7-1. Certificate of Licensure

(a) Licensure certificates shall be issued to individuals meeting statutory licensure requirements and the current Rules of Procedure of the Board. The certificate will identify the licensee by name and license number, show

the effective date, confirm the licensee's qualifications and acknowledge the licensee's right to practice engineering or land surveying, as the case may be, in the State of Oklahoma.
(b) Certificate of Licensure will be issued by the Board for the life of the licensee, subject to powers of renewal, reinstatement, suspension, revocation, penalties, orders or refusal to renew for cause, vested in the Board by the Statutes.
(c) When a professional engineer or land surveyor in good standing desires to retire his or her license, he or she may do so upon application to the Board, subject to reinstatement and continuing education requirements by the Board.
(d) Individuals holding a Certificate of Licensure shall display or maintain it at the licensee's place of practice and be prepared to substantiate biennial license renewal.
(e) Duplicate original Certificates of Licensure will be issued to a licensee provided:

(1) The current license renewal is effective;
(2) The licensee makes written request for a replacement of certificate;
(3) The licensee certifies that the original certificate has been lost, damaged or destroyed; and
(4) The licensee pays the prescribed fee.

(f) Duplicate Certificates of Licensure will be issued for display at multiple places of practice upon a written request and payment of the prescribed fee. However, each duplicate certificate will be marked as such.
(g) It is the duty of the licensee to notify the Board office, in writing or online, of changes in employment or contact information within 30 days of the change. Failure to properly notify the Board of these changes may be cause for an administrative action.

245:15-7-2. Suspension, revocation, or refusal to renew Certificate of Licensure

(a) Upon notification of the Board, Certificates of Licensure which have been suspended, revoked or refused by the Board to renew for cause, shall be surrendered immediately in the manner prescribed by that notice.
(b) Cause shall be defined as any violation of 59 O.S., 475.1 et seq., as

amended and the current Rules of Procedure of the Board. Cause shall also be defined as any state suspending, revoking or refusing to renew the Certificate of Licensure of the individual licensee.

245:15-7-3. Biennial licensure required

(a) The Statute requires all engineers and land surveyors desiring to practice in Oklahoma to biennially renew with the Board and pay a biennial licensure renewal fee as prescribed by this Chapter. Notices will be sent to all licensees at the last known physical or e-mail address of record; however, it is the responsibility of each individual licensee to insure the renewal fees and any other required documentation are received by the Board office not later than the renewal date or the renewal process is completed online. The license expires on the last day of the month in which it is due, and becomes invalid on that date unless the renewal fee is paid. Upon receipt by the Board of the individual's, and if applicable, firm's or entity's properly completed renewal forms, fees and any required continuing education log forms, the license will be valid. No Certificate of Licensure or Certificate of Authorization will be valid for longer than a two (2) year period, unless otherwise required by law.

(b) Failure to biennially renew and remit renewal fees and penalties where applicable, as prescribed by the Statute and the current Rules of Procedure of the Board will result in revocation of the licensee's Certificate of Licensure or the Certificate of Authorization, unless otherwise required by law.

(c) Notices of revocation will be sent to the last known address of licensees and firms failing to biennially renew and remit renewal fees.

245:15-7-4. Waived renewal fees for engineers and surveyors over the age of 70

The biennial renewal fee for engineers or land surveyors who reach the age of 70 prior to the renewal date of their certificate of licensure will be waived. Renewal forms must be filled out and returned to the Board office or completed online prior to the renewal date to qualify. Licensees who are required to fulfill continuing education requirements must fill out and submit the log form supplied by the board by the license expiration date. Otherwise, the certificate of licensure will be revoked and reinstatement fees and penalties will apply to re-license.

245:15-7-5. Reinstatement of revoked or retired licenses

(a) Licenses revoked for nonpayment of fees, failing to return the renewal form for licensee over the age of 70, or licenses that were voluntarily retired by the licensee, may be reinstated by making written application for reinstatement within one hundred eighty days after expiration and payment of the prescribed renewal fee and penalty. After one hundred eighty (180) days of revocation, a new application and fees will be required, which shall be considered specifically by the Board, both from the standpoint of competency and character. If reinstatement is within one hundred eighty (180) days following the date of revocation, then licensure will be deemed to have been continuous. Offering or practicing engineering or surveying with a revoked or retired license during this reinstatement period is a violation of Title 59, Section 475.1 et seq and the Rules of this Board.

(b) If a license revoked for non-payment or a retired license remains canceled or suspended for a period exceeding three (3) consecutive years, such former licensee may be required by the Board to take and pass a current examination as prescribed by the Board.

(c) Licenses suspended, refused to renew, penalties, orders issued or revoked for cause, may be reinstated only by Board action and only then in the manner determined by such Board action. Request for reinstatement of a license shall show the Board that the public interest will not suffer by reason of the reinstatement and shall be addressed to the Chair at the Board office. The Board, by Statute, has the discretion as to whether to reinstate the Certificate of Licensure or Certificate of Authorization or deny it.

SUBCHAPTER 9. RULES OF PROFESSIONAL CONDUCT

245:15-9-1. Purpose; scope; applicability

(a) In order to safeguard, life, health and property to promote the public welfare, and to establish and maintain a high standard of integrity and practice, the Rules of Professional Conduct in this subchapter shall be binding on every person holding a certificate of licensure and on all firms authorized to offer or perform engineering or land surveying services in this state.

245:15-9-3. Responsibility to the public

Licensees shall hold paramount the safety, health and welfare of the public in the performance of their professional duties.

(1) Licensees shall at all times recognize their primary obligation is to the public welfare.

(2) Licensees shall sign, date, and seal only those design documents and surveys which conform to accepted engineering or land surveying standards and safeguard the life, health, property and welfare of the public.

(3) Licensees shall not reveal facts, data or information obtained in a professional capacity without the prior consent of the client, or employer except as authorized or required by law.

(4) Licensees shall not permit the use of their name or firm name nor associate in business ventures with any person or firm which they have reason to believe is engaging in fraudulent or dishonest business or professional practices.

(5) Licensees having knowledge of any alleged violation of any of these "Rules of Professional Conduct" or any other violation of Title 59 O.S., Sec. 475.1 et seq, Title 65 O.S. Sec 3.116 et seq, or the rules of this Board, shall provide the board with such information and cooperate with the Board in the investigation of such violation as may be required.

(6) Licensees shall notify their employer or client and such other authority as may be appropriate when their professional judgment is overruled under circumstances where the life, health, property, or welfare of the public is endangered.

245:15-9-4. Areas of practice

(a) Licensees shall practice only in the areas of their competence and shall undertake assignments only when qualified by education, examination, or experience in the specific technical fields of engineering or land surveying involved. The records of the Board shall indicate a discipline(s) of engineering designated by the license holder and considered by the Board to be their areas of competence. All requests relating to listings for areas of competency require the review of the Board and shall include the following:

(1) Original application for licensure. Upon original application for licensure, an applicant shall designate a discipline(s) of engineering by providing:

(A) a transcript showing a degree(s) in the discipline(s) of engineering; or

(B) a supplementary experience record documenting at least 4 years of experience in the discipline(s) of engineering and verified by at least one PE reference provider that has personal knowledge of the applicant's character, reputation, suitability for licensure, and engineering experience; or

(C) verification of successful passage of the examination (s) on the principles and practice of engineering in the discipline(s) of engineering.

(2) Comity application for licensure or current license holder. A comity applicant or current license holder may request that the Board change the primary area of competence or indicate additional areas of competence by providing one or more of the following items:

(A) a transcript showing an additional degree in the new discipline of engineering other than the degree used for initial licensure; or

(B) a supplemental experience record documenting at least 4 years of experience in the new discipline(s) of engineering verified by at least one PE reference provider that has personal knowledge of the license holder's character, reputation, suitability for licensure, and engineering experience; or

(C) verification of successful passage of the on the principles and practice of engineering in the new discipline.

(b) Licensees shall not affix their signatures, date of signature, or seals to any plans or documents dealing with subject matter in which they lack competence, nor to any plan or document not prepared under their direct control and personal supervision.

(c) Licensees may accept assignments for coordination of an entire project, provided that each design segment is signed, dated, and sealed by a licensee competent to practice in the discipline(s) of engineering and in direct control and personal supervision of that design segment.

(d) In the event a question arises as to the competence of a licensee in a specific technical field which cannot be otherwise resolved to the Board's

satisfaction, the Board, either upon request of the licensee or on its own volition, shall admit the licensee to an appropriate examination.

245:15-9-5. Public statements

Licensees shall issue public statements only in an objective and truthful manner.

(1) Licensees shall be objective and truthful in professional reports, statements or testimony. They shall include all relevant and pertinent information in such reports, statements or testimony.

(2) Licensees shall express publicly a professional opinion on technical subjects only when that opinion is founded upon adequate knowledge of the facts and competence in the subject matter.

