

1 **SENATE FLOOR VERSION**

2 April 8, 2024

3 ENGROSSED HOUSE
4 BILL NO. 3253

By: Osburn of the House

and

Pugh of the Senate

5
6
7
8 An Act relating to professions and occupations;
9 amending 59 O.S. 2021, Sections 46.3, 46.4, as
10 amended by Section 1, Chapter 62, O.S.L. 2023, 46.7,
11 46.9, 46.10, 46.21, 46.21b, and 46.38 (59 O.S. Supp.
12 2023, Section 46.4), which relate to the State
13 Architectural and Registered Commercial Interior
14 Designers Act; changing certain definitions;
15 clarifying provisions for the Board of Governors of
16 the Licensed Architects, Landscape Architects and
17 Registered Commercial Interior Designers of Oklahoma;
18 adding powers and duties of the Board; clarifying
19 certain partnership terms and definitions;
20 implementing certificate renewal fee provisions;
21 adding cancellation language; adding exception
22 provision; adding definition of exempted buildings;
23 omitting certain terms from interior designer
24 provisions; amending 59 O.S. 2021, Sections 475.1,
475.2, 475.3, as amended by Section 1, Chapter 63,
O.S.L. 2023, 475.4, 475.6, 475.7, 475.8, 475.9,
475.10, 475.11, 475.12a, 475.12b, 475.12c, 475.13,
475.14, 475.15, 475.16, 475.17, 475.18, 475.19,
475.20, 475.21, 475.22, and 475.22a (59 O.S. Supp.
2023, Section 475.3), which relate to engineering and
land surveying; modifying license language; modifying
definitions; clarifying board member appointments;
adding board member qualifications; modifying board
power and authority; adding executive director
duties; expanding list of requirements for record of
proceedings; adding roster requirements; modifying
engineer and surveyor licensure requirements;
prescribing engineer and surveyor intern
certification requirements; modifying structural
engineering qualifications; clarifying application

1 form requirements; stating examination provisions;
2 prescribing license design details; modifying license
3 renewal and replacement provisions; prescribing
4 disciplinary provisions; modifying notice and hearing
5 language; increasing administrative penalties;
6 clarifying conditions for practice for firms;
7 modifying licensing exceptions; repealing 59 O.S.
8 2021, Section 46.11, which relates to displaying an
9 architect license or certificate; and providing an
10 effective date.

11 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

12 SECTION 1. AMENDATORY 59 O.S. 2021, Section 46.3, is
13 amended to read as follows:

14 Section 46.3 As used in the State Architectural and Registered
15 Commercial Interior Designers Act:

16 1. "Architect" means any person who is licensed in the practice
17 of architecture in the State of Oklahoma as hereinafter defined;

18 2. "Practice of architecture" means rendering or offering to
19 render certain services, in connection with the design and
20 construction, enlargement or alteration of a building or a group of
21 buildings and the space surrounding such buildings, including
22 buildings which have as their principal purpose human occupancy or
23 habitation. The services referred to include planning, providing
24 preliminary studies, designs, drawings, specifications,
investigations ~~and other~~ or technical submissions, the
administration of construction contracts, and the coordination of
any elements of technical submissions prepared by other consultants

1 including, as appropriate and without limitation, consulting
2 engineers and landscape architects; provided, that the practice of
3 architecture shall include such other professional services as may
4 be necessary for the rendering of or offering to render
5 architectural services.

6 The preparation of plans and specifications for the following
7 tasks is within the scope of practice of both architecture and
8 engineering:

9 a. site plans depicting the location and orientation of a
10 building on the site based on:

11 (1) a determination of the relationship of the
12 intended use with the environment, topography,
13 vegetation, climate, and geographic aspects, and

14 (2) the legal aspects of site development, including
15 setback requirements, zoning, and other legal
16 restrictions,

17 b. life safety plans and related codes analyses,

18 c. roof plans and details depicting the design of roof
19 system materials, components, drainage, slopes, and
20 directions and location of roof accessories and
21 equipment, not involving structural engineering
22 calculations,

23 d. design of shallow spread footing foundations, and
24

1 e. the incorporation of other design professionals'
2 depiction of building systems, including
3 architectural, structural, mechanical, electrical, and
4 plumbing systems into the design professionals' own
5 work, in:
6 (1) plan views,
7 (2) cross-sections depicting building components from
8 a hypothetical cut line through buildings, and
9 (3) the design of details of components and
10 assemblies;

11 3. "Registration" or "license" means a certificate of
12 registration or license issued by the Board. The definition of
13 "license" shall apply to those persons licensed under a practice
14 act. The definition of "registration" shall apply to those persons
15 registered under the title registered commercial interior designer
16 under this act;

17 4. "Building" means ~~a structure consisting of a foundation,~~
18 ~~walls, all floors and roof, with or without other parts~~ any
19 structure used, or intended to be used, to support, shelter, or
20 enclose any use or occupancy;

21 5. "Board" means the Board of Governors of the Licensed
22 Architects, Landscape Architects and Registered Commercial Interior
23 Designers of Oklahoma;

1 6. "Certificate of authority" means the authorization granted
2 by the Board for persons to practice or offer to practice
3 architecture, or landscape architecture, through a partnership,
4 ~~firm, association,~~ corporation, limited liability company or limited
5 liability partnership;

6 7. "Certificate of title" means the authorization granted by
7 the Board for a partnership, ~~firm, association,~~ corporation, limited
8 liability company or limited liability partnership to use the title
9 registered commercial interior designer or any modification or
10 derivation of these terms;

11 8. "Technical submissions" means drawings, plans,
12 specifications, studies and any other technical reports or documents
13 which are issued in the course of practicing architecture, landscape
14 architecture or registered commercial interior design with the
15 intent that they be considered as formal or final documents ~~but.~~
16 Technical submissions shall not include record drawings-
17 Prototypical plans are not technical submissions or prototypical
18 plans. However, technical submissions may be further defined by
19 Board rules;

20 9. "Responsible control" means ~~the amount of direct control and~~
21 ~~personal supervision of architectural, landscape architectural or~~
22 ~~registered commercial interior designer's work and detailed~~
23 ~~knowledge of the content of tactical and technical submissions~~
24 ~~during their preparation as is ordinarily exercised by licensed~~

1 ~~architects, landscape architects or registered commercial interior~~
2 ~~designers applying the required professional standard of care. The~~
3 ~~terms direct control and personal supervision, whether used~~
4 ~~separately or together, mean active and personal management of the~~
5 ~~firm's personnel and practice to maintain charge of, and concurrent~~
6 ~~direction over, architecture, landscape architecture or the work of~~
7 ~~a registered commercial interior designer's decisions and the~~
8 ~~instruments of professional services to which the licensee or~~
9 ~~registrant affixes the seal, signature, and date~~ the active and
10 personal management by a licensed architect, landscape architect, or
11 registered commercial interior designer of the firm's personnel and
12 practice, applying the required standard of care, to maintain
13 detailed knowledge over the design and technical decisions related
14 to the preparation and implementation of the professional services
15 to which the licensee or registrant affixes his or her seal,
16 signature, and date;

17 10. "Landscape architect" means a person licensed to practice
18 landscape architecture as provided in the State Architectural and
19 Registered Commercial Interior Designers Act;

20 11. "Landscape architecture" means the performance of
21 professional services defined as teaching, consultations,
22 investigations, reconnaissance, research, planning, design,
23 preparation of construction drawings and specifications,
24 construction observation and the coordination of any elements of

1 technical submissions prepared by others in connection with the
2 planning and arranging of land and the elements thereon for public
3 and private use and enjoyment, including the design and layout of
4 roadways, service areas, parking areas, walkways, steps, ramps,
5 pools, parks, parkways, trails and recreational areas, the location
6 and site of improvements including buildings and other structures,
7 and the grading of the land, surface and subsoil drainage, erosion
8 control, planting, reforestation, and the preservation of the
9 natural landscape, in accordance with accepted professional
10 standards, and to the extent that the dominant purpose of such
11 services or creative works is the preservation, conservation,
12 enhancement, or determination of proper land uses, natural land
13 features, ground cover and plantings, or naturalistic and aesthetic
14 values.

15 The practice of landscape architecture shall include the
16 location and arrangement of tangible objects and features as are
17 incidental and necessary to the purpose outlined for landscape
18 architecture. The practice of landscape architecture shall not
19 include the design of structures or facilities with separate and
20 self-contained purposes for habitation or industry, or the design of
21 public streets, highways, utilities, storm and sanitary sewers and
22 sewage treatment facilities, that are statutorily defined as the
23 practice of engineering or architecture;

24

1 12. "Code" means the nationally recognized codes adopted by the
2 Uniform Building Code Commission of the State of Oklahoma;

3 13. ~~"Applicable building official"~~ "Building official" means
4 the ~~official responsible for the application of the adopted~~ officer,
5 other designated authority, or duly authorized representative
6 charged with the administration and enforcement of the building code
7 as implemented by the local, municipal or county jurisdiction in
8 which a building is located. Where no building code has been
9 adopted by the local, municipal or county jurisdiction, the
10 ~~applicable~~ building official shall be defined as the State Fire
11 Marshal;

12 14. "Registered commercial interior designer" means a person
13 recognized by this state who is registered, qualified by examination
14 and meeting all the requirements set forth in the State
15 Architectural and Registered Commercial Interior Designers Act and
16 the Board's rules;

17 15. "Plans" means technical documents issued by the licensed
18 and/or registered professionals intended to meet all current and
19 applicable codes as adopted by the Uniform Building Code Commission
20 of the State of Oklahoma, other statutory codes and applicable
21 federal codes and which shall be submitted to all required building
22 code and/or permit offices required by the State of Oklahoma,
23 county, municipal and/or federal government;

24

1 16. "Equivalent standards" means those standards adopted by the
2 Board intended to be used as alternative equivalents to determine
3 competency for education, training and testing for licensing
4 architects and/or landscape architects and registering commercial
5 interior designers and for complying with the Military Service
6 Occupation, Education and Credentialing Act for military personnel
7 and their spouses;

8 17. "Commercial interior design" means the rendering of or the
9 offering to render designs, consultations, studies, planning,
10 drawings, specifications, contract documents or other technical
11 submissions and the administration of interior construction and
12 contracts relating to nonstructural interior construction by a
13 registered commercial interior designer in a new constructed or
14 existing building when the core and shell elements are not going to
15 be changed;

16 18. "Nonstructural commercial interior construction" means the
17 construction of elements which do not include exterior components of
18 a building such as exterior walls, any load-bearing wall, any load-
19 bearing column or any other load-bearing elements of a building
20 essential to the structural integrity of the building such as wind
21 loads and seismic loads and to any element which must be designed
22 for wind loads and seismic loads; and

23 19. "Fire and life safety systems" means those systems and
24 construction that pertain to fire and life safety protection, such

1 as fire sprinklers, fire alarms, smoke evacuation systems, fire
2 walls, fire barriers or smoke barriers as defined by the current
3 International Building Code adopted by the Oklahoma Uniform Building
4 Code Commission.

5 The definitions in the State Architectural and Registered
6 Commercial Interior Designers Act shall have the same meaning when
7 applicable to any rule promulgated pursuant to such act.

8 SECTION 2. AMENDATORY 59 O.S. 2021, Section 46.4, as
9 amended by Section 1, Chapter 62, O.S.L. 2023 (59 O.S. Supp. 2023,
10 Section 46.4), is amended to read as follows:

11 Section 46.4 There is hereby re-created, to continue until July
12 1, 2026, in accordance with the provisions of the Oklahoma Sunset
13 Law, a board to be known as the "Board of Governors of the Licensed
14 Architects, Landscape Architects and Registered Commercial Interior
15 Designers of Oklahoma", hereinafter referred to as the Board. The
16 Board shall be composed of eleven (11) members including six persons
17 who are duly licensed to practice architecture and are in good
18 standing in this state, two persons who are duly licensed to
19 practice landscape architecture and are in good standing in this
20 state, two persons who are registered commercial interior designers
21 and who are active and in good standing and one lay member. Each
22 member of the Board shall be a qualified elector of this state, and
23 the architect, landscape architect and registered commercial
24 interior designer members shall have had five (5) years' licensing

1 or registration experience as the professional position requires in
2 this state. Re-creation of the Board shall not alter existing
3 staggered terms. Board members, other than the lay member, shall be
4 appointed for a period of five (5) years ~~thereafter; provided, that~~
5 ~~nothing herein shall affect the tenure of office of anyone who is a~~
6 ~~member of the Board on May 31, 1957.~~ A member may be reappointed to
7 succeed ~~such membership~~ themselves. The licensed architect,
8 landscape architect or the registered commercial interior designer
9 members may be appointed by the Governor from a list of nominees
10 submitted by respective professional societies of this state.
11 Membership in a professional society shall not be a prerequisite to
12 appointment to the Board. The lay member of the Board shall be
13 appointed by the Governor to a term coterminous with that of the
14 Governor. The lay member shall serve at the pleasure of the
15 Governor. ~~Provided,~~ All board members, including the lay member,
16 may continue to serve after the expiration of ~~the~~ their term ~~of the~~
17 ~~member~~ until such time as a successor is appointed. Vacancies which
18 may occur in the membership of the Board shall be filled by
19 appointment by the Governor. Each person who has been appointed to
20 fill a vacancy shall serve for the remainder of the term for which
21 the member the person shall succeed was appointed and until a
22 successor, in turn, has been appointed and shall have qualified.
23 Each member of the Board, before entering upon the discharge of the
24 duties of the member, shall make and file with the Secretary of

1 State a written oath or affirmation for the faithful discharge of
2 official duties. Each member of the Board ~~and staff~~ shall be
3 reimbursed for travel expenses pursuant to the State Travel
4 Reimbursement Act.

5 SECTION 3. AMENDATORY 59 O.S. 2021, Section 46.7, is
6 amended to read as follows:

7 Section 46.7 A. In addition to the other powers and duties
8 imposed by law, the Board shall have the power and duty to:

9 1. Prescribe such rules and to make such orders, as it may deem
10 necessary or expedient in the performance of its duties;

11 2. Prepare, conduct, and grade examinations of persons who
12 shall apply for the issuance of licenses and registrations to them,
13 and to promulgate such rules with reference thereto as it may deem
14 proper as a portion used to determine competency for the issuance of
15 licenses or registrations;

16 3. Work with nationally recognized licensing and registration
17 organizations to prepare, conduct, and grade examinations, written
18 or oral, of persons who shall apply for the issuance of licenses or
19 registrations;

20 4. Determine the satisfactory passing score on examinations and
21 issue licenses and registrations to persons who shall have passed
22 examinations, or who shall otherwise be entitled thereto;

23 5. Determine eligibility for licenses and certificates of
24 authority and issue them;

1 6. Determine eligibility for registration as a registered
2 commercial interior designer and for certificate of title and issue
3 them;

4 7. Promulgate rules to govern the issuing of reciprocal
5 licenses and registrations;

6 8. Upon good cause shown, as hereinafter provided, deny the
7 issuance of a license, registration, certificate of authority or
8 certificate of title or suspend, revoke, refuse to renew or issue
9 probation orders for licenses or registrations, and/or require
10 additional educational coursework and determine when the objectives
11 have been met;

12 9. Upon proper showing, reinstate or conditionally reinstate
13 licenses, registrations, certificates of title or certificates of
14 authority previously issued;

15 10. Review, affirm, reverse, vacate or modify its order with
16 respect to any such denial, suspension, revocation, probation and/or
17 educational coursework requirements or refusal to renew;

18 11. Prescribe rules governing proceedings for the denial of
19 issuance of a license, registration, certificate of authority or
20 certificate of title, suspension, revocation or refusal to renew, to
21 issue probation orders and/or require additional educational
22 coursework and determine when the objectives have been met for
23 cause, and reinstate them;

24

1 12. Prescribe such penalties, as it may deem proper, to be
2 assessed against holders of licenses, registrations, certificates of
3 authority or certificates of title for the failure to pay the
4 biennial fee hereinafter provided for;

5 13. Levy civil penalties plus the legal costs incurred by the
6 Board to prosecute the case against any person or entity who shall
7 violate any of the provisions of the State Architectural and
8 Registered Commercial Interior Designers Act, or any rule
9 promulgated pursuant thereto;

10 14. Obtain an office, secure such facilities, and employ,
11 direct, discharge and define the duties and set the salaries of such
12 office personnel and set the salaries of such unclassified and
13 exempt office personnel as deemed necessary by the Board;

14 15. Initiate disciplinary action, prosecute and seek
15 injunctions against any person or entity who has violated any of the
16 provisions of the State Architectural and Registered Commercial
17 Interior Designers Act or any rule of the Board promulgated pursuant
18 to said act and against the owner/developer of the building type not
19 exempt;

20 16. Investigate alleged violations of the State Architectural
21 and Registered Commercial Interior Designers Act or of the rules,
22 orders or final decisions of the Board;

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1 17. Promulgate rules of conduct governing the practice of
2 licensed architects, landscape architects and registered commercial
3 interior designers;

4 18. Keep accurate and complete records of proceedings, and
5 certify the same as may be appropriate;

6 19. Whenever it deems it appropriate, confer with the Attorney
7 General or the Attorney General's assistants in connection with all
8 legal matters and questions. The Board may also retain an attorney
9 who is licensed to practice law in this state. The attorney shall
10 serve at the pleasure of the Board for such compensation as may be
11 provided by the Board. The attorney shall advise the Board and
12 perform legal services for the Board with respect to any matters
13 properly before the Board. In addition to the above, the Board may
14 employ hearing examiners to conduct administrative hearings under
15 the provisions of the Administrative Procedures Act;

16 20. Prescribe by rules, fees to be charged as required by this
17 act;

18 21. Adopt rules providing for a program of continuing education
19 in order to ensure that all licensed architects or landscape
20 architects and registered commercial interior designers remain
21 informed of those technical and professional subjects that the Board
22 deems appropriate. The Board may by rule describe the methods by
23 which the requirements of such program may be satisfied. Failure to
24 meet such requirements of continuing education shall result in

1 nonrenewal of the license issued to the architect or landscape
2 architect or nonrenewal of the registration issued to the registered
3 commercial interior designer;

4 22. Adopt rules regarding requirements for intern development
5 as a prerequisite for licensure or registration;

6 23. Give scholarships, as determined by the Board, to an
7 individual or individuals advancing toward obtaining an accredited
8 National Architectural Accreditation Board, Landscape Architectural
9 Accreditation Board or Council for Interior Design Accreditation
10 degree in one of these three professions in an Oklahoma higher
11 education institution; and

12 24. Take such other action as may be reasonably necessary or
13 appropriate to effectuate the State Architectural and Registered
14 Commercial Interior Designers Act. The Board may, at its
15 discretion, contract with other state agencies and nonprofit
16 corporations for the endowment, management, and administration of
17 scholarships. The requirements of such scholarships shall be
18 determined by the Board. However, nothing contained herein shall be
19 construed as requiring the Board to endow or award any scholarship.

20 B. The Board may use its funds to establish and conduct
21 instructional programs for persons who are currently licensed under
22 this act, persons seeking licensure, as well as refresher courses
23 for persons interested in obtaining adequate instruction or programs
24 of study to qualify them for licensure to practice. The Board may

1 expend its funds for these purposes and may conduct, sponsor, and
2 arrange for instructional programs and may carry out instructional
3 programs through extension courses or other media. The Board may
4 enter into plans or agreements with community colleges, public or
5 private institutions of higher learning, the State Board of
6 Education, the Oklahoma Department of Career and Technology
7 Education, or nonprofit organizations for the purpose of planning,
8 scheduling or arranging courses, instruction, extension courses, or
9 assisting in obtaining courses of study or programs in the fields of
10 architecture, landscape architecture, or commercial interior design.
11 The Board shall encourage the educational institutions in Oklahoma
12 to offer courses necessary to complete the educational requirements
13 of Section 46.1 et seq. of this title. For the purpose of carrying
14 out these objectives, the Board may adopt rules as may be necessary
15 for educational programs, instruction, extension services or for
16 entering into plans or contracts with persons or educational
17 institutions and the Oklahoma Department of Career and Technology
18 Education.

19 SECTION 4. AMENDATORY 59 O.S. 2021, Section 46.9, is
20 amended to read as follows:

21 Section 46.9 A. The practice of architecture or landscape
22 architecture or offering to practice these professions for others by
23 persons licensed under this act through a partnership, ~~firm,~~
24 ~~association,~~ corporation, limited liability company or limited

1 liability partnership as directors, partners, officers,
2 shareholders, ~~employees,~~ managers, members or principals is
3 permitted, subject to the provisions of the State Architectural and
4 Registered Commercial Interior Designers Act, provided:

5 1. One or more of the directors, partners, officers,
6 shareholders, managers, members or principals of said partnership,
7 ~~firm, association,~~ corporation, limited liability company or limited
8 liability partnership is ~~designated as being responsible for the~~
9 ~~entity's activities and decisions~~ legally responsible for the entity
10 of said partnership, ~~firm, association,~~ corporation, limited
11 liability company or limited liability partnership;

12 2. Such director, partner, officer, shareholder, manager,
13 member or principal is duly licensed under the State Architectural
14 and Registered Commercial Interior Designers Act; and

15 3. ~~All personnel of said partnership, firm, association,~~
16 ~~corporation, limited liability company or limited liability~~
17 ~~partnership which act on behalf of the entity for these professions~~
18 ~~in the state are licensed under the State Architectural and~~
19 ~~Registered Commercial Interior Designers Act; and~~

20 4. Said partnership, ~~firm, association,~~ corporation, limited
21 liability company or limited liability partnership has been issued a
22 certificate of authority by the Board.

23 B. The Board shall have the power to issue, revoke, deny, or
24 refuse to renew a certificate of authority for a partnership, ~~firm,~~

1 ~~association,~~ corporation, limited liability company or limited
2 liability partnership as provided for in the State Architectural and
3 Registered Commercial Interior Designers Act.