(3) Licensees shall issue no statements, criticisms or arguments on technical matters which are inspired or paid for by interested parties, unless the licensees have prefaced their comments by explicitly identifying the interested parties on whose behalf they speak, clearly identifying their interests, and by revealing the existence of any interest the licensees may have in the matters.

245:15-9-6. Conflict of interest

Licensees shall act in professional matters for each employer or client as faithful agents or trustees, and shall avoid conflicts of interest.

(1) Licensees shall make full prior disclosures to their employers or clients of potential conflicts of interest or other circumstances which could influence or appear to influence their judgment or the quality of their services.

(2) Licensees shall not accept compensation, financial or otherwise, from more than one party for services pertaining to the same project unless the circumstances are fully disclosed to, and agreed to, by all parties who compensate the licensee. Compensation shall be deemed anything of value and shall not be limited to the payment of money.

(3) Licensees shall not solicit or accept financial or other valuable consideration, directly or indirectly, from any party, including contractors, suppliers, manufacturers, distributors, or an agent of any party in consideration for specifying or influencing others to use or select services, products, or processes in connection with work for which the licensee is responsible or work undertaken by a firm or

entity in which licensee is an employee, officer, director, or owner.

(4) Licensees shall not solicit or accept a professional contract from a governmental body on which a principal or officer of their organization serves as a member. Conversely, licensees serving as members, advisors, or employees of a government body or department, who are the principals or employees of a private concern, shall not participate in decisions with respect to professional services offered or provided by said concern to the governmental body which they serve.

(5) Political contributions made in excess of legal limits shall be considered a violation of these Rules of Professional Conduct.

245:15-9-7. Solicitation of work

Licensees shall avoid improper solicitation of professional employment.

(1) Licensees shall not falsify or permit misrepresentation of their, or their associates', academic or professional qualifications. They shall not misrepresent or exaggerate their degree of participation or responsibility in prior assignments nor the complexity of said assignments. Brochures or other presentations incident to the solicitation of employment or business shall not misrepresent pertinent facts concerning employers, employees, associates, joint ventures or past accomplishments.

(2) Licensees shall not offer, give, solicit or receive, either directly or indirectly, any commission, or gift, or other valuable consideration in order to secure work, and shall not make any political contribution with the intent to influence the award of a contract by public authority.

(3) Licensees shall not attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice, or employment of other licensees, nor indiscriminately criticize other licensees' work.

SUBCHAPTER 11. CONTINUING EDUCATION

245:15-11-1. Definitions

The following words or terms, when used in this Subchapter shall have the following meaning, unless the context clearly indicates otherwise:

"Dual licensee" means a person licensed as a Professional Engineer and Professional Land Surveyor.

"PDH" means a professional development hour of at least 50 minutes of instruction, as defined in this Section.

"Professional development hour" means a contact hour (nominal) of instruction or presentation; the common denominator for other units of credit.

245:15-11-2. Continuing education committees

(a) The Board may establish continuing education committees consisting of at least three (3) members each, who are residents of this state. Each member of the committee shall have been engaged in the lawful practice of engineering or land surveying for at least ten (10) years, in responsible charge of engineering or land surveying projects for at least five (5) years, and be a licensed Professional Engineer or Land Surveyor in this state.

(b) The continuing education committees shall have the following duties or others as assigned by the Board.

(1) Exercise general administration of the Rules in Subchapter 11 of Chapter 15 under the direction of the Board.

(2) Recommend to the Board revisions of the Rules in Subchapter 11 of Chapter 15.

(3) Review and recommend to the Board for approval acceptable continuing education programs/courses and credit to be given for programs/courses.

(4) Perform audits of licensees as necessary to ensure continuing education requirements are met. An audit of a licensee's records if necessary, must be conducted within one (1) year of the biennial renewal of a license.

(5) Report annually on the activities and operation of committees to the Board.

(c) A member of a committee who misses three (3) consecutive meetings of the committee, for whatever reason, shall automatically vacate the office.

(d) Members of these committees shall serve at the discretion of the Board.

(e) The travel expenses of members of the continuing education committees shall be paid by the Board as provided in the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma

Statutes. All travel by members of the committees shall be approved by the Chair of the Board prior to the travel occurring.

245:15-11-3. Scope and exemptions

(a) Licensees shall be required to meet the continuing educational requirements of the rules for professional development in this subchapter as a condition for licensure renewal. Continuing education obtained by a licensee should maintain, improve or expand skills and knowledge obtained prior to initial licensure or to develop new and relevant skills and knowledge.

(b) A licensee may be exempt from the professional development educational requirements for one of the following reasons:

(1) New licensees by way of examination or comity shall be exempt for their first renewal period.

(2) A licensee who is deployed on active duty as a member of the Armed Forces of the United States, shall-be exempt from obtaining the professional development hours required during that year when circumstances associated with military duty prevent obtaining training and a waiver request has been submitted to the Board; when the active-duty military member performs engineering and/or land surveying services respectively as part of his or her military duties as annotated in Defense Department Form 214 (DD 214), or when performing any other act typically required for renewal of the license.

(3) A licensee experiencing physical disability, illness, or other extenuating circumstances as reviewed and approved by the Board may be exempt. Supporting documentation must be furnished to the Board.

(4) A licensee who elects to choose Retired status at the time of renewal shall be exempt. In the event such person elects to return to active practice of professional engineering or surveying, 30 PDH's must be earned before returning to active practice.

245:15-11-5. Requirements for Professional Engineers and Land Surveyors

(a) To demonstrate that a Professional Engineer and/or Land Surveyor maintains an acceptable level of competency, a licensee must obtain thirty (30) professional development hours (PDH's) for a twenty-four month (biennial) renewal period. If a licensee exceeds the requirement in any

biennial renewal period, a maximum of fifteen (15) PDH's may be carried forward into the subsequent biennial renewal period. PDH's may be earned by a licensee as follows:

(1) Successful completion or auditing of college courses.

(2) Successful completion or auditing of continuing education courses.

(3) Successful completion of short courses/tutorials and distance-education courses offered through correspondence, television, videotapes, or the Internet.

(4) Presenting or attending qualifying seminars meeting the criteria of Section 15-11-6, in-house courses, workshops, or professional or technical presentations made at meetings, conventions, or conferences.

(5) Active participation in professional or technical societies serving the engineering or land surveying profession, or code development technical committees, or code commissions. Credit for active participation in a professional and technical society serving the engineering or land surveying profession (limited to 4 PDH's per renewal period), requires that a licensee serve as an officer and/or actively participates in a committee of the organization. PDH's are not earned until the end of each year of service is completed.

(6) Active participation in standards or code development technical committees, standards or code commissions, or licensing examination development committees.

(7) Teaching or instructing in (1) through (4) of this subsection.

(8) Authoring published papers, articles, books, accepted licensing examination items, or building codes.

(9) Authoring published articles.

(10) Award of patents to the licensee or to licensee's employer when developed by the licensee.

(11) Documented self-study (1PDH unit – 3 hours) maximum of 3 PDH's per renewal period.

(b) All such PDH's earned in activities as described in (a)(1) through (a)(10) of this section must be relevant to the practice of engineering and/or land surveying as applicable and may include technical, ethical or business content. Qualifying ethical or business courses or activities must contain content areas related to (1) the awareness of ethical concerns and conflicts; (2) an enhanced familiarity with the codes of conduct; (3) an

understanding of standards of practice or care; (4) project management and risk-assessment management; or (5) other similar topics aimed at maintaining, improving, or expanding the skills set and knowledge relevant to the licensee's field and methods of practice.

245:15-11-6. Criteria for continuing educational activities

(a) Continuing educational activities used to earn PDH's must meet the following criteria:

(1) There is a clear purpose and objective for each activity, which will maintain, improve or expand skills and knowledge obtained prior to initial licensure or to develop new and relevant skills and knowledge.

(2) The content of each presentation is well organized and presented in a sequential manner.

(3) There is evidence of preplanning which should include the opportunity for input by the target group to be served.

(4) The presentation will be made by persons who are well qualified by education or experience.

(5) There is a provision for individual participant registration which will include information required for record keeping and reporting.

(b) The Board has final authority with respect to acceptability of courses, credit, PDH value for courses, and other methods of earning credit.

(1) Credit for college or community college approved courses will be based upon course credit established by the college.

(2) Credit for qualifying seminars and workshops meeting the criteria in 245:15-11-6(a) will be based on one PDH for each hour of attendance. Attendance at qualifying programs presented at professional and/or technical society meetings or building code meetings will earn PDH's for the actual time of each program.

(3) Credit determination for activities referenced in 245:15-11-5(a)(7) and (a)(8) is the responsibility of the licensee (subject to review as required by the Board).