4 C. A partnership, ~~firm,~~ ~~association,~~ corporation, limited
5 liability company or limited liability partnership desiring to
6 practice architecture or landscape architecture shall file with the
7 Board an application for a certificate of authority, and pay all
8 fees, for each office location performing work on Oklahoma projects
9 on a form approved by the Board which shall include the names,
10 addresses, state of licensure and license number of all partners,
11 directors, officers, members, managers or principals of the
12 partnership, ~~firm,~~ ~~association,~~ corporation, limited liability
13 company or limited liability partnership legally responsible for the
14 entity's practice. The form shall name an individual having the
15 practice of architecture in such person's charge who is a director,
16 partner, officer, member, manager or principal. The person shall be
17 duly licensed as an architect to practice architecture or licensed
18 as a landscape architect to practice landscape architecture in this
19 state through said partnership, ~~firm,~~ ~~association,~~ corporation,
20 limited liability company or limited liability partnership legally
21 responsible for the entity's practice or services offered and other
22 information required by the Board. In the event there shall be a
23 change in any of these persons during the term of the certification,
24 such change shall be filed with the Board within thirty (30) days

1 after the effective date of said change. If all of the requirements
2 of this section and the Board's current rules have been met, the
3 Board shall issue a certificate of authority to such partnership,
4 ~~firm, association,~~ corporation, limited liability company or limited
5 liability partnership.

6 D. Any other person licensed pursuant to the State
7 Architectural and Registered Commercial Interior Designers Act, not
8 practicing these professions as a partnership, ~~firm, association,~~
9 corporation, limited liability company or limited liability
10 partnership, shall practice as an individual.

11 E. No such partnership, ~~firm, association,~~ corporation, limited
12 liability company or limited liability partnership shall be relieved
13 of responsibility for the conduct or acts of its agents, employees,
14 partners, directors, officers, managers, members or principals by
15 reason of its compliance with the provisions of this section, or
16 shall any individual practicing these professions be relieved of
17 responsibility for professional services performed as an individual
18 by reason of such person's employment or relationship with such
19 partnership, ~~firm, association,~~ corporation, limited liability
20 company or limited liability partnership.

21 F. The Secretary of State shall not issue a certificate of
22 incorporation or register a foreign corporation or any other entity
23 which includes among the objectives for which it is established any
24 of the words "Architect", "Architectural", "Architecture",

1 "Landscape Architect", "Landscape Architecture" or any modification
2 or derivation of these words, unless the Board has issued for said
3 applicant either a certificate of authority for an entity, or a
4 letter indicating eligibility for an exemption pursuant to the State
5 Architectural and Registered Commercial Interior Designers Act. The
6 entity applying shall supply such certificate or letter from the
7 Board with its application for incorporation or registration.

8 G. The Secretary of State shall not register any trade name or
9 service mark which includes such words, as set forth in subsection F
10 of this section, or modifications or derivatives thereof in its firm
11 name or logotype except those entities or individuals holding
12 certificates of authority issued under the provisions of this
13 section or letters of eligibility issued by the Board.

14 H. The use of the title "Registered Commercial Interior
15 Designer" by a partnership, ~~firm, association,~~ corporation, limited
16 liability company or limited liability partnership is allowed to
17 those entities listed, provided:

18 1. One or more of the directors, partners, officers,
19 shareholders, members, managers or principals is registered with the
20 Board as a registered commercial interior designer and is in good
21 standing with the Board; and

22 2. The partnership, ~~firm, association,~~ corporation, limited
23 liability company or limited liability partnership has been issued a
24 certificate of title by the Board.

1 I. The Board shall have the power to issue, revoke, deny or
2 refuse to renew a certificate of title for a partnership, ~~firm,~~
3 ~~association,~~ corporation, limited liability company or limited
4 liability partnership as provided for in the State Architectural and
5 Registered Commercial Interior Designers Act.

6 J. A partnership, ~~firm,~~ ~~association,~~ corporation, limited
7 liability company or limited liability partnership shall file with
8 the Board an application for a certificate of title on a form
9 approved by the Board which shall include the names, addresses,
10 state of registration and registration number of all directors,
11 partners, officers, shareholders, members, managers, or principals
12 of the partnership, ~~firm,~~ ~~association,~~ corporation, limited
13 liability company or limited liability partnership. In the event
14 there shall be a replacement of any of these persons during the term
15 of certification, the change shall be filed with the Board within
16 thirty (30) days after the effective date of the change. If all the
17 requirements of this section, this act and the current rules of the
18 Board have been met, the Board shall issue a certificate of title to
19 such partnership, ~~firm,~~ ~~association,~~ corporation, limited liability
20 company or limited liability partnership.

21 K. The Secretary of State shall not issue a certificate of
22 incorporation or register a foreign corporation or any other entity
23 which includes among the objectives for which it is established any
24 of the words "Registered Commercial Interior Designer" or any

1 modification or derivation of these words, unless the Board has
2 issued for the applicant either a certificate of title for an
3 entity, or a letter indicating the eligibility for an exemption
4 pursuant to the State Architectural and Registered Commercial
5 Interior Designers Act. The firm applying shall supply such
6 certificate of title or letter from the Board with its application
7 for incorporation or registration.

8 L. The Secretary of State shall not register any trade name or
9 service mark which includes such words as set forth in subsection K
10 of this section, or modification or derivatives thereof in its firm
11 name or logotype except those entities or individuals holding
12 certificates of title issued under the provisions of this section or
13 letters of eligibility issued by the Board.

14 M. Upon application for renewal and upon compliance with the
15 provisions of the State Architectural and Registered Commercial
16 Interior Designers Act and the rules of the Board, a certificate of
17 title shall be renewed as provided in this act.

18 N. Upon application for renewal and upon compliance with the
19 provisions of the State Architectural and Registered Commercial
20 Interior Designers Act and the rules of the Board, a certificate of
21 authority shall be renewed as provided in this act.

22 SECTION 5. AMENDATORY 59 O.S. 2021, Section 46.10, is
23 amended to read as follows:

24

1 Section 46.10 A. Every licensed architect, landscape architect
2 and, registered commercial interior designer, partnership,
3 corporation, limited liability company, or limited liability
4 partnership shall pay to the Board a renewal fee as prescribed by
5 the rules of the Board prior to or on June 30 of odd years. No
6 license, registration, certificate of authority, or certificate of
7 title shall be issued or renewed for longer than two (2) years.
8 Upon receipt of the fee, the Board shall issue a renewal ~~of the~~
9 ~~license or registration,~~ which shall authorize the person,
10 partnership, corporation, limited liability company, or limited
11 liability partnership to practice architecture, landscape
12 architecture or use the title registered commercial interior
13 designer, as the case may be, in this state.

14 B. The license of an architect or landscape architect or the
15 registration of a registered commercial interior designer which has
16 been canceled by the Board for nonpayment of dues may be renewed at
17 any time within three (3) years from the date of the cancellation,
18 upon payment to the Board of the fees ~~which had accrued at the time~~
19 ~~of the cancellation and which would have been paid at the time of~~
20 ~~reinstatement had not the license or registration been suspended,~~
21 ~~together with payment of the amount of~~ and any penalties ~~which may~~
22 ~~have been~~ prescribed by the Board. If a license or registration,
23 initially granted by the State of Oklahoma that was the sole license
24 of a professional, remains canceled for a period exceeding three (3)

1 consecutive years, it ~~shall not~~ may be reinstated ~~unless the~~
2 ~~licensee or registrant has taken or submitted to a test or a quiz or~~
3 ~~a~~ subject to Board review or an examination as the circumstances of
4 ~~the individual case may warrant and as may be prescribed by the~~
5 ~~Board.~~ Upon review, the Board may prescribe a test or an
6 examination in order to determine continued competency of the
7 licensee or registrant. An individual who is licensed in another
8 jurisdiction and whose Oklahoma license has been canceled for a
9 period exceeding three (3) consecutive years may reapply as
10 prescribed in the rules of the Board. A partnership, ~~firm,~~
11 ~~association,~~ corporation, limited liability company or limited
12 liability partnership ~~shall pay to the Board the fee prescribed and~~
13 may reinstate a certificate of authority or a certificate of title
14 canceled for a period exceeding three (3) years in the manner
15 provided by the rules of the Board ~~for the renewal of the~~
16 ~~certificate of authority or certificate of title for such~~
17 ~~partnership, firm, association, corporation, limited liability~~
18 ~~company or limited liability partnership.~~

19 SECTION 6. AMENDATORY 59 O.S. 2021, Section 46.21, is
20 amended to read as follows:

21 Section 46.21 A. The State Architectural and Registered
22 Commercial Interior Designers Act shall not apply to any persons,
23 firms, corporations, limited liability companies or limited
24 liability partnerships that do not hold a license, registration or

1 certification in any jurisdiction for exempted Code Use Groups
2 defined by the State Architectural and Registered Commercial
3 Interior Designers Act, providing such persons and/or entities shall
4 not represent such person or entity to be an architect or other
5 title of profession or business using a form of the word,
6 "Architect". This act shall not prevent such persons and/or
7 entities from advertising or selling their services.

8 Any architect, landscape architect or registered commercial
9 interior designer from any jurisdiction that contracts, provides or
10 holds out to the public that they are able to provide professional
11 services in Oklahoma is required to hold a license, registration or
12 certificate of authority or certificate of title as needed from the
13 Board, even on exempt Code Use Groups, and an architect or landscape
14 architect is required to sign, seal and date all construction
15 documents and technical submissions.

16 B. Nothing in this act shall be construed to prevent the
17 preparation of technical submissions or the administration of
18 construction contracts by employees of a person or entity lawfully
19 engaged in the practice of architecture when such employees are
20 acting under the responsible control of a licensed architect.

21 C. The following shall govern design competitions in the state:

22 1. Nothing in this act shall prohibit a person or firm from
23 participating in an architectural design competition involving only
24

1 architectural programming, planning, schematic design or design
2 development information provided to a sponsor; and

3 2. The competition winner, prior to seeking the commission for
4 architectural services on the proposed project, shall apply for
5 licensing in this state within ten (10) days of notification of
6 winning the competition and complete the process within thirty (30)
7 days.

8 D. Nothing in this act shall prohibit an officer or employee of
9 the United States Armed Forces or an employee of the United States
10 government from practicing within the scope of their authority and
11 employment.

12 SECTION 7. AMENDATORY 59 O.S. 2021, Section 46.21b, is
13 amended to read as follows:

14 Section 46.21b A. An architect shall be required to plan,
15 design and prepare plans and specifications for the following Code
16 Use Groups except where specifically exempt from the provisions of
17 the State Architectural and Registered Commercial Interior Designers
18 Act. All Code Use Groups in this section are defined by the current
19 International Building Code.

20 B. The construction, addition or alteration of a building of
21 any size or occupancy in the following Code Use Groups shall be
22 subject to the provisions of the State Architectural and Registered
23 Commercial Interior Designers Act:

24 1. Code Use Group I - Institutional;

1 2. Code Use Group R-2 - Residential, limited to dormitories,
2 fraternities and sororities, and monasteries and convents;

3 3. Code Use Group A-1 - Assembly and theaters;

4 4. Code Use Group A-4 - Assembly, arenas and courts;

5 5. Code Use Group A-5 - Assembly, bleachers and grandstands;
6 and

7 6. Buildings for which the designated Code Use Group changes
8 are not exempt from the State Architectural and Registered
9 Commercial Interior Designers Act.