245:15-11-7. Conversion of units

The conversion of other units of credit of continuing education to PDH's is as follows:

(1) One (1) college or unit semester hour – 15 PDH's

(2) Auditing of (1) college or unit semester hour -15 PDH's

(3) One (1) hour of technical or professional development in course work, seminars, technical and professional meetings, conventions, workshops, - 1 PDH

(4) One (1) hour for developing professional licensure examinations – 1 PDH

(5) For teaching or making presentations - apply multiple of 2 (Teaching credit is valid for teaching a course or seminar for the first time only. Teaching credit does not apply to full-time or part-time faculty members unless the activity is outside the scope of the licensee's customary teaching responsibilities.)

(6) Each peer-reviewed published Professional/Technical paper or book in the licensee's area of professional practice - 10 PDH's

(7) Each published paper or article in the licensee's area of professional practice – 5 PDH's

(8) Active participation in a professional and technical society or association. (maximum of 4 PDH's per biennial renewal period) – 2 PDH's

(9) Each patent. – 10 PDH's

(10) Active participation serving on standards or code commissions (maximum of 8 PDH's per biennial renewal period)

245:15-11-8. Comity Out-of-Jurisdiction Resident

The continuing education requirements for Oklahoma will be satisfied when a non-resident fulfills the requirements for resident licensees outlined in 245:15-11-5.

245:15-11-9. Records - Audits

(a) Each licensee is charged with the responsibility of his own professional development activities. The responsibility of maintaining records to be used to support credits claimed is the responsibility of the licensee. Records required include, but are not limited to:

(1) A log showing the type of activity claimed, sponsoring organization, location, duration, instructor's or speaker's name, and PDH credits earned.

(2) Attendance verification records in the form of completion certificates, or other approved documentation supporting evidence of attendance. Documentation which does not support evidence of actual attendance will not be accepted for audit purposes.

(b) Records must be maintained for a period of five (5) years and copies may be requested by the Board for audit verification purposes.

245:15-11-10. Forms

Renewal applications will require the completion of a continuing education form specified by the Board outlining PDH's claimed. The licensee must supply sufficient detail on the form to permit audit verification, must certify and sign the continuing education form, and keep in their files for audit verification purposes.

245:15-11-11. Disallowed credit; failure to comply

If a licensee fails to certify completion of 30 PDH's per biennial renewal period by their expiration date the license will not be renewed. If the Board disallows claimed PDH's, the licensee shall have 120 days after notification to substantiate the original claim or to earn other credit to meet the minimum requirement. Failure to comply with an audit or submitting false information to the Board on the log form in an attempt to renew a license are violations of Board Rules and may lead to disciplinary action.

245:15-11-12. Re-licensure

A licensee may bring an inactive license to active status by obtaining all delinquent PDH's. However, if the total number required to become current exceeds 30, then 30 shall be the maximum number required.

245:15-11-13. Dual Licensees

For an individual licensed both as an engineer and surveyor, the number of PDH's required shall remain 30 per biennial renewal period, at least 1/3 of which shall be obtained in each profession.

SUBCHAPTER 13. MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING

245:15-13-1. Purpose; scope; applicability

In order to better serve the public in regulating the practice of land surveying in Oklahoma, these minimum standards of practice are established to achieve no less than minimum standard degrees of accuracy,

completeness, and quality so as to assure adequate and defensible real property boundary locations. When more stringent survey standards than those set forth herein are required the survey shall comply with both those standards and with the Oklahoma Minimum Standards for the Practice of Land Surveying. Where the Professional Land Surveyor elects to follow or use a more thorough method of determining accuracy, it is not the intent of these standards to interfere. Land Surveyors failing to comply with or meet these minimum standards will be subject to disciplinary action by the Board.

245:15-13-2. Minimum Standards

(a) **Definitions**: as used in these standards, the following terms shall have the following meanings where the context permits as provided in 59 O.S. 475.1 et seq and Chapter 245:15-1-3 of the Rules of the Board.

(b) **Research and investigation.** Every property boundary survey shall be made in accordance with the boundary description, as provided to or as created by the surveyor, as nearly as is practicable. The surveyor, prior to making a survey, shall acquire available necessary survey data, which may include record descriptions, deeds, maps, abstracts of title, section corner ties, government notes, subdivision plats, road records, and other available section and boundary line location data in the vicinity. The surveyor shall analyze the data and make careful determination of the record title boundary of the property to be surveyed. From the information gathered, the surveyor, or those working under his or her direct control and personal supervision, shall search thoroughly for all controlling corners and all other available field evidence of boundary location. In the event of the discovery of a material disagreement with the work of another surveyor, the surveyor shall make reasonable efforts to contact the other surveyor in an attempt to resolve the disagreement.

(c) **Minimum technical standards for land or boundary surveys (field and office).**

(1) In order for a plat, subdivision plat, map, or sketch of a survey to be acceptable in terms of this rule, it must be complete and shall be certified or otherwise stated as meeting these minimum technical standards.

(2) All measurements made in the field shall be in accordance with the United States Standard, using either US Survey Feet or meters.

All measurements shall be referenced to the horizontal or vertical plane, with the exception of geodetic surveys.

(3) All survey documents produced by an individual practicing under his or her own name shall bear the name, address, and telephone number, along with the license number, seal, signature, and date of signature of the surveyor. All survey documents produced by a firm shall bear the name, address, telephone number, and Certificate of Authorization number, along with the name, license number, seal, signature, and date of signature of the surveyor.

(4) All survey documents must bear the date of the last site visit and bear the date of any revisions thereon. If the site visit was performed on multiple dates, the drawing may specify the range of those dates.

(5) A designated north arrow and scale of the map shall be shown prominently upon the drawing.

(6) Any symbols and/or abbreviations representing physical objects used on the drawing will be clearly noted upon the drawing.

(7) A reference to all bearings shown must be clearly stated, i.e., whether to 'True North'; 'Grid North as established by state plane datum'; 'Assumed North based on the bearing of a well-established line'; a 'Deed call for a particular line'; or 'the bearing of a particular line shown upon a plat'; etc.

(8) Referencing surveys.

(A) Surveys based on the United States Public Land Survey System shall be referenced to original or properly restored corners. The appropriate Bureau of Land Management Manual of Surveying Instructions shall be used as a guide for the restoration of lost or obliterated corners and subdivision of sections into aliquot parts.

(B) Lot surveys within platted subdivisions shall be referenced to existing corner monuments within the subdivision as necessary to verify the survey.

(9) Where evidence of inconsistencies is found, such as overlapping descriptions, hiatuses, excess or deficiency, or conflicting boundary line or monuments; the nature and extent of the inconsistencies shall be shown on the drawing.

(10) All survey drawings shall show the change in direction between lines, lines and curves, and between adjacent curves, by angles, bearings or azimuths. Circular curves shall show: 1. The length of

radius; 2. The arc distance; and 3. The chord distance and chord bearing. Sufficient information must be shown to mathematically close all lots and/or parcels.

(11) All easements, rights-of-way and building lines drawn or referenced on recorded subdivision plats on or across the land being surveyed and the width of the rights-of-way of all section lines adjoining or within the surveyed property shall be shown upon the survey drawing. Physical evidence of roadways providing access to or through the property being surveyed shall be shown and/or noted. If location of easements or rights-of-way, other than those drawn or referenced on recorded subdivision plats is required, this information must be furnished to the surveyor.

(12) The land surveyor shall establish or confirm a monument or confirm the prior placement of monuments at each and every property corner on the boundary line or boundary lines of the parcel or tract of land being surveyed. In such cases where the placement of a required monument at its proper location is impractical, a witness or reference monument shall be placed with the data given to show its location upon the ground in relation to the boundary lines or corner. In any case the type and size of all monuments, either found or set, and the relationship of the monuments to the surveyed lines and corners will be shown on the drawing. Where practical, monuments shall be constructed of material capable of being detected with the conventional instruments for finding ferrous or magnetic objects. All set monuments shall have affixed thereto a durable marker or cap bearing, at a minimum, the license number of the land surveyor in responsible charge, or the Certificate of Authorization number of the firm performing the survey. Monuments for the exterior corners of a subdivision shall be set by the surveyor who certified the plat of the subdivision prior to the recordation of the subdivision plat. It is the responsibility of the surveyor to set the interior corners on all lot and block corners prior to the conveyance of the lot, block or any part thereof within thirty days of completion of the infrastructure improvements, but no later than one year after recordation of the subdivision plat.

(13) Accuracy of measurements. The accuracy of the measurements for the survey shall be based upon the type of survey, and the current or expected use of the land. The accuracy of the measurements thus

performed shall be substantiated by the computations of the traverse; the relative error of closure permissible shall be no greater than the following standards given below:

(A) Where there is or will be zero lot line construction on small tracts in a high density urban area, the allowable closure error is 1:10,000 or the allowable positional error is plus or minus 0.10 feet.

(B) In residential or commercial subdivisions where the length of lines does not exceed 300 ft, the area of tracts does not exceed 2 acres, and there is no plan for zero lot line construction, the allowable closure error is 1:10,000 or the allowable positional error is plus or minus 0.25 feet.

(C) In suburban or rural residential or industrial tracts where the length of lines does not exceed 1000 feet and the area of tracts is between 2 and 40 acres, the allowable closure error is 1:10,000 or the allowable positional error is plus or minus 0.50 feet.

(D) Rural tracts of 40 acres or more where the corners of the tract may be connected with traverse legs in excess of 1000 feet, the allowable closure error is 1:10,000 or the allowable positional error is plus or minus 1.0 foot.

(E) Rural tracts of 40 acres or more in rough or tree covered terrain where the corners of the tract must be connected with short traverse lines because of poor visibility between the corners of the tract, the allowable closure error is 1:7,500 or the allowable positional error is plus or minus 1.5 feet.

(F) Field work performed which has a closure error greater than the maximum allowed, or linear error of closure greater than the maximum positional error shown, shall be considered unacceptable and shall be corrected. Adjustment of a traverse must not shift the position of any point more than the maximum positional error listed above.

(14) When special conditions exist that effectively prevent the survey from meeting these minimum standards, the special conditions and any necessary deviation from the standards shall be noted upon the drawing. It shall be a violation of this rule to use special conditions to circumvent the intent and purpose of these minimum standards.

(15) A survey plat, sketch or map must be created whenever a land or boundary survey is performed. Every survey plat, sketch or map must contain the legal description of the land being surveyed, either on the face of the survey plat or attached to and referenced to the survey plat.

(16) Additions or deletions to survey drawings by other than the signing party or parties are prohibited without written consent of the signing party or parties.

(d) **Minimum Standards for Legal Descriptions**.

(1) Metes and bounds descriptions prepared shall at a minimum contain the following items:

(A) A preamble containing the Quarter Section, Section, Township, Range, Principal Meridian (Indian or Cimarron) and the County and/ or City of the tract of land being described or a preamble containing the Lot and/or Block number, subdivision name and if available, the recording information of the plat and the City, if applicable, and County in which it is filed of record, and

(B) A beginning point (if applicable) referenced to a point such as a section corner, quarter-section corner, sixteenth section corner, or a Lot/Block corner of a recorded subdivision, and

(C) Distances listed to the nearest hundredth of a foot (if surveyed), and

(D) Bearings or angles listed in degrees, minutes and seconds (if surveyed), and

(E) A reference to all bearings shown must be clearly stated, i.e., whether to 'True North'; 'Grid North as established by state plane datum'; 'Assumed North based on the bearing of a well-established line'; a 'Deed call for a particular line'; or 'the bearing of a particular line shown upon a plat', and

(F) Curved lines with circular curves shall show: 1. Direction of the curve (right or left); 2. The radius; 3. Arc distance; and 4. Chord distance and chord bearing, and

(G) The name and license number of the professional surveyor who prepared the description, and

(H) The date of preparation of the legal description, and

(I) Each metes and bounds description must return to the Point of Beginning and close mathematically.

(2) Aliquot descriptions may be used in lieu of a metes and bounds description and shall at a minimum contain the following items: Quarter Section, Section, Township, Range, Principal Meridian (Indian or Cimarron), city (if applicable) and the County of the tract of land being described.
(3) Lot and block description may be used in lieu of a metes and bounds description and shall at a minimum contain the following items: Lot and/or Block number, subdivision name, City (if applicable), the County in which it is filed of record and, if available, the recording information of the plat.
(4) A written legal description of the surveyed tract of land must provide sufficient information to locate the property on the ground and distinctly set it apart from all adjoining properties.

245:15-13-4. Mortgage Inspection Report

(a) A Professional Land Surveyor may prepare a Mortgage Inspection Report for the use of a specific client based upon their general knowledge of land boundaries and monuments in a given area. Such report shall be prominently labeled 'Mortgage Inspection Report' and shall not be designated as, or construed as being, a Land or Boundary Survey. Professional Land Surveyors showing measurements on a mortgage inspection report that are not true representations of the conditions that were found at the time of the inspection will be in violation of the Minimum Standards for the Practice of Land Surveying. The statement furnished on the certificate shall be similar to the following form:
(b) 'This Mortgage Inspection Report was prepared for …(individual or firm)…. It is not a land or boundary survey plat, and it is not to be relied upon for the establishment of fence, building or other future improvement lines. The accompanying sketch is a true representation of the conditions that were found at the time of the inspection, and the linear and angular values shown on the sketch, if any, are based on record or deed information and have not been verified unless noted.'
(c) Any further statements shall be made only after proper research, investigation and boundary analysis is conducted per 245:15-13-2(a) through (d).

SUBCHAPTER 15. ETHICAL MARKETING OF SERVICES

245:15-15-1. Purpose; scope

Engineering and land surveying are important and learned professions. Engineers and Land Surveyors must recognize that their work has a direct and vital impact on the quality of life for all. Therefore, the services provided by engineers and land surveyors require honesty, impartiality, fairness and equity, and must be dedicated to the protection of the public health, safety and welfare. In the practice of the profession, engineers and land surveyors must perform under a standard of professional behavior which requires adherence to the principles of ethical conduct on behalf of the public, clients and the professions.

245:15-15-2. Definitions

The following words or terms, when used in this Subchapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Ethical marketing of professional services" means the solicitation or offer by a licensee, either as an individual or on behalf of a firm, to provide professional services for a potential governmental client, based on the licensee's professional qualifications, technical ability, specialized training, and the ability to provide the services to the client in a timely manner; with the fee for said services entering into the discussions only after said client has selected licensee as qualified to provide the services required. For the purpose of this Subchapter, if an individual who is not a licensee (i.e. Marketing Director, etc.) is acting on behalf of a firm, as defined in the act, the firm shall be held responsible for the actions of the non-licensee.

"Government client" means any federal, state, county and city governmental bodies including, but not limited to, all departments, agencies, quasi-public governmental agencies, authorities, sub-state planning districts, boards, commissions, offices, institutions, colleges, universities and all individuals acting under authority to represent such governmental bodies.

245:15-15-3. Professional obligation in solicitation of professional employment

(a) The Professional Engineer or Land Surveyor shall not supplant, nor attempt to supplant, directly or indirectly, another Professional Engineer

and/or Land Surveyor in a particular engineering or land surveying project. The furnishing of informative brochures on one's self or one's firm is not considered an attempt to supplant.

(b) A Professional Engineer or Land Surveyor, acting individually or through a firm, shall neither request, propose, nor accept an agreement, contract or commission for professional services on a "contingency basis" unless there is a conflicting funding requirement. For the purpose of adjudging the provisions of this section, "Contingency basis" shall be interpreted only to include:

(1) The preparation of preliminary reports and/or applications for funds, where the fee involved is to be paid only after such submission or approval, or the fee is substantially below the actual cost of performing the service, or

(2) Reviewing for approval preliminary reports and/or applications for funds, where the fee involved is to be paid only after such submission or approval or the fee is substantially below the actual cost of performing the service.

(c) The Professional Engineer or Land Surveyor, acting individually or through a firm, shall seek professional employment from governmental clients or any entity contracted by governmental clients to furnish engineering or land surveying services, in compliance with O.S. Title 61, Sections 60-64. The Board shall have the power to reprimand, place on probation, fine, revoke or suspend the Certificate of Licensure or Certificate of Authorization of any licensee or firm who fails to comply with any provision of O.S. Title 61, Sections 60-64 in effect at the time the services were offered.

(d) Licensees participating in a design/build procurement as a prime contractor or as a consultant to a builder or another professional of any tier for delivery of a project to or for the use of a governmental entity shall not have violated the provisions of OAC 245:15-15-3 by the submission of a fee or price for services prior to the licensee's selection to participate in the project.

SUBCHAPTER 17. LICENSEE'S SEAL

245:15-17-1. Licensee's seal

(a) Every person authorized to practice engineering or land surveying by a certificate of licensure may obtain a seal with which to identify all final engineering and land surveying papers or documents, including drawings,

specifications, plans, reports, land surveys, plats, land descriptions, design information, construction documents, calculations, addenda, change orders, field orders and other documents of service involving the practice of engineering or land surveying issued by the licensee for use in the State of Oklahoma whenever presented to a client or any public agency to certify that the work thereon was done by the licensee or under the direct control and personal supervision of the licensee.

(b) The seal required shall be of a type which will make an image on the surface of original documents and duplications of original documents. The use of a rubber stamp or electronic digitization which produces an accurate and legible image of the seal is permissible.