10 C. The following shall be exempt from the provisions of the
11 State Architectural and Registered Commercial Interior Designers
12 Act; provided that, for the purposes of this subsection, a basement
13 is not to be counted as a story for the purpose of counting stories
14 of a building for height regulations:

15 1. The construction, addition or alteration of a building no
16 more than two stories in height and with a code-defined occupancy of
17 no more than fifty (50) persons for the Code Use Groups A-2 and A-3
18 - Assembly and Code Use Group E - Education;

19 2. The construction, addition or alteration of a building no
20 more than two stories in height and no more than sixty-four
21 transient lodging units per building for the Code Use Group R1 -
22 Residential, including, but not limited to, hotels and motels;

23 3. The construction, addition or alteration of a building no
24 more than two stories in height and with a gross square footage not

1 exceeding one hundred thousand (100,000) in the Code Use Group B -
2 Business;

3 4. The construction, addition or alteration of a building no
4 more than two stories in height and with a gross square footage not
5 exceeding two hundred thousand (200,000) in the Code Use Group M -
6 Mercantile; and

7 5. The construction, addition or alteration of a building no
8 more than two stories in height in the following Code Use Groups or
9 buildings:

- 10 a. Code Use Group U - Utility,
- 11 b. Code Use Group F - Factory and Industrial,
- 12 c. Code Use Group H - High hazard,
- 13 d. Code Use Group S - Storage,
- 14 e. Code Use Group R2 - Residential, including apartments
15 containing no more than thirty-two dwelling units or
16 thirty-two guest units per building,
- 17 f. Code Use Groups R3 and R4 - Residential,
- 18 g. all buildings used by a municipality, county, state,
19 public trust, public agency or the federal government
20 with a construction value under One Hundred Fifty-
21 eight Thousand Dollars (\$158,000.00),
- 22 h. incidental buildings or appurtenances associated with
23 paragraphs 1 through 5 of this subsection, and
24

1 i. all uninhabitable, privately owned agricultural
2 buildings; and

3 6. Single or two-family residential dwellings, as defined by
4 the International Residential Code adopted by the Oklahoma Uniform
5 Building Code Commission.

6 D. The addition, renovation or alteration of buildings where
7 the use was exempt as new construction shall remain exempt if the
8 Code Use Group does not change.

9 E. Upgrades, repairs, replacements and changes made on projects
10 in Code Use Groups found in this title requiring an architect are
11 exempt from hiring an architect if the upgrades, repairs,
12 replacements or changes do not affect the existing primary
13 structural, mechanical, or electrical systems, life-safety systems,
14 fire codes or exit passageways and/or egress as determined by the
15 applicable building official having jurisdiction.

16 SECTION 8. AMENDATORY 59 O.S. 2021, Section 46.38, is
17 amended to read as follows:

18 Section 46.38 A. Except as otherwise provided in the State
19 Architectural and Registered Commercial Interior Designers Act, no
20 registration shall be issued to any person to represent that the
21 person is a "registered commercial interior designer" nor shall any
22 person be allowed to use the term unless the person pays to the
23 Board the required fees and/or penalties if applicable as
24 established by the rules of the Board and:

1 1. Holds an accredited professional degree in interior design
2 from an interior design program accredited by the Council for
3 Interior Design Accreditation or its successor, or from an interior
4 design program determined by the Board to be substantially
5 equivalent to an accredited program;

6 2. Provides proof of a minimum of two (2) years of full-time
7 diversified and appropriate experience within established standards
8 as the Board shall prescribe; and

9 3. Provides to the Board proof of passage of the examination
10 administered by the Council for Interior Design Qualification or its
11 successor or an equivalent examination as determined by the Board.

12 B. The Board may waive the requirements of the State
13 Architectural and Registered Commercial Interior Designers Act for
14 an individual who holds a current valid registration from another
15 state, jurisdiction or foreign country where the requirements for
16 registration are substantially equivalent to those required for
17 registration in this state and pays the required fees and/or
18 penalties, if applicable, to the Board.

19 C. This section does not apply to a person licensed to practice
20 architecture pursuant to the laws of this state.

21 D. Nothing in this act shall be construed to authorize the
22 Board to regulate or prohibit persons who are rendering interior
23 design services and are not registered commercial interior designers
24 under the provisions of this act or to adopt regulations that would

1 exceed the powers and responsibilities expressly authorized under
2 this act.

3 E. Certificate of title shall be subject to the following:

4 1. The use of the title "Registered Commercial Interior
5 Designer" by a partnership, ~~firm, association,~~ corporation, limited
6 liability company or limited liability partnership is allowed to
7 those entities listed, provided:

8 a. one or more of the directors, partners, officers,
9 shareholders, members, managers, or principals is a
10 registered commercial interior designer and is in good
11 standing with the Board, and

12 b. the partnership, ~~firm, association,~~ corporation,
13 limited liability company or limited liability
14 partnership has been issued a certificate of title by
15 the Board;

16 2. The Board shall have the power to issue, revoke, deny or
17 refuse to renew a certificate of title for a partnership, ~~firm,~~
18 ~~association,~~ corporation, limited liability company or limited
19 liability partnership as provided for in this act;

20 3. A partnership, ~~firm, association,~~ corporation, limited
21 liability company or limited liability partnership shall file with
22 the Board an application for a certificate of title on a form
23 approved by the Board which shall include the names, addresses,
24 state of registration and registration number of all directors,

1 partners, officers, shareholders, members, managers or principals of
2 the partnership, ~~firm, association,~~ corporation, limited liability
3 company or limited liability partnership. In the event there shall
4 be a change in any of these persons during the term of
5 certification, the change shall be filed with the Board within
6 thirty (30) days after the effective date of the change. If all the
7 requirements of this section and the Board's current rules have been
8 met, the Board shall issue a certificate of title to the
9 partnership, ~~firm, association,~~ corporation, limited liability
10 company or limited liability partnership;

11 4. The Secretary of State shall not issue a certificate of
12 incorporation or register a foreign corporation or any other entity
13 which includes among the objectives for which it is established the
14 words "Registered Commercial Interior Designer" or any modification
15 or derivation of these words, unless the Board has issued for the
16 applicant either a certificate of title for an entity, or a letter
17 indicating the eligibility for an exemption pursuant to the
18 requirements of this act. The firm applying shall supply the
19 certificate of title or letter from the Board with its application
20 for incorporation or registration;

21 5. The Secretary of State shall not register any trade name or
22 service mark which includes such words as set forth in paragraph 4
23 of this subsection, or modification or derivatives thereof in its
24 firm name or logotype except those entities or individuals holding

1 certificates of title issued under the provisions of this section or
2 letters of eligibility issued by the Board; and

3 6. Upon application for renewal and upon compliance with the
4 provisions of this act and the rules of the Board, a certificate of
5 title shall be renewed as provided by this act.

6 F. No registration for registered commercial interior designers
7 or a certificate of title for a partnership, ~~firm, association,~~
8 corporation, limited liability company or limited liability
9 partnership, shall be issued or renewed for longer than two (2)
10 years. A registration or certificate of title may be renewed upon
11 application, compliance with the rules of the Board and payment of
12 fees prior to or on June 30 of alternate years. The registration
13 for registered commercial interior designers shall begin July 1,
14 2007, and shall end June 30, 2009, unless renewed every two (2)
15 years thereafter. A new registration to replace a lost, destroyed
16 or mutilated registration shall be issued by the Board upon payment
17 of a fee established in accordance with the rules of the Board.

18 SECTION 9. AMENDATORY 59 O.S. 2021, Section 475.1, is
19 amended to read as follows:

20 Section 475.1 In order to safeguard life, health and property,
21 and to promote the public welfare, the practice of engineering and
22 the practice of ~~land~~ surveying in this state are hereby declared to
23 be subject to regulation in the public interest. It shall be
24 unlawful for any person or entity to practice or to offer to

1 practice engineering ~~or land~~ and/or surveying in this state, as
2 defined in the provisions of ~~Section 475.1 et seq. of this title~~
3 act, or to use in connection with any name or otherwise assume or
4 advertise any title or description tending to convey the impression
5 that ~~any person is an~~ they are a licensed engineer, professional
6 engineer, professional structural engineer, ~~land~~ a licensed surveyor
7 ~~or~~ and/or professional ~~land~~ surveyor, unless such person has been
8 duly licensed ~~or~~, authorized, or is exempt under the provisions of
9 ~~Section 475.1 et seq. of this title act~~. The practice of
10 engineering or ~~land~~ surveying shall be deemed a privilege granted by
11 the state through the State Board of Licensure for Professional
12 Engineers and ~~Land~~ Surveyors, based on the qualifications of the
13 individual as evidenced by a ~~certificate of licensure~~ license, which
14 shall not be transferable.

15 SECTION 10. AMENDATORY 59 O.S. 2021, Section 475.2, is
16 amended to read as follows:

17 Section 475.2 As used in ~~Section 475.1 et seq. of this title~~
18 act:

19 1. ~~"Engineer"~~ "Professional Engineer" or "P.E." means a person
20 who, ~~by reason of special knowledge and use of the mathematical,~~
21 ~~physical and engineering sciences and the principles and methods of~~
22 ~~engineering analysis and design, acquired by engineering education~~
23 ~~and engineering experience,~~ is qualified to practice engineering by
24 reason of engineering education, training, experience, and

1 examination in the application of engineering principles and the
2 interpretation of engineering data and is qualified, after meeting
3 the requirements of ~~Section 475.1 et seq. of this title act~~ and the
4 regulations issued by the Board pursuant thereto, to be duly
5 licensed as a professional engineer by the Board and engage in the
6 practice of engineering;

7 2. ~~"Professional engineer" or "P.E." means a person who has~~
8 ~~been duly licensed as a professional engineer as provided in Section~~
9 ~~475.1 et seq. of this title and the regulations issued by the Board~~
10 ~~pursuant thereto;~~

11 ~~3. "Professional Structural Engineer", "P.E.", "S.E." "P.E.,~~
12 ~~S.E." or "S.E." means an individual who has been duly licensed as a~~
13 professional engineer by the Board, and who has been further
14 authorized by the Board to use the title Professional Structural
15 Engineer, P.E. S.E., or S.E., and perform structural engineering
16 analysis and design services for significant structures based upon
17 education, experience and examinations as described in ~~subsection D~~
18 ~~of Section 475.12c of this act title.~~ For purposes of this
19 definition, the term "significant structures" ~~may be defined by~~
20 ~~Board rule; provided, however, such definition shall not include any~~
21 structure that is a residential structure;

22 ~~4. "Engineer intern"~~ 3. "Engineer Intern" or "E.I." means a
23 person who complies with the requirement for education and has
24 passed an examination in the fundamental engineering subjects, as

1 provided in ~~Section 475.1 et seq.~~ of this title act and the
2 regulations issued by the Board pursuant thereto;

3 ~~5.~~ 4. "Practice of engineering" means any service or creative
4 work requiring engineering education, training and experience in the
5 application of engineering principles and the interpretation of
6 engineering data to engineering activities, including the
7 engineering design of buildings, structures, products, machines,
8 processes, and systems, that ~~may~~ potentially impact the life,
9 health, property and welfare of the public. The services may
10 include, but are not limited to, ~~such services or creative work as:~~

- 11 a. ~~consultation,~~
- 12 b. ~~investigation,~~
- 13 c. ~~evaluation,~~
- 14 d. ~~planning and design of engineering works and systems,~~
- 15 e. ~~planning the engineering use of land and water,~~
- 16 f. ~~teaching of advanced engineering subjects or courses~~
17 ~~related thereto,~~
- 18 g. ~~engineering research,~~
- 19 h. ~~engineering surveys,~~
- 20 i. ~~engineering studies,~~
- 21 j. ~~engineering reports,~~
- 22 k. ~~written engineering opinions,~~

23

24

1 ~~l. the inspection or review of construction for the~~
2 ~~purposes of ensuring compliance with drawings and~~
3 ~~specifications, and~~
4 ~~m. engineering reports or like material developed in~~
5 ~~connection with expert witness testimony or~~
6 ~~anticipated testimony,~~
7 any of which embraces such providing planning, studies, designs,
8 design coordination, drawings, specifications, and other technical
9 submissions; engineering reports or material developed in connection
10 with expert witness testimony or anticipated testimony;
11 commissioning of engineered systems; and performing surveying that
12 is incidental to the practice of engineering and reviewing
13 construction or other design products for the purposes of monitoring
14 compliance with drawings and specifications related to engineered
15 works. Surveying incidental to the practice of engineering excludes
16 the surveying of real property for the establishment or
17 determination of land boundaries, rights-of-way, easements, and the
18 dependent or independent surveys or resurveys of the United States
19 Public Land Survey System and is limited to conducting field
20 measurements to supplement the documentation of existing conditions.
21 Unless a Professional Surveyor has provided the professional
22 engineer with geocentric/geodetic control coordinates which meet the
23 accuracy standards set forth in OAC 245:15-13-2, the professional
24 engineer shall only use a coordinate system based on assumed values

1 for the project, and so state on the documents. These services or
2 work, either public or private, may be performed in connection with
3 any utilities, structures, buildings, machines, equipment,
4 processes, work systems, projects, communication systems,
5 transportation systems and industrial or consumer products or
6 equipment of a mechanical, electrical, chemical, environmental,
7 hydraulic, pneumatic, thermal, control system or communications
8 nature, insofar as they involve safeguarding life, health or
9 property, and including such other professional services as may be
10 necessary to the design ~~review and integration~~ coordination of a
11 multidiscipline work, planning, progress and completion of any
12 engineering services.

13 ~~Design review and integration includes the design review and~~
14 ~~integration of those technical submissions prepared by others,~~
15 ~~including as appropriate and without limitation, engineers,~~
16 ~~architects, landscape architects, land surveyors, and other~~
17 ~~professionals working under the direction of the engineer. The~~
18 ~~definition of design review and integration by engineers does not~~
19 ~~restrict the services other licensed professional disciplines are~~
20 ~~authorized to offer or perform by statute or regulation.~~

21 ~~Engineering surveys include all survey activities required to~~
22 ~~support the sound conception, planning, design, construction,~~
23 ~~maintenance and operation of engineered projects, but exclude the~~
24 ~~surveying of real property for the establishment of land boundaries,~~

1 ~~rights of way, easements and the dependent or independent surveys or~~
2 ~~resurveys of the public land survey system~~ Design coordination
3 includes the review and coordination of technical submissions
4 prepared by others, including the work of other professionals
5 working with or under the direction of an engineer, with
6 professional regard for the ability of each professional involved in
7 a multidisciplinary effort.

8 a. An engineer is responsible for the engineering plans
9 and specifications of a building. The term
10 "engineering plans and specifications" means:

- 11 (1) plans for a structural, mechanical, plumbing,
12 electrical, low voltage fire suppression,
13 utilities, or geotechnical system in a building,
14 (2) specification of structural elements and
15 connections of a building,
16 (3) evaluation of structural members before the
17 addition of roof-mounted equipment or a heavier
18 roof covering,
19 (4) design of changes in roof pitch by the addition
20 of structural members and diaphragm,
21 (5) repair of damaged structural systems including,
22 but not limited to, roof structural members and
23 diaphragm,

- (6) hydrologic management calculations and design of surface water control and detention necessary for compliance with ordinances and regulations,
- (7) design of changes in roof pitch by the addition of structural framing members,
- (8) evaluation and repair of damaged roof structural framing,
- (9) design of electrical and signal and control systems,
- (10) shop drawings by manufacturers or fabricators of materials and products to be used in the building features designed by the engineer, and
- (11) specifications listing the nature and quality of materials and products for construction of features of the building elements or systems designed by an engineer.

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

- (1) site plans depicting the location and orientation of a building on the site based on:
 - (a) a determination of the relationship of the intended use with the environment,

1 topography, vegetation, climate, and
2 geographic aspects,

3 (b) the legal aspects of site development,
4 including setback requirements, zoning, and
5 other legal restrictions, and

6 (c) surface drainage,

7 (2) the depiction of the building systems, including
8 structural, mechanical, electrical, and plumbing
9 systems, in:

10 (a) plan views,

11 (b) cross-sections depicting building components
12 from a hypothetical cut line through a
13 building, and

14 (c) the design of details of components and
15 assemblies, including any part of a building
16 exposed to water infiltration or fire-spread
17 considerations,

18 (3) life safety plans and sheets, including
19 accessibility ramps and related code analyses,

20 (4) roof plans and details depicting the design of
21 roof system materials, components, drainage,
22 slopes, and directions and location of roof
23 accessories and equipment not involving
24 structural engineering calculations.

1 c. The following activities may be performed by an
2 engineer:

3 (1) programming for construction projects, including:

4 (a) identification of economic, legal, and
5 natural constraints, and

6 (b) determination of the scope of functional
7 elements,

8 (2) recommending and overseeing appropriate
9 construction project delivery systems,

10 (3) consulting with regard to investigating, and
11 analyzing the design, form, materials, and
12 construction technology used for the
13 construction, enlargement, or alteration of a
14 building or its environment, and

15 (4) providing expert opinion and testimony with
16 respect to issues within the responsibility of
17 the engineer.

18 d. A person or entity shall be construed to practice or
19 offer to practice engineering, within the meaning and
20 intent of ~~Section 475.1 et seq. of this title act~~ who
21 does any of the following: practices any branch of
22 the profession of engineering; by verbal claim, sign,
23 advertisement, letterhead, card or in any other way
24 represents such person to be a professional engineer

1 or through the use of some other title implies that
2 any person is a professional engineer or is licensed
3 or qualified under ~~Section 475.1 et seq. of this title~~
4 act; or who represents qualifications or ability to
5 perform or who does practice engineering;

6 ~~6. "Professional land surveyor" or "land surveyor" or 5.~~

7 "Professional Surveyor", "P.L.S.", or "P.S." means a person who is
8 qualified to practice surveying by reason of surveying education

9 training, experience, and examination in the application of

10 surveying principles and the interpretation of surveying data and

11 has been duly licensed as a professional ~~land~~ surveyor pursuant to

12 ~~Section 475.1 et seq. of this title~~ act and the regulations issued

13 by the Board pursuant thereto; ~~and is a person who, by reason of~~

14 ~~special knowledge in the technique of measuring land and use of the~~

15 ~~basic principles of mathematics, the related physical and applied~~

16 ~~sciences and the relevant requirements of law for adequate evidence~~

17 ~~and all requisite to surveying of real property, acquired by~~

18 ~~education and experience, is qualified to engage in the practice of~~

19 ~~land surveying;~~

20 ~~7. "Land surveyor intern" 6. "Surveyor Intern" or "L.S.I."~~

21 "L.I." means a person who complies with the requirement for

22 education and has passed an examination in the fundamental ~~land~~

23 surveying subjects, as provided in ~~Section 475.1 et seq. of this~~

24 ~~title~~ act and regulations issued by the Board pursuant thereto;

1 ~~8.~~

2 7. a. "Practice of ~~land~~ surveying" means any authoritative
3 service or work performed to a stated accuracy, the
4 adequate performance of which involves the application
5 of special knowledge of the principles of mathematics,
6 methods of measurement, and the law for the
7 determination and preservation of ~~land~~ boundaries.

8 "Practice of ~~land~~ surveying" includes, without
9 limitation:

10 (1) restoration and rehabilitation of corners and
11 boundaries in the United States Public Land
12 Survey System or the subdivision thereof,

13 (2) obtaining and evaluating evidence for the
14 accurate determination of ~~land~~ boundaries,

15 (3) monumenting the subdivision of land parcels into
16 smaller parcels and the preparation of the
17 descriptions in connection therewith,

18 (4) measuring and platting underground mine workings,

19 (5) creation, preparation or modification of
20 electronic or computerized data including
21 portions of geographic information systems and
22 land information systems, relative to the
23 performance of the practice of ~~land~~ surveying,
24

- 1 (6) establishment, restoration, and rehabilitation of
2 ~~land~~ survey monuments and bench marks,
- 3 (7) preparation of ~~land~~ survey plats, condominium
4 plats, monument records, ~~and~~ survey reports, and
5 site plans as an ancillary service to surveying
6 work, such as noting proposed site improvements,
- 7 (8) surveying, monumenting, and platting of
8 easements, and rights-of-way,
- 9 (9) measuring, locating, or establishing lines,
10 angles, elevations, natural and man-made features
11 in the air, on the surface of the earth,
12 utilities and other structures within underground
13 workings, and on the beds of bodies of water ~~for~~
14 ~~the purpose of determining areas and volumes for~~
15 ~~a survey,~~ the configuration or contour of the
16 earth's surface, or the position of fixed objects
17 on the earth's surface,
- 18 (10) geodetic surveying,
- 19 (11) any other activities incidental to and necessary
20 for the adequate performance of the services
21 described in this paragraph, ~~and~~
- 22 (12) surveying reports or like material developed in
23 connection with expert witness testimony or
24 anticipated testimony, and

1 (13) locating or laying out alignments, positions, or
2 elevations for the construction of fixed works
3 for public projects.

4 b. A person or entity shall be construed to practice or
5 offer to practice ~~land~~ surveying, within the meaning
6 and intent of ~~Section 475.1 et seq.~~ of this title act,
7 who does any one of the following: practices any
8 branch of the profession of ~~land~~ surveying; by verbal
9 claim, sign, advertisement, letterhead, card or in any
10 other way represents such person to be a professional
11 ~~land~~ surveyor or through the use of some other title
12 implies that such person or entity is a professional
13 ~~land~~ surveyor or that such person is ~~registered,~~
14 licensed, or qualified under ~~Section 475.1 et seq.~~ of
15 this title act; represents qualifications or ability
16 to perform; or who does practice ~~land~~ surveying;

17 ~~9.~~ 8. "Board" means the State Board of Licensure for
18 Professional Engineers and ~~Land~~ Surveyors;

19 ~~10.~~ 9. "Responsible charge" means direct control and personal
20 supervision of engineering or ~~land~~ surveying work;

21 ~~11.~~ 10. "Rules of professional conduct for professional
22 engineers and professional ~~land~~ surveyors" means those rules
23 promulgated by the Board;

1 ~~12.~~ 11. "Firm" means any form of business or entity, other than
2 an individual operating as a sole proprietorship under his or her
3 name;

4 ~~13.~~ 12. "Direct control" and "personal supervision", whether
5 used separately or together, mean active and personal management of
6 the firm's personnel and practice to maintain charge of, and
7 concurrent direction over, engineering or ~~land~~ surveying decisions
8 and the instruments of professional services to which the licensee
9 affixes the seal, signature, and date;

10 ~~14.~~ 13. "Core curriculum" means the Board-approved ~~land~~
11 surveying courses adopted by Board policy, developed to ensure that
12 professional ~~land~~ surveyor applicants meet the minimum educational
13 requirements for ~~licensure~~ licensing;