(c) The seal of the licensee shall consist of two (2) concentric circles. The inner circle shall have inscribed the licensee's name and number, which shall correspond to the name and certificate number shown on the Certificate of Licensure. The area between the two (2) circles shall be inscribed with the word "Oklahoma" at the bottom reading counter-clockwise and the words "Licensed Professional Engineer" or "Licensed Professional Land Surveyor" at the top reading clockwise. The seals commercially designated as 1 7/8" seal, with an inner circle of 1 1/8" diameter and an outer circle of 1 3/4" diameter, or the 1 5/8" seal, with an inner circle of 1 1/16" diameter and an outer circle of 1 9/16" diameter, are acceptable, as shown in Appendix A of this Chapter. Reproduction of the original documents with the required seal may produce a different seal size provided the seal remains completely legible.

(d) A licensee who practices in other than their full legal name shall register the name customarily used in professional practice with the Board together with a copy of their signature for such customarily used name. The seal may be inscribed with the registered, customarily used name, and the signature affixed across or adjacent to the seal shall be the name inscribed on the seal. A seal and signature affixed in a registered, customarily used name shall have the same force and effect as the seal and signature affixed in a licensee's full legal name.

(e) Existing seals containing the words "Registered Professional Engineer", "Registered Professional Land Surveyor", and "Registered Land Surveyor" may continue to be used.

245:15-17-2. Use of seal

(a) The application of the licensee's signature and date of signature to a sealed document shall constitute certification that the work thereon was done by the licensee or under the licensee's direct control and personal supervision and that the licensee accepts full responsibility and liability for the professional work represented thereon. Authorized use of the prescribed seal is an individual act. The licensee is responsible for its security at all times. The licensee shall permit no other person, firm, or entity to use the prescribed seal. The seal shall be affixed to documents and instruments only during the time the licensee's license is current and in good standing. 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 direct control and personal supervision of the work product.

(b) Licensees must affix their seal, signature and date of signature to documents or drawings which reflect work for which the licensee has responsible charge, including revisions and addenda thereto. In the case when multiple licensees are involved, each sheet in a set of drawings shall contain the seal, signature and date of the licensee responsible. A licensee not practicing as, or through a firm shall also include contact information to include address and phone number.

(c) Regarding professional engineering, the licensee is responsible for meeting all of the following requirements to be in direct control and personal supervision of the work:

(1) The licensee supervises the preparation of the plans, specifications, drawings, reports, or other documents and has input into their preparation prior to their completion and reviews the final plans, specifications, drawings, reports, or other documents prior to signing and sealing the work; and

(2) The licensee has the authority to, and does, make any necessary and appropriate changes to the final plans, specifications, drawings, reports, or other documents prior to signing and sealing the work; and

(3) The intent of the definition of direct control and personal supervision may be met if all provisions of the definition are met using remote electronic or communication means.

(4) An engineer who signs and seals work must be capable of answering questions as to the engineering decisions made during the

work on the project in sufficient detail as to leave little doubt as to the engineer's competence for the work performed. It is not necessary to defend decisions, as in an adversary situation, but only to demonstrate the engineer who is in direct control and personally supervising the work made them and possessed sufficient knowledge of the project to make them. The individual should be able to clearly define the degree of control over the work and how it was exercised, and should be able to demonstrate that the engineer was answerable within said degree of control necessary for the work done.

(5) The intent of the law shall not be met if an unlicensed person independently performs engineering work, to then be reviewed, signed and sealed by a professional engineer. An unlicensed person may only be used if the professional engineer is personally directing the unlicensed person and the work is performed concurrent with the supervision.

(d) Regarding land surveying, the licensee is responsible for meeting all of the following requirements to be in direct control and personal supervision of the work:

(1) The licensee directly controls and personally supervised the surveying work; and

(2) The licensee has the authority to, and does, make any necessary and appropriate changes to the work prior to signing and sealing the work; and

(3) All surveying offices must have a professional land surveyor physically present at the location to be in responsible charge of, and in direct control and supervision of the work; and

(4) A surveyor who signs and seals work must be capable of answering questions as to the surveying decisions made during the project in sufficient detail as to leave little doubt as to the surveyor's involvement with the work performed. It is not necessary to defend decisions, as in an adversary situation, but only to demonstrate that the surveyor who is in direct control and personally supervising the work made them and possessed sufficient knowledge of the project to make them. The licensee should be able to clearly define the degree of control over the work and how it was exercised, and should be able to demonstrate that the surveyor was answerable within said degree of control necessary for the work done.

(5) The intent of the law shall not be met if an unlicensed surveying crew independently performs surveying work, to then be reviewed, signed and sealed by a professional land surveyor. An unlicensed surveying crew may only be used if the professional land surveyor in direct control and supervision of the work is personally directing the land surveying crew and the work is performed concurrent with the supervision.

(e) In the case of bound documents, licensees must affix their seal, signature and date of signature to the cover sheet or index page, which identifies all documents bound together for which the licensee has responsible charge. In the absence of covers and index pages each document must have the seal, and dated signature of the licensee who has responsible charge. For bound documents involving multiple licensees, either each document in the bound set must be sealed, signed and dated by the licensee in responsible charge for that portion of the work, or the cover sheet or index page must be sealed, signed and dated by each licensee with a breakdown of the licensee in responsible charge of each document clearly identified.

(f) In the case when the work consists of a letter or report prepared by a single licensee, the licensee need only seal, sign and date the first page, title page or signature page of the document.

(g) The Statute, 59 O.S., Sections 475.1 et seq. and Rules of the Board in this Chapter describe the use of the seal of the licensee. The seal, signature and date of signature shall be placed on all final engineering and land surveying documents whenever presented to a client or any public agency to certify that the work thereon was done by the licensee or under the responsible charge of the licensee. In lieu of sealing, signing and dating each copy of the work, the seal, signature and date shall be placed on originals, tracings, or other reproducible documents by the licensee in such a manner that when the originals, tracings, or other reproducible documents are reproduced the seal, signature and date will be legible.

(h) Work of a preliminary nature, submitted to obtain comments and not for formal approval, shall be clearly marked with the following statement: ***'This document is preliminary in nature and is not a final, signed and sealed document'.***

(i) An Engineer Intern or Land Surveyor Intern shall not have a seal.

(j) Drawings, reports, or documents that require a signature may be signed using a digital signature. The digital signature must be:

(1) Unique to the person using it;
(2) Capable of verification; and
(3) Under the sole responsibility and control of the licensee affixing it.

(A) A scanned image or other reproduction of an original signature may be used in lieu of an original signature or digital signature if accompanied by an original handwritten date.

(B) A digital signature having an electronic authentication process attached to or logically associated with the electronic document may also be used and does not need to include the handwritten date, but must be dated. In this instance, the digital signature shall be linked to a document in such a manner that the data in the document can be verified as being unaltered since the time that the digital signature was affixed.

(k) Successor licensee - In circumstances where a licensee in responsible charge of the work is unavailable to complete the work, or the work is a site adaptation of a standard design plan, a successor licensee may take responsible charge over, and complete the work, in accordance with the provisions of this Chapter.

(1) A licensee shall perform or have responsible charge over all professional engineering or land surveying services to include development of a complete design file including work or design criteria, calculations, code research, field notes, and any necessary and appropriate changes to the work. The burden is on the successor licensee to demonstrate such compliance.

(2) The non-professional services, such as drafting, need not be redone by the successor licensee but must clearly and accurately reflect the successor licensee's professional work.

(3) The licensee shall have direct control and personal supervision over the engineering or surveying work and the signed, dated, and sealed originals of all documents over which the licensee has taken responsible charge under this provision. A professional engineer or land surveyor who adopts, signs, and seals work previously engineered or surveyed under this provision shall perform sufficient review and calculation to ensure that all standards of practice required of licensees are met, including satisfying the relevant criteria stated in paragraph (c)(iv) and (d)(iv) above and shall take professional and legal responsibility for documents signed and sealed.

(l) Prototypical design plans- A licensee may take responsible charge over a standard, prototypical design plan, including drawings and specifications

in printed or electronic form, for the purpose of adapting the plan to a specific site in this state, provided the licensee's work is completed in accordance with the provisions of this Chapter. This provision shall apply to both site adaptation of new structures and site adaptation for construction in an existing structure.

(1) In the case of an existing structure, the engineering for modifications to the existing structure and any of its systems shall be under the responsible charge of persons licensed in this state.

(2) Standard, prototypical designs that may be site adapted under this provision are drawings and specification documents prepared for the purpose of defining the Owner's requirements but not yet completed for construction on a specific site.

(3) Site adaptation shall not include, and this provision does not authorize, a licensee to take responsible charge over work designed for construction on a specific site in this state that was prepared by a person not licensed in this state.

(4) Standard prototypical design plans shall not be released publicly or submitted to a client or user unless the plans are marked with a statement substantially equivalent to 'This document is preliminary in nature and is not a final, signed and sealed document'. The statement shall not be removed until an Oklahoma licensee has taken responsible charge of the work and the work is dated and issued under the seal and signature of an Oklahoma licensee.

(5) A licensee shall perform or have responsible charge over all professional engineering services to include development of a complete design file including work or design criteria, calculations, code research, and any necessary and appropriate changes to the work. The burden is on the successor licensee to demonstrate such compliance.

(6) The non-professional services, such as drafting, need not be redone by the successor licensee but must clearly and accurately reflect the successor licensee's professional work.

(7) The licensee shall have direct control and personal supervision over the engineering work and the signed, dated, and sealed originals of all documents over which the licensee has taken responsible charge under this provision.

(m) Any revision to a document containing the seal and signature of a licensee shall be identified and dated. Revisions not done by the original

licensee must be signed and sealed by the licensee in responsible charge of the revision. At no time shall a successor licensee remove the seal and signature of the original licensee in responsible charge of the work.
(n) Record drawings prepared to reflect changes made during construction based on the record of changes made to construction drawings and changes to the construction observed by the licensee or on the licensee's behalf or reported by contractors is deemed a drafting service and shall not require a licensee's seal, signature, and date of signature.
(o) In the case of a firm, each separate document, the first page of a bound document, and, in the case of multiple licensees, the portion of the work for which each firm is responsible, shall also show the name of the firm, the firm's Certificate of Authorization number and contact information for the firm.
(p) Engineering or surveying technical submissions given to an architect for a project must be signed and sealed by the professional engineer or land surveyor in responsible charge of the work prior to the architect taking responsible charge of the work as the prime professional for the project.
(q) Consultants hired to do work on behalf of the firm must sign, seal and date their work and include their title block, contact information, and Certificate of Authorization information, if applicable, on the work. Consultants may not sign and seal as the responsible charge engineer for the firm to which they are consulting.

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 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) At least one individual in responsible charge of the services and personnel performing services on behalf of the firm in this state is licensed to practice engineering or land surveying in the State of Oklahoma. If the firm is offering to practice both professions, the firm shall have at least one individual in responsible charge licensed to practice each profession. A licensee must be a full-time employee of a firm to qualify as a person designated in responsible charge.
(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 engineer or 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 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 in this state, as prescribed by law.
(4) All documents relating to engineering or surveying work shall be sealed, signed, and dated by the Professional Engineer or Land Surveyor in responsible charge of the work.
(5) The Certificate of Authorization shall identify all individual(s), Oklahoma Professional Engineer(s) or Land Surveyor(s), who shall practice engineering or land surveying on behalf of the firm and shall be employees of the firm.
(6) Notwithstanding that licensees may practice through or with a firm, licensees shall have individual responsibility for the actions taken by them in violation of the statutes and rules applicable to licensees, firms, and entities, including this Chapter, 59 O.S. Sections 475.1 et seq., and 65 O.S Section 3-118 et seq., and for their failure to act when required.
(7) Certificates of Authorization shall be issued to firms meeting 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.

(8) 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.
(9) Firms holding a Certificate of Authorization shall display or maintain it at the firm's place of practice.
(10) Duplicate original Certificates 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.
(11) 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.

SUBCHAPTER 21. CORNER PERPETUATION AND FILING ACT REQUIREMENTS

245:15-21-1. Purpose

The purpose of the Corner Perpetuation and Filing Act, 65 O.S. Sections 3 – 116- 3.123 is to protect and perpetuate public land survey corners and information concerning the location of such corners, by requiring the systematic establishment of monuments and filing of information concerning the marking of the location of such public land survey corners. The Archives and Records Division of the Oklahoma Department of Libraries serves as the registry for Certified Corner Records. The Board is charged, by law, with the responsibility to prescribe the information to be included, to prescribe the form in which such Certified Corner Records shall be presented and filed, and to enforce the provisions of the Act.

245:15-21-2. Recordation of corners

(a) Each Certified Corner Record shall be prepared on the Certified Corner Record Form adopted by the Board in accordance with the Instruction Manual for Oklahoma Certified Corner Records adopted by the Board.

(b) The Professional Land Surveyor shall complete and file a Certified Corner Record for every public land survey corner which is established, reestablished, monumented, remonumented, restored, rehabilitated, perpetuated, or used as control in any survey. The completed Certified Corner Record shall be filed within ninety (90) days after the survey is completed, unless the public land survey corner and accessories are substantially as described in an existing, filed Certified Corner Record. The Board shall consider a survey complete when any one of the following occurs:

(1) Monuments have been established; or

(2) A plat or drawing has been submitted; or

(3) Field notes for plans or planned purposed have been submitted.

245:15-21-3. Specifications for Certified Corner Records

The Board has established the following specifications for Certified Corner Records, which are also included in the Instruction Manual for

Certified Corner Records adopted by the Board: Each Certified Corner Record shall be signed, sealed and dated in the manner prescribed by Title 59, O.S. Section 475.15 and OAC 245:15-17-2.

(1) Each Certified Corner Record shall be complete, accurate and contain the following information:
(A) Classification as either an existent, obliterated or lost corner, as defined by the current Manual of Surveying Instructions published by the United States Bureau of Land Management; and
(B) Corner identity; and
(C) Description of the original monument, accessories, and any subsequent restoration by the United States government; and
(D) Monument description when the corner monument is found and a listing of sufficient supporting evidence; or monument description when the monument is set, the method used if the corner is classified as lost, and a listing of sufficient evidence to support the position if the corner is obliterated; and
(E) Description of, and angular and linear measurements to, at least three (3) readily identifiable and permanent accessories; and
(F) A legible sketch showing the relative positions of the monument, the accessories, streets, any conflicting monuments and other identifying features, including a north arrow; and
(G) Oklahoma state plane coordinates (if determined); and
(H) Professional Land Surveyor's certificate.

245:15-21-4. Remonumentation of corners

In every case where a Certified Corner Record of a public land survey corner is required to be filed or recorded, the Professional Land Surveyor shall reconstruct or rehabilitate the monument of such corner, and accessories to such corner, so that it will be as permanent a monument as is reasonably possible to provide and so that it may be located with facility in the future.

245:15-21-5. Availability of records

The Department of Libraries shall make the copies of the Certified Corner Records available for public inspection during usual office hours and true scale copies thereof shall be made available for a reasonable fee.

245:15-21-6. Penalties

The Board shall have the power to reprimand, place on probation, fine, revoke or suspend the Certificate of Licensure or Certificate of Authorization of any licensee or firm who fails to comply with any provision of 65 O.S. or the Rules of the Board.

SUBCHAPTER 23. VIOLATIONS

245:15-23-1. Prima facie evidence

(a) A person, firm, or entity shall be construed to practice or offer to practice engineering or land surveying, who does any of the following:

(1) practices any branch of the professions the Board regulates, or

(2) by display or verbal claim, sign, advertisement, contract, card or other printed, engraved, or written instrument or device, bearing a person's, firm's, or entity's name or in any other way represents to be ~~a~~ an Engineer, Professional Engineer, Land Surveyor, or Professional Land Surveyor or a firm providing or having the qualifications to provide engineering or land surveying services, or

(3) through the use of some other title implies that the person, firm, or entity is ~~a~~ an Engineer, Professional Engineer, Land Surveyor, or Professional Land Surveyor or a firm providing engineering or land surveying services, or

(4) holds himself/herself or itself out as having the qualifications to, is able to, or who does contract, offer or perform any engineering or land surveying service.

(b) The following actions shall not be violations under 59 O.S. 475.1 et seq and the Rules of the Board:

(1) Advertising in national publications or electronic media, provided there is no offering of professional services in jurisdictions where not licensed

(2) Responding to letters of inquiry regarding requests for proposals, provided there is written disclosure that the engineer/surveyor and firm are not licensed in this jurisdiction and the response is limited to inquiries regarding the scope of project and to demonstrate interest

(3) Responding to letters of inquiry from prospective clients, provided there is written disclosure that the engineer/surveyor and firm are not licensed in this jurisdiction and the response is limited to inquiries regarding scope of project and to demonstrate interest

(4) Using the title/designation Professional Engineer, Engineer, P.E., Professional Land Surveyor, Land Surveyor, or P.L.S. or the like on letterheads, or business cards from an office in the jurisdiction where licensure is held.

(c) Regardless of the above, proposals may not be submitted, contracts signed, or work commenced until the engineer, surveyor and firm become licensed in Oklahoma.

(d) Any violation of such action noted by this Section shall be sufficient to justify an injunction or any other order or a conviction without evidence of a general course of conduct. The Board shall determine if other legal procedures and penalties are necessary and shall have the power to proceed with any and all legal procedures in addition to the injunction or other such orders issued.

245:15-23-2. Grounds for violations and penalties - Conduct

(a) **Knowledge of Rules.** All persons licensed under the provisions of the act are charged with having knowledge of these Rules as well as amendments from time-to-time which are made known in writing to every licensee and applicant for licensure.