14 ~~15.~~ ~~"Related science degree"~~ 14. "Engineering-related science
15 degree" means a bachelor's degree from an ~~Engineering Technology~~
16 ~~Accreditation Commission/Accreditation Board for Engineering and~~
17 ~~Technology (ETAC/ABET)~~ accredited engineering technology program of
18 four (4) years or more. A degree of four (4) years or more in
19 ~~architecture,~~ mathematical, physical or engineering sciences may be
20 considered as ~~a related~~ an engineering-related science degree if it
21 was obtained from a Board-approved program, and shall include a
22 minimum of eight (8) hours of mathematics beyond trigonometry,
23 ~~including~~ such as calculus and differential equations, and twenty
24 (20) hours of engineering sciences or related sciences, including

1 physics, such as mechanics, fluid mechanics, statics, dynamics,
2 thermodynamics, electrical and electronic circuits, materials
3 science, transport phenomena, computer engineering, etc. Non-
4 accredited engineering degree programs shall meet the above
5 requirements to be considered a ~~related~~ an engineering-related
6 science degree;

7 ~~16.~~ 15. "Authoritative" means being presented as trustworthy
8 and, competent, and in accordance with the rules and statutes
9 governing the practice of engineering and surveying, codes,
10 ordinances, and other recognized standards when used to describe
11 products, processes, applications or data ~~resulting~~ derived from the
12 practice of engineering or ~~land~~ surveying; ~~and~~

13 ~~17.~~ 16. "Disciplinary action" means any final written decision
14 or settlement taken against an individual or firm by a licensing
15 board based upon a violation of the Board's laws and rules unless
16 otherwise stated in the decision or settlement. Disciplinary
17 actions may include reprimands; sanctions; administrative fines; the
18 Board's refusal to issue, restore, or renew a license; settlement
19 agreements or consent orders; probation; suspension; revocation;
20 practice restriction, surrendering, relinquishing, or agreeing not
21 to renew a license as part of an agreement or board order; or any
22 combination thereof;

23 17. "Building" means any structure used, or intended to be
24 used, to support, shelter, or enclose any use or occupancy;

1 18. "Plans" means technical documents issued by the licensed
2 professionals intended to meet all current and applicable codes as
3 adopted by the Oklahoma Uniform Building Code Commission, other
4 statutory codes and applicable federal codes and which shall be
5 submitted to all required building code and/or permit offices
6 required by the State of Oklahoma, county, municipal, and/or federal
7 government;

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

12 (1) buildings and other structures whose primary
13 occupancy is public assembly with an occupant
14 load greater than three hundred (300),

15 (2) elementary schools, secondary schools, or day
16 care facilities with an occupant load greater
17 than fifty (50),

18 (3) adult education facilities, such as colleges and
19 universities, with an occupant load greater than
20 five hundred (500),

21 (4) hospitals, nursing homes, mental hospitals, and
22 detoxification facilities with an occupant load
23 of fifty (50) or more resident care recipients
24 and/or surgery or emergency treatment facilities,

- 1 (5) prisons, jails, reformatories, detention centers,
2 and correctional centers,
- 3 (6) any building or other structure with an occupant
4 load greater than five thousand (5,000),
- 5 (7) primary power-generating structures above fifty
6 (50) kilowatts,
- 7 (8) structures at water treatment facilities for
8 potable water and wastewater treatment facilities
9 servicing more than five thousand (5,000) people,
- 10 (9) structures for public utility facilities
11 containing quantities of toxic or explosive
12 materials that are sufficient to pose a threat to
13 the public if released,
- 14 (10) fire, rescue, ambulance, and police stations and
15 emergency vehicle garages,
- 16 (11) designated tornado, earthquake, or other
17 nonresidential emergency shelters,
- 18 (12) designated emergency preparedness,
19 communications, and operations centers and other
20 facilities required for emergency response,
- 21 (13) aviation control towers, air traffic control
22 centers, and emergency aircraft hangars,
- 23 (14) buildings and other structures having critical
24 national defense functions,

1 (15) elevated water storage structures, and
2 (16) buildings and other structures with high lateral
3 loadings including:

4 (a) those subjected to ultimate design three-
5 second wind gust speeds equaling or
6 exceeding wind speeds corresponding to
7 approximately a three percent (3%)
8 probability of exceedance in fifty (50)
9 years, or

10 (b) those that are in Seismic Design Category D
11 and above.

12 b. Significant structures shall exclude bridges and geo-
13 structures. As defined in this act, "bridges" shall
14 not include elevated structures linking buildings.
15 "Geo-structures" shall mean engineered structures that
16 are loaded by the earth or whose resistance is derived
17 from the earth.

18 c. A project defined as a significant structure shall be
19 required to have an Engineer of Record who is a
20 licensed Professional Structural Engineer;

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

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

7 22. "Person" means an individual or firm.

8 SECTION 11. AMENDATORY 59 O.S. 2021, Section 475.3, as
9 amended by Section 1, Chapter 63, O.S.L. 2023 (59 O.S. Supp. 2023,
10 Section 475.3), is amended to read as follows:

11 Section 475.3 A. The State Board of Licensure for Professional
12 Engineers and ~~Land~~ Surveyors is hereby re-created, to continue until
13 July 1, 2026, in accordance with the provisions of the Oklahoma
14 Sunset Law, whose duty it shall be to administer the provisions of
15 ~~Section 475.1 et seq. of this title act.~~ The Board shall consist of
16 four professional engineers and two professional ~~land~~ surveyors, at
17 least one of whom is not a professional engineer, all of whom shall
18 be appointed by the Governor, with the advice and consent of the
19 Oklahoma State Senate. The Governor shall also appoint one lay
20 member. The professional engineers and professional ~~land~~ surveyors
21 shall ~~be appointed by the Governor and shall~~ have the qualifications
22 required by ~~Section 475.4 of this title act.~~

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

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

23 SECTION 12. AMENDATORY 59 O.S. 2021, Section 475.4, is
24 amended to read as follows:

1 Section 475.4 Each professional engineer member of the Board
2 shall be a citizen of the United States and resident of this state.
3 The member shall have been engaged in the lawful practice of
4 engineering as a professional engineer for at least ten (10) years.
5 The member shall have been in responsible charge of engineering
6 projects for at least five (5) years and shall be a licensed
7 professional engineer in this state. Not more than two professional
8 engineer board members shall have the same primary area of
9 competence designated in the Board records. A minimum of one
10 professional engineer board member shall be a Professional
11 Structural Engineer. Each professional ~~land~~ surveyor member of the
12 Board shall be a citizen of the United States and a resident of this
13 state. The member shall have been engaged in the lawful practice of
14 ~~land~~ surveying as a professional ~~land~~ surveyor for at least ten (10)
15 years. The member shall have been in responsible charge of ~~land~~
16 surveying projects for at least five (5) years and shall be a
17 licensed professional ~~land~~ surveyor in this state.

18 SECTION 13. AMENDATORY 59 O.S. 2021, Section 475.6, is
19 amended to read as follows:

20 Section 475.6 The Governor may remove any member of the Board
21 for misconduct, incompetence, neglect of duty or any sufficient
22 cause, in the manner prescribed by law for removal of state
23 officials. Vacancies in the membership of the Board shall be filled
24

1 for the unexpired term by appointment by the Governor as provided in
2 ~~Section 475.3~~ of this title act.

3 SECTION 14. AMENDATORY 59 O.S. 2021, Section 475.7, is
4 amended to read as follows:

5 Section 475.7 The Board shall hold at least four regular
6 meetings each year. Special meetings may be held as the bylaws of
7 the Board provide. The Board shall elect or appoint annually the
8 following officers: Chair, Vice Chair, and Secretary. A quorum of
9 the Board shall consist of a majority of the full Board that
10 includes at least one professional ~~land~~ surveyor member.

11 SECTION 15. AMENDATORY 59 O.S. 2021, Section 475.8, is
12 amended to read as follows:

13 Section 475.8 A. The State Board of Licensure for Professional
14 Engineers and ~~Land~~ Surveyors shall have the power to adopt and amend
15 all bylaws and rules of procedure, not inconsistent with the
16 Constitution and laws of this state and ~~Section 475.1 et seq. of~~
17 this title act, including the adoption and promulgation of Rules of
18 Professional Conduct for Professional Engineers and ~~Land~~ Surveyors,
19 which may be reasonably necessary for the proper performance of its
20 duties and the regulation of its proceedings, meetings, records,
21 examinations and the conduct thereof. These actions by the Board
22 shall be binding upon persons licensed or recognized under ~~Section~~
23 ~~475.1 et seq. of this title act~~ and shall be applicable to firms
24 ~~holding a~~ which hold or should hold a certificate of ~~authorization~~

1 authority, and non-licensees found by the Board to be in violation
2 of the provisions of this act. The Board shall adopt and have an

3 official seal, which shall be affixed to each certificate issued.

4 The Board shall have the further power and authority to:

5 1. Establish and amend minimum standards for the practice of
6 engineering and ~~land~~ surveying;

7 2. Establish continuing education requirements for renewal of
8 professional engineering and professional ~~land~~ surveying licenses;

9 3. Promulgate rules concerning the ethical marketing of
10 professional engineering and professional ~~land~~ surveying services;

11 and

12 4. Upon good cause shown, as hereinafter provided, deny the
13 issuance, restoration or renewal of, or place on probation for a

14 period of time and subject to such conditions as the Board may
15 specify, a ~~certificate of licensure~~ license or certificate of

16 ~~authorization~~ authority. In addition, the Board may suspend,

17 ~~revoke, place practice restrictions,~~ or refuse to renew ~~certificates~~

18 ~~of licensure~~ licenses or certificates of ~~authorization~~ authority

19 previously issued, and upon proper showing to review, affirm,

20 reverse, vacate or modify its orders with respect to such denial,

21 suspension, revocation or refusal to renew.

22 B. The Board is hereby authorized to levy administrative

23 penalties against any person or entity who or which violates any of

24 the provisions of ~~Section 475.1 et seq.~~ of this ~~title~~ act or any

1 rule or regulation promulgated pursuant thereto. The Board is
2 hereby authorized to initiate disciplinary, prosecutorial and
3 injunctive proceedings against any person or entity who or which has
4 violated any of the provisions of ~~Section 475.1 et seq.~~ of this
5 ~~title act~~ or any rule or regulation of the Board promulgated
6 pursuant thereto. The Board shall investigate alleged violations of
7 the provisions of ~~Section 475.1 et seq.~~ of this ~~title act~~ or of the
8 rules or regulations, orders or final decisions of the Board.

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

21 D. In carrying into effect the provisions of ~~Section 475.1 et~~
22 ~~seq.~~ of this ~~title act~~, the Board, under the hand of its Chair, Vice
23 Chair, or Executive Director and the seal of the Board, may subpoena
24 witnesses and compel their attendance, and may also require the

1 submission of books, papers, documents or other pertinent data, in
2 any disciplinary matters, or in any case wherever a violation of
3 ~~Section 475.1 et seq. of this title act~~ is alleged. Upon failure or
4 refusal to comply with any such order of the Board, or upon failure
5 to honor its subpoena, as herein provided, the Board may apply to a
6 court of proper jurisdiction for an order to enforce compliance with
7 same.

8 E. The Board is hereby authorized in the name of the state to
9 apply for relief by injunction in the established manner provided in
10 cases of civil procedure, without bond, to enforce the provisions of
11 ~~Section 475.1 et seq. of this title act~~, or to restrain any
12 violation thereof. In such proceedings, it shall not be necessary
13 to allege or prove either that an adequate remedy at law does not
14 exist or that substantial or irreparable damage would result from
15 the continued violation thereof. The members of the Board shall not
16 be personally liable under this proceeding.

17 F. The Board may subject an applicant for ~~licensure~~ a license
18 or a licensee to such examinations as it deems necessary to
19 determine the applicant's or licensee's qualifications. The Board
20 may dispose of a formal complaint against a licensee for a violation
21 of ~~Section 475.1 et seq. of this title act~~ by an order that a
22 licensee shall complete the examinations as the Board deems
23 necessary to determine the qualifications of the licensee, and upon
24 the initial failure or refusal to successfully complete the

1 examination, within the time ordered, place conditions on the
2 license of the licensee to practice and order other remedies until
3 competence is demonstrated.

4 G. No action or other legal proceedings for damages shall be
5 instituted against the Board or against any Board member or employee
6 of the Board for any act done in good faith and in the intended
7 performance of any power granted under ~~Section 475.1 et seq. of this~~
8 ~~title act~~ or for any neglect or default in the performance or
9 exercise in good faith of any such duty or power.

10 H. The Board may give scholarships, as determined by the Board,
11 to an individual or individuals advancing toward obtaining an
12 ~~Engineering Accreditation Commission (EAC), Technology Accreditation~~
13 ~~Commission, Accreditation Board for Engineering and Technology~~
14 ~~(TAC/ABET),~~ or Board-approved ~~accredited~~ degree in engineering or
15 ~~land~~ surveying at an Oklahoma higher education institution, and take
16 such other action as may be reasonably necessary or appropriate to
17 effectuate the rules of the State Board of Licensure for
18 Professional Engineers and ~~Land~~ Surveyors. The Board may, at its
19 discretion, contract with other state agencies and nonprofit
20 corporations for the endowment, management and administration of
21 scholarships. The requirements of such scholarships shall be
22 determined by the Board. However, nothing contained herein shall be
23 construed as requiring the Board to endow or award any scholarship.

24

1 I. The Board may use its funds to establish and conduct
2 instructional programs for persons who are currently licensed to
3 practice engineering or ~~land~~ surveying, as well as refresher courses
4 for persons interested in obtaining adequate instruction or programs
5 of study to qualify them for licensure to practice engineering or
6 ~~land~~ surveying. The Board may expend its funds for these purposes
7 and may conduct, sponsor and arrange for instructional programs and
8 also may carry out instructional workforce development programs
9 through extension courses or other media. The Board may enter into
10 plans or agreements with community colleges, public or private
11 institutions of higher learning, the State Board of Education,
12 nonprofit organizations, or with ~~the Oklahoma Department of Career~~
13 ~~and Technology Education~~ CareerTech for the purpose of planning,
14 scheduling or arranging courses, instruction, extension courses or
15 in assisting in obtaining courses of study or programs in the fields
16 of engineering and ~~land~~ surveying. The Board shall encourage the
17 educational institutions in Oklahoma to offer courses necessary to
18 complete the educational requirements of ~~Section 475.1 et seq. of~~
19 ~~this title act.~~ To carry out these
20 objectives, the Board may adopt rules as may be necessary for the
21 educational programs, instruction, extension services or for
22 entering into plans or contracts with persons or educational
23 institutions and ~~the Oklahoma Department of Career and Technology~~
24 Education CareerTech.

1 SECTION 16. AMENDATORY 59 O.S. 2021, Section 475.9, is
2 amended to read as follows:

3 Section 475.9 A. The Executive Director of the State Board of
4 Licensure for Professional Engineers and ~~Land~~ Surveyors shall be
5 responsible for accounting for all monies derived under the
6 provisions of ~~Section 475.1 et seq. of this title act.~~ This fund
7 shall be known as the "Professional Engineers and ~~Land~~ Surveyors
8 Fund", and shall be deposited with the State Treasurer, and shall be
9 paid out only upon requisitions submitted by the Secretary or
10 Executive Director. All monies in this fund are hereby specifically
11 appropriated for the use of the Board, and at the end of each fiscal
12 year the Board shall pay into the General Revenue Fund of the state
13 an amount equal to ten percent (10%) of all licensure and
14 certification fees in compliance with Section 211 of Title 62 of the
15 Oklahoma Statutes.

16 B. The Board shall obtain an office, secure such facilities,
17 and employ, direct, discharge and define the duties and salaries of
18 an Executive Director, ~~Principal Assistant, Director of Enforcement,~~
19 ~~Board Investigator and all other such clerical or other assistants~~
20 ~~as are necessary for the proper performance of its work.~~ Effective
21 November 1, 2017, all as necessary for the proper performance of its
22 work. The Executive Director shall be responsible for the
23 administration of the policies of the Board and for the processing
24 of its routine operations. The Executive Director may also employ

1 those persons required and qualified, including full or part-time,
2 to perform the administration of the laws in Oklahoma and those
3 rules regulating the practice of engineering and surveying. This
4 includes the use of consultants when deemed necessary. All
5 employees of the Board, current or future, shall be considered in
6 the unclassified service and shall not be placed under the
7 classified service. The Board shall make expenditures from the fund
8 created in subsection A of this section for any purpose which, in
9 the opinion of the Board, is reasonably necessary for the proper
10 performance of its duties under ~~Section 475.1 et seq.~~ of this title
11 act, including examination administration fees, the expenses of the
12 Board's delegates to meetings of and membership fees to the National
13 Council of Examiners for Engineering and Surveying, meaning the
14 national nonprofit organization composed of engineering and ~~land~~
15 surveying licensing boards commonly called NCEES, and any of its
16 subdivisions, as provided in the State Travel Reimbursement Act,
17 Section 500.1 et seq. of Title 74 of the Oklahoma Statutes. Under
18 no circumstances shall the total amount of warrants issued in
19 payment of the expenses and compensation provided for in ~~Section~~
20 ~~475.1 et seq.~~ of this title act exceed the amount of monies in the
21 fund.

22 SECTION 17. AMENDATORY 59 O.S. 2021, Section 475.10, is
23 amended to read as follows:

24

1 Section 475.10 A. The State Board of Licensure for
2 Professional Engineers and ~~Land~~ Surveyors shall keep a record of its
3 proceedings and of all applications for ~~licensure~~ licensing, which
4 record shall show:

5 1. The name, date of birth and last-known mailing and email
6 address of each applicant;

7 2. The date of application;

8 3. The place of business of the applicant;

9 4. The education, experience and other qualifications of the
10 applicant;

11 5. The type of examination required;

12 6. Whether or not the applicant was rejected;

13 7. Whether or not a ~~certificate of licensure~~ license was
14 granted;

15 8. The date of the action of the Board; ~~and~~

16 9. The board-approved area(s) of competence in a specific
17 discipline(s) or branch(es) of engineering;

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

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

24

- 1 B. The Board shall keep a record of all applications for a
2 certificate of authority, which shall show all of the following:
- 3 1. The name, date of formation, and business address of each
4 applicant;
- 5 2. The date of application;
- 6 3. The name, physical address, and license number of the
7 managing agent;
- 8 4. Whether or not the application was rejected;
- 9 5. Whether or not a certificate of authority was granted;
- 10 6. The date of the action by the Board;
- 11 7. Services offered from each location;
- 12 8. A declaration under penalty of perjury from an officer and
13 managing agent, if the officer is not the managing agent, that the
14 applicant will abide by the statutes and rules prescribed by the
15 Board, with the oath becoming a part of its application for a
16 certificate of authority; and
- 17 9. Any other information deemed necessary by the Board.

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

23 ~~C.~~ D. The Board shall submit, upon request from the Governor, a
24 report of its transactions of the preceding year, including a

1 complete statement of the receipts and expenditures of the Board,
2 attested by affidavits of its Chair and its Secretary.

3 ~~D.~~ E. Board records and papers of the following class may be
4 kept confidential by the Board: examination materials, file records
5 of examination problem solutions, exam scores or results, letters of
6 inquiry and reference concerning applicants, transcripts of college
7 courses and grades, email addresses, ongoing investigation files,
8 closed complaints, information otherwise protected by law and all
9 other matters of like confidential nature.

10 SECTION 18. AMENDATORY 59 O.S. 2021, Section 475.11, is
11 amended to read as follows:

12 Section 475.11 Complete rosters showing the names and last-
13 known mailing addresses of all professional engineers ~~and,~~
14 professional structural engineers, professional land surveyors,
15 certified interns, and firms holding a certificate of authority
16 shall be ~~maintained and~~ made available to the licensees and the
17 public.

18 SECTION 19. AMENDATORY 59 O.S. 2021, Section 475.12a, is
19 amended to read as follows:

20 Section 475.12a A. Certification or Enrollment as an Engineer
21 Intern. The following shall be considered as minimum evidence that
22 the applicant is qualified for certification as an engineer intern:

23 1. ~~Graduating from an engineering program of four (4) years or~~
24 ~~more accredited by the Engineering Accreditation Commission of ABET~~

1 ~~(EAC/ABET), or the equivalent, or a related science degree program~~
2 ~~approved by the State Board of Licensure for Professional Engineers~~
3 ~~and Land Surveyors, or an engineering master's degree program from~~
4 ~~an institution that offers EAC/ABET-accredited programs;~~ Satisfying
5 the education requirements as outlined in this section; and

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

9 ~~3. Submitting three professional or character references.~~

10 B. Licensure as a Professional Engineer. To be eligible for
11 licensure as a professional engineer, an individual shall meet all
12 of the following requirements:

13 1. Satisfy the education and experience criteria set forth in
14 this section;

15 2. Pass the applicable examinations set forth in this section;
16 and

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

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

24

1 ~~1. An individual holding a certificate of licensure to engage~~
2 ~~in the practice of engineering issued by a proper authority of any~~
3 ~~state or jurisdiction, based on requirements that do not conflict~~
4 ~~with the provisions of Section 475.1 et seq. of this title and~~
5 ~~possessing credentials that are, in the judgment of the Board, of a~~
6 ~~standard not lower than that specified in the applicable licensure~~
7 ~~act in effect in Oklahoma at the time such certificate was issued~~
8 ~~may, upon application, be licensed without further examination~~
9 ~~except as required to examine the applicant's knowledge of statutes,~~
10 ~~rules and other requirements unique to this state. If the~~
11 ~~requirements that were met were of a standard lower than that~~
12 ~~specified in the applicable licensure act in effect in this state at~~
13 ~~the time such certificate was issued but, in the judgement of the~~
14 ~~Board, the standard was a reasonable standard at the time the~~
15 ~~original license was issued, the individual may, upon application,~~
16 ~~be considered by the Board according to the provisions in the Board~~
17 ~~rules; or~~

18 ~~2. An individual holding an active Council Record with NCEES~~
19 ~~whose qualifications as evidenced by the Council Record meet the~~
20 ~~requirements of Section 475.1 et seq. of this title may, upon~~
21 ~~application, be licensed without further examination except as~~
22 ~~required to examine the applicant's knowledge of statutes, rules and~~
23 ~~other requirements unique to Oklahoma as described in Board rules.~~

24

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

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

8 a. a ~~bachelor's~~ degree in engineering from an EAC/ABET-
9 accredited bachelor's program, or the equivalent,

10 b. a ~~bachelor's~~ degree in a Board-approved related
11 science ~~degree~~ bachelor's program,

12 c. a ~~master's~~ degree in engineering from an ~~institution~~
13 ~~that offers~~ EAC/ABET- or ETAC/ABET-accredited programs
14 master's program from an institution that offers an
15 EAC/ABET- or ETAC/ABET-accredited bachelor's program
16 in the same or similar discipline of engineering,

17 d. a degree in engineering from a non-EAC/ABET- or
18 ETAC/ABET-accredited bachelor's, master's, or
19 doctorate program. This individual's education shall
20 be evaluated by the NCEES Credentials Evaluation
21 service or other Board-approved evaluation service
22 based upon the criteria set forth in the NCEES
23 Engineering Education Standard,

24 ~~d.~~

1 but is recommended to be taken during the student's
2 senior year of college,

3 b. the PE examination may be taken by a graduate of an
4 approved degree program pursuant to this section, or

5 c. the Board may waive the FE examination requirement for
6 the issuance of a license if the applicant possesses,
7 at a minimum, fifteen (15) years of progressive
8 experience on engineering projects which indicate to
9 the Board the applicant may be competent to practice
10 engineering. The Board shall evaluate all elements of
11 the application, according to Board rules, to assess
12 waiver requests.