(b) **Convictions.** A licensee of this Board who has been fined, received a reprimand, had a license revoked, suspended or denied in another jurisdiction for reasons or causes which the Board finds would constitute a violation of the law governing the practice of engineering or surveying in this jurisdiction or any rule or regulation promulgated by the Board may be cause for levying a fine, reprimanding the licensee, denying, revoking, or suspending a license to practice engineering or surveying by the licensee in this jurisdiction.

(c) Non-payment of fines or penalties or violation of any order approved by the Board may result in disciplinary action against the holder of the Certificate of Licensure or Certificate of Authorization.

245:15-23-3. Additional administrative penalties for violations

Administrative penalties may be levied by the Board separately or in addition to any other penalties or remedies determined by the Board. The Board may seek criminal and civil relief, including injunctive relief, through the courts for violation of the Statutes regulating professional engineering and land surveying, Rules in this Chapter, regulations, or to enforce any order issued by the Board. The Board may seek relief or

remedies through the boards and administrative entities of Oklahoma or other states.

245:15-23-4. Fraud or misrepresentation

A. Any licensee, firm, entity, or person associated with or under the responsible charge of any licensee, firm, or entity, holding a Certificate of Licensure and/or a Certificate of Authorization who shall make an oral or written statement or communication to any person that is:

(1) false and a material misrepresentation, and/or

(2) made with the knowledge that the statement is false or made while ignorant of the truth, and/or

(3) made with the intent that the statement shall be relied on by the person and in a manner reasonably foreseeable; provided, and/or

(4) the person to whom the statement is made is ignorant of the falsity of the statement, or

(5) the statement is justifiably relied upon by such person, and/or

(6) such person is caused damage or injury, shall have committed a fraud.

B. Any licensee, firm, entity, or person associated with or under the responsible charge of any licensee, firm, or entity, holding a Certificate of Licensure and/or a Certificate of Authorization who shall make an oral or written statement in any document, report, examination, investigation, advice, representation, plans or specifications that is materially false or misleading either in its content or omission of content there from, or who in any other manner, method or conduct acts in a way so as to mislead or deceive any person, shall be guilty of misrepresentation.

245:15-23-5. Gross negligence

(a) The Professional Engineer or Land Surveyor is responsible for many professional, technical, ethical and tactical judgments relating to planning, surveys, reports, studies, inspections, designs, plans and specifications, construction materials, methods, techniques and systems processes. The licensee's education, training and experience, or the education, training and experience of the licensee in responsible charge of the services of any Firm, should enable such licensee to make such determinations with confidence in a successful result.

(b) Each licensee, firm, entity, or person representing same, shall exercise prudent and deliberate consideration in decisions, made only after

responsible and thorough investigation, research and, when necessary, expert advice and assistance.
(c) When the results from such decisions are not reasonably predictable, each licensee, firm, entity, or person representing same, shall so advise the client, and fully disclose the implications involved.
(d) When such decisions require procedures, techniques, materials, or systems unfamiliar to the planning, design and/or construction team involved, the licensee, firm, entity, or person representing same shall exercise additional care and attention to the process, advancing the result sought.
(e) If, in the judgment of the Board, a licensee, firm, entity, or person representing same, does by its failure to discharge its duties, obligations, and responsibilities under 59 O.S., Sections 475.1 et seq and the Rules of the Board or the laws and regulations of another jurisdiction demonstrate carelessness which is in reckless disregard for the safety, property or lives of others, or is so great it appears to be a conscious violation of other people's property, or rights to health, safety or welfare, the Board may deem such neglect to be gross negligence.

245:15-23-6. Gross incompetence
(a) Licensees have been licensed under the authority of the Statutes regulating professional engineering and land surveying which establishes minimum competence to provide engineering and land surveying services in the State of Oklahoma. Licensees shall continue their professional development after licensure, improving and increasing their proficiency and skills, knowledge and abilities. The licensee, firm, or entity shall undertake only those professional assignments the licensee, firm, or entity is qualified to perform and lawfully authorized to undertake.
(b) The following practices, among others may be deemed gross incompetence by a licensee, firm, or entity or person representing same:
(1) A deficiency on the part of a licensee in the basic knowledge and skill necessary to the practice of engineering or land surveying such that the licensee does not demonstrate an ability to practice engineering or land surveying at the threshold level of professional competence for issuing engineering reports or undertaking projects of the kind and complexity performed, thus endangering the property, safety, health of others or welfare of the public.
(2) Failure to engage other competent licensed architects, engineers

or land surveyors when the licensee has contracted to furnish services outside of the licensee's area of competence.

(3) Practicing engineering or land surveying while under the influence of alcohol, drugs or mentally impaired.

245:15-23-7. Misconduct or dishonest practice

(a) The following practices, among others, by a licensee, firm, or entity or person representing same, may be deemed misconduct and a violation:

(1) Acts which evidence attempts to violate any laws or rules of this or any other state relating to licensure to practice engineering or land surveying.

(2) Acts which evidence a disregard or indifference toward the rules or statutes governing the practice of engineering or land surveying regulations, codes, ordinances and recognized standards including but not limited to those regulating the design of facilities to be constructed, structural inspections and reports, or special inspections for buildings or roadways .

(3) Acts which evidence attempts to violate or do so violate the Statutes Regulating Professional Engineers and Land Surveyors or Rules in this Chapter or assist any other person or firm to attempt or to do so.

(4) Acts which evidence attempts to conceal personal interests in conflict with responsibilities of service to the public or a client.

(5) Acts which evidence, through commission or omission, a failure or refusal to reasonably communicate with the client, so that the client shall be reasonably informed of the status of any services provided or agreed to be provided by the licensee or a firm holding a Certificate of Licensure and/or Certificate of Authorization under the responsible charge of the licensee.

(6) Acts which evidence a detriment to a client caused by a personal or the firm's interest which conflicts with the responsibility owed to the client by a licensee or a firm holding a Certificate of Licensure and/or Certificate of Authorization under the responsible charge of the licensee.

(b) The following practices, among others, by a licensee, firm, or entity or person representing same, may be deemed a dishonest practice and a violation:

(1) Acts which evidence attempts through commission or omission, to mislead or defraud any person, firm, or entity.

(2) Acts which evidence attempts to bribe any person, firm, or entity, who may influence the selection of any licensee, firm, or entity. Kickbacks, donations or forgiveness offered or paid to gain improper advantage in selection will be considered bribes.
(3) Acts evidenced by exaggerated, misleading, deceptive or false statements in claims about professional qualifications.

245:15-23-9. Filing a complaint; forms and evidence; Formal Notice of Charges

(a) Any person may file a complaint alleging violations of these Rules, Title 59 O.S. Section 475.1 et seq., and the Corner Perpetuation and Filing Act, Title 65 O.S. Sections 3.116-3.123.

(b) All complaints may be made on forms prescribed by the Board, which are available from the Board, or by other means. The complainant may submit anonymous written complaints, which may be investigated.

(c) When a complaint is received by the Board, it is referred to an investigation committee designated by the Executive Director or Director of Enforcement. The investigation committee makes a determination if probable cause exists for taking further action or for issuing a Formal Notice of Charges. Action against the individual, licensee, entity or firm holding a Certificate of Authorization may be brought in the name of the Board.

(d) In the event the investigation committee determines that a probable cause exists, the legal counsel of the Board is requested to prepare a Formal Notice of Charges.

(e) The Formal Notice of Charges shall be personally served or mailed to the last known address of the respondent(s) at least 30 days before the date fixed for hearing.

(f) The Formal Notice of Charges shall show the time, place, and nature of the hearing, a statement of legal authority and jurisdiction under which the hearing is to be held, a reference to the particular section of the statutes and rules involved, and a short and plain statement of the matters asserted. The Formal Notice of Charges shall indicate that at any hearing the accused individual, licensee, entity or firm holding a Certificate of Authorization shall have the right to appear in person or by counsel or both to cross-examine witnesses in his/her or its defense and to produce evidence and witnesses of his/her or its own defense. If the accused person

or firm fails or refuses to appear, the Board may proceed to hear and determine the validity of the charges.

(g) In contested cases, irrelevant, immaterial, or unduly repetitious evidence shall, upon motion by either party or evidence submitted not in compliance with OAC 245:15-23-15(a)(3), be excluded. The rules of evidence as applied in civil cases in the court of common pleas shall be followed. The Board shall give effect to the rules of privilege recognized by law. Objection to evidentiary offers may be made and shall be noted in the record. Subject to these requirements, when a hearing will be expedited and the interest of the parties involved will not be prejudiced substantially, any part of the evidence may be received in written form. Documentary evidence may be received in the form of copies or excerpts if the original is not readily available. Any party may conduct cross-examination. Notice may be taken of judicially cognizable facts. In addition, notice may be taken of generally recognized technical or scientific facts within the Board's specialized knowledge. Parties shall be notified either before or during the hearing or by reference in preliminary reports or otherwise of the material noticed, including any staff memoranda or data, and they shall be afforded an opportunity to contest the material so noticed. The Board's experience, technical competence, and specialized knowledge may be utilized in the evaluation of evidence.

245:15-23-10. Informal resolution

Those matters in which informal resolution is sought may be referred to the investigation committee or terminated as provided in OAC 245:15-23-9. Any proposed final disposition of a violation by the Director of Enforcement shall be recommended to the Board for approval.

245:15-23-15. Hearings

(a) **General provisions.**

(1) At any hearing, the licensee, firm, entity, or person, charged with a violation shall enjoy the rights:

(A) against self-incrimination; and

(B) of confidential communication with his/her spouse, attorney, clergyman, priest and/or physician; and

(C) of withholding confidential or privileged records and files of any official or agency of any state or of the United States which, by any statute of such state or of the United States; and

(D) of cross examination; and
(E) of counsel.

(2) All motions, except for a motion to continue, must be filed seven (7) days prior to the scheduled date of the hearing. Responses to motions, if any, must be filed two (2) days prior to the hearing.

(3) The parties shall exchange names of all witnesses they anticipate testifying ten (10) days prior to the hearing. Additional witnesses may be called subject to the approval of the Board.

(4) The first motion for a continuance filed on behalf of a party may be granted by the Executive Director.

(b) **Hearing record.**

(1) The hearing records shall include:
(A) all pleadings, motions and intermediate rulings;
(B) evidence received or considered;
(C) questions and offers of proof, objections, and ruling thereon;
(D) proposed findings and exceptions;
(E) any decision, opinion, or report by the officer presiding at the hearing, if any;
(F) any records, including records of the Board, of which the Board chooses to take judicial notice;
(G) all staff memoranda or data submitted to the hearing officer, if any, or member of the agency in connection with their consideration of the case.

(2) Oral proceedings or any part of the oral proceedings shall be transcribed on request of any party. The requesting party shall pay all costs incurred for the original transcript and other parties requesting copies shall bear the cost of additional copies.

(3) Findings of fact shall be based exclusively on the evidence and on matters officially noticed.

(c) **Methods of hearings**. Hearings shall be conducted by one of the following methods as determined by the Board:

(1) by the Board;

(2) by a member or emeritus member of the Board or its designee acting as hearing examiner;

(3) by an attorney licensed to practice before the Supreme Court of the State of Oklahoma acting as hearing examiner.

(d) Unless precluded by law, any party may waive rights and proceed by stipulation, agreed settlement, consent order or default. No provision in

the rules shall be construed as prohibiting the Board from continuing to a later date, suspending or holding in abeyance any formal or civil proceeding pending the outcome of informal negotiation or informally agreed upon terms.

245:15-23-16. Hearing disqualification procedures

Any Board Member or Hearing Examiner shall withdraw from any proceeding in which the individual cannot render a fair and impartial hearing or consideration. Any party may request such disqualification by filing a motion pursuant to OAC 245:15-23-15(a)(2) detailing the alleged grounds for disqualification. The issue shall be referred to the Board to be determined promptly by the Board, or the remaining members thereof, and upon disqualification the Board shall assign another Hearing Examiner and if necessary, as provided by Statutes of Oklahoma, seek appointment of an additional member or members pro-tem.

245:15-23-17. Powers of hearing authority

A hearing authority shall require the furnishings of information; the attendance of witnesses; and the production of books, records, papers or other objects as may be necessary and proper for the purposes of the hearing. Any party to a proceeding may take depositions of witnesses in the same manner as provided by law in any civil actions before courts of record and such depositions may be submitted into evidence subject to the right of objection at the time of hearing as provided by law in any civil actions before courts of record. The hearing authority may admit into evidence and take judicial notice of any records, including records of the Board, that it may deem relevant to the proceeding.

245:15-23-18. Findings of the Board and penalties

(a) The Board may find on any one or more of the charges:
- (1) The charges are dismissed for insufficient evidence;
- (2) The charges are dismissed without prejudice;
- (3) The charges are dismissed with prejudice;
- (4) The respondent is found not guilty;
- (5) The respondent is found guilty.

(b) If the finding is guilty, the Board shall then determine the penalty to be imposed. The penalty resulting from a finding of guilty may be one or more of the following:

(1) Reprimand
(2) Censure
(3) Suspension
(4) Revocation
(5) Probation
(6) Administrative Fine

(c) The order of the Board in each case is a public record.

245:15-23-19. Proposed hearing orders

At any hearing not heard by a majority of the members of the Board or when the case hearing record has not been read by a majority of the members of the Board, the decision, if adverse to a party to the proceeding, shall not be made until a proposed order is served upon the parties and an opportunity is afforded to each party adversely affected to file exceptions and present briefs and oral argument to the Board. The proposed order shall be accompanied by statements of the reasons therefore and of each issue of fact or law necessary to the proposed order, prepared by the person who conducted the hearing or by a person who has read the record. The parties, by written stipulation, may waive compliance of any part of with this Section.

245:15-23-20. Issuing of orders

All orders, whether proposed or final, shall be issued within one hundred twenty (120) days of the conclusion of a hearing.

245:15-23-21. Final orders

A final order adverse to a party in a proceeding shall be in writing. The final order shall be consistent with the order of the Board entered at the hearing. A final order shall include findings of fact and conclusions of law, separately stated. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings. Parties shall be notified either personally or by mail of any order. Upon request, a copy of the order shall be delivered or mailed to each party and to the attorney of record.

245:15-23-22. Procedures to file exceptions to proposed orders

Exceptions to a proposed final order, together with a brief in support, shall be filed with the Executive Director within ten (10) days of the

submission of the proposed final order. If exceptions are filed, the Executive Director shall set the time and place for the Board to consider the exceptions and shall cause notice of the time and place to hear the exceptions to be mailed to the licensee, person, firm, or entity or to the attorney of record. Such time shall not be less than twenty (20) days after said notice is mailed. Briefs in response to the exceptions must be filed with the Board at least seven (7) days before such meeting. The licensee, person, firm, or entity may personally or through counsel be present and present oral argument to the Board in support of the exceptions. No exceptions to the final order shall be considered without full compliance of this section by the respondent, individual, firm, or entity.

245:15-23-23. Rehearing, reopening or reconsideration

(a) A decision by the Board shall be subject to rehearing, reopening or reconsideration by the Board if requested in writing and filed with the Executive Director within ten (10) days from the date of filing of the Final Order with the Executive Director. The grounds for requesting such action shall be either:

(1) newly discovered or newly available evidence relevant to the issues; or

(2) probable error committed by the Board or hearing examiner in the proceeding or in its decision such as would be grounds for reversal on judicial review of the order; or

(3) need for further consideration of the issues and the evidence in the public interest; or

(4) a showing that issues not previously considered should be examined in order to properly dispose of the matter; or

(5) fraud practiced by the prevailing party or of procurement of the order by perjured testimony or fictitious evidence.

(b) The order of the Board granting rehearing, reconsideration, or review of the petition of a party, shall set forth the grounds which justify such action.

245:15-23-24. Other hearings

When it comes to the Board's attention that persons, firms, or entities residing in or out of the State of Oklahoma may be engaged in the practice of engineering or land surveying in Oklahoma, as defined by the Statutes regulating professional engineering and land surveying and Board's current

rules, and further that such person, firm, or entity may be engaged in the unauthorized practice of these professions or may not meet the requirement thereof, the Board may institute proceedings as provided in the rules against licensee, persons, firms, or entities for the purpose of determining if any violation of the law, rules or orders has occurred and may take such action as is permitted pursuant to the provisions of 59 O.S., Sections 475.1 et seq. and may, in addition, bar said licensee, person, firm, or entity concerned and their employers from licensure with the Board or the practice of engineering or land surveying within the State of Oklahoma.

245:15-23-25. Emergency hearings and orders

(a) If the Board shall find an emergency to exist which, in the opinion of the Board, poses an imminent danger to the public health, welfare, or safety or which threatens irreparable harm to any person, firm, or entity, the Board may order hearings as provided herein upon giving twenty-four (24) hour notice to the parties concerned, and may enter such orders as will, in the judgment of the Board, maintain or restore the public health, welfare and safety pending hearing by the Board or judicial review of the Board's actions.

(b) Whenever in the judgment of the Board any licensee, person, firm, or entity has engaged, or is about to engage, in any acts or practice which constitute, or will constitute, a violation of 59 O.S., Section 475.1 et seq., the Board may make application to the appropriate court for an order enjoining such acts or practices, and upon a showing by the Board that such licensee, person, firm, or entity has engaged, or is about to engage, in any such acts or practices, an injunction, restraining order, or such other order as may be appropriate shall be granted by such court, without bond.

(c) Nothing in the rules dealing with violations, penalties or findings of facts shall preclude the Board from proceeding through any legal proceedings necessary to enforce its findings, orders or administrative penalties.

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