13 ~~4.~~ 3. Experience Requirements. An individual seeking licensure
14 as a professional engineer shall present evidence of a specific
15 record of ~~progressive~~ engineering experience ~~satisfying one of the~~
16 following the conferment of the qualifying degree as described in
17 paragraph 1 of this subsection. This experience should be
18 progressive and of a grade and character that indicate to the Board
19 that the applicant may be competent to practice engineering. The
20 following educational criteria may apply as a substitute to the
21 length of experience set forth in this section:

22 a. an individual ~~with a bachelor's degree in engineering~~
23 who qualifies pursuant to subparagraph a of paragraph
24

1 1 of this subsection: four (4) years of experience
2 after the bachelor's degree is conferred,

3 b. an individual ~~with a bachelor's degree in a Board-~~
4 ~~approved related science degree program~~ who qualifies
5 pursuant to subparagraph b of paragraph 1 of this
6 subsection: six (6) years of experience after the
7 bachelor's degree is conferred,

8 c. an individual ~~with a master's degree in engineering~~
9 who qualifies pursuant to subparagraph c or ~~d~~ e of
10 paragraph 1 of this subsection: three (3) years of
11 experience after the master's degree is conferred, or

12 d. an individual ~~with an earned doctoral degree~~
13 ~~acceptable to the Board~~ who qualifies pursuant to
14 subparagraph f of paragraph 1 of this subsection: two
15 (2) years of experience after the doctoral degree is
16 conferred.

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

23 ~~5.~~ 4. Partial experience credit may be awarded for experience
24 earned prior to conferment of the qualifying degree, at the

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

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

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

17 1. An individual holding a license to engage in the practice of
18 engineering issued by a proper authority of any state, jurisdiction,
19 or foreign country, based on requirements that do not conflict with
20 the provisions of this act, and possessing credentials that are, in
21 the judgment of the Board, of a standard not lower than that
22 specified in the applicable licensure act in effect in Oklahoma at
23 the time such license was issued may, upon application, be licensed
24 without further examination except as required to examine the

1 applicant's knowledge of statutes, rules, and other requirements
2 unique to this state. If the requirements that were met were of a
3 standard lower than that specified in the applicable licensure act
4 in effect in this state at the time such license was issued but, in
5 the judgment of the Board, the standard was a reasonable standard at
6 the time the original license was issued, the individual may, upon
7 application, be considered by the Board according to the provisions
8 in the Board rules; or

9 2. An individual holding an active NCEES Record whose
10 qualifications, as evidenced by the NCEES Record, meet the
11 requirements of this act may, upon application, be licensed without
12 further examination except as required to examine the applicant's
13 knowledge of statutes, rules, and other requirements unique to
14 Oklahoma.

15 SECTION 20. AMENDATORY 59 O.S. 2021, Section 475.12b, is
16 amended to read as follows:

17 Section 475.12b A. ~~Certification or Enrollment~~ as a Land
18 Surveyor Intern. Passing of the NCEES Fundamentals of Surveying
19 (FS) examination and completion of one of the following shall be
20 considered as minimum evidence that the applicant is qualified for
21 certification ~~or enrollment~~ as a land surveyor intern:

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

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

4 3. Graduating from a program of two (2) years or more approved
5 by the Board which shall include the Board-approved core curriculum,
6 completed with a minimum grade of C, and providing proof of
7 graduation ~~and submitting three character or professional~~
8 ~~references; or~~

9 4. Graduating from a program of four (4) years or more approved
10 by the Board which shall include the Board-approved core curriculum,
11 completed with a minimum grade of C, and providing proof of
12 graduation; or

13 5. Completing sixty (60) college credit hours approved by the
14 Board which shall include the Board-approved core curriculum,
15 completed with a minimum grade of C, and providing proof of
16 successful completion of the required college credit hours ~~and~~
17 ~~submitting three character or professional references. No~~
18 application will be accepted after January 1, 2026, for an applicant
19 qualifying under this paragraph.

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

23 1. Satisfy the education and experience criteria set forth in
24 this ~~section~~ act;

1 2. Pass the applicable examinations set forth in this ~~section~~
2 act; and

3 3. Submit ~~five~~ references acceptable to the Board, ~~three of~~
4 ~~which shall be professional land surveyors having personal knowledge~~
5 ~~of the applicant's surveying experience~~ as described in Board rules.

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

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

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

21 3. An individual meeting the experience requirements in
22 paragraph 4 of subsection A of this section: five (5) years of
23 total experience.

24

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

6 ~~C.~~ D. Comity Licensure for a Professional ~~Land~~ Surveyor. The
7 following shall be considered as minimum evidence satisfactory to
8 the Board that the applicant is qualified for licensure by comity as
9 a professional ~~land~~ surveyor:

10 An individual holding a ~~certificate of licensure~~ license to
11 engage in the practice of ~~land~~ surveying issued by a proper
12 authority of any state or jurisdiction, based on requirements that
13 do not conflict with the provisions of ~~Section 475.1 et seq. of this~~
14 ~~title act,~~ and possessing credentials that are, in the judgment of
15 the Board, of a standard not lower than that specified in the
16 applicable licensure act in effect in this state at the time such
17 certificate was issued may, upon application, which may include a
18 ~~Council~~ NCEES Record ~~with NCEES,~~ be licensed upon passing an
19 examination or examinations of such duration as established by the
20 Board, which shall include questions on laws, procedures and
21 practices pertaining to ~~land~~ surveying in Oklahoma.

22 ~~D. Initial Licensure as a Professional Land Surveyor. An~~
23 ~~individual meeting the education requirements pursuant to subsection~~
24 ~~A of this section for a land surveyor intern shall meet the~~

1 ~~following land surveying experience requirements as described in~~
2 ~~Board rules, which shall include combined office and field~~
3 ~~experience satisfactory to the Board on projects of a grade and~~
4 ~~character which indicate to the Board the applicant may be competent~~
5 ~~to practice land surveying:~~

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

10 ~~2. An individual meeting the experience requirements in~~
11 ~~paragraphs 2, 3 and 4 of subsection A of this section: six (6) years~~
12 ~~of total experience.~~

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

18 SECTION 21. AMENDATORY 59 O.S. 2021, Section 475.12c, is
19 amended to read as follows:

20 Section 475.12c A. A "Professional Structural Engineer",
21 "P.E., S.E.", or "S.E." ~~Professional~~ professional engineer licensed
22 in Oklahoma ~~who were approved by the Board to claim structural~~
23 ~~engineering, with or without an "S.E.", as an area of competence~~
24 ~~prior to November 1, 2017,~~ shall submit the following by application

1 and prescribed fees, if applicable, for Board consideration as
2 minimum evidence that the applicant is qualified to use the title
3 "Professional Structural Engineer", "P.E., S.E.", "S.E.", or any
4 similar variation using the "S.E." designation and perform
5 structural engineering analysis and design services for significant
6 structures, as defined:

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

10 ~~2.~~ Proof of acceptable structural engineering experience by way
11 of a ~~list~~ description of representative projects completed, or
12 courses taught, ~~as described on Board approved application forms,~~
13 ~~and three references~~ verified by licensed professional engineers
14 ~~having~~ who claim competence in structural engineering, and have
15 personal knowledge of ~~and verifying~~ the applicant's structural
16 engineering experience. This requirement may be satisfied by the
17 licensee's original application if sufficient structural
18 engineering-specific experience is included and verified by a
19 qualified reference(s); and

20 ~~3. Proof of structural engineering education, including ten~~
21 ~~(10) professional development hours of continuing education related~~
22 ~~to the technical aspects of structural engineering in the two (2)~~
23 ~~years preceding the date of application, and original transcripts~~
24 ~~submitted directly to the Board office from the university or~~

1 ~~college showing coursework or degrees obtained since the individuals~~
2 ~~original professional engineer application to the Board, if~~
3 ~~applicable; or~~

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

9 ~~4.~~ 3. Proof of successful completion of one of the following
10 structural engineering examination paths below:

- 11 a. the NCEES Structural I and Structural II exams taken
12 prior to January 1, 2011,
- 13 b. an equivalent sixteen-hour state-written examination
14 prior to January 1, 2004,
- 15 c. the NCEES Structural II exam plus an equivalent eight-
16 hour state-written structural examination prior to
17 January 1, 2011, or
- 18 d. the NCEES ~~sixteen-hour~~ S.E. examination taken after
19 January 1, 2011.

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

1 ~~Board consideration as minimum evidence that the applicant is~~
2 ~~qualified to use the title "Professional Structural Engineer",~~
3 ~~"P.E., S.E.", "S.E.", or any similar variation using the "S.E."~~
4 ~~designation and perform structural engineering analysis and design~~
5 ~~services for significant structures.~~

6 ~~C. Professional engineers licensed in Oklahoma who were~~
7 ~~approved by the Board to claim structural engineering with an "S.E."~~
8 ~~as an area of competence prior to November 1, 2017, who do not~~
9 ~~submit an application form and prescribed fees, if applicable, for~~
10 ~~Board consideration as minimum evidence that the applicant is~~
11 ~~qualified to use the title "Professional Structural Engineer",~~
12 ~~"P.E., S.E.", "S.E.", or any variation using the "S.E." designation~~
13 ~~and perform structural engineering analysis and design services for~~
14 ~~significant structures by October 31, 2020, shall be notified in~~
15 ~~writing that their file will be amended to state structural~~
16 ~~engineering without an "S.E." as their area of competence.~~

17 ~~D. B.~~ Comity applicants for a professional engineer license who
18 wish to also apply for authorization to use the title "Professional
19 Structural Engineer", "P.E., S.E.", "S.E.", or any variation using
20 the "S.E." designation and perform structural engineering analysis
21 and design services for significant structures ~~who apply after~~
22 ~~November 1, 2017,~~ shall submit the following by application and
23 prescribed fees for Board consideration as minimum evidence that the
24 applicant is qualified:

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

4 ~~2.~~ Proof of acceptable structural engineering experience by way
5 of a ~~list~~ description of representative projects completed, or
6 courses taught, ~~as described on Board-approved application forms,~~
7 and ~~three references~~ verified by licensed professional engineers
8 ~~having~~ who claim competence in structural engineering, and have
9 personal knowledge of ~~and verifying~~ the applicant's structural
10 engineering experience;

11 ~~3.~~ 2. Proof of structural engineering education, ~~including ten~~
12 ~~(10) professional development hours of continuing education related~~
13 ~~to the technical aspects of structural engineering in the two (2)~~
14 ~~years preceding the date of application,~~ and original transcripts
15 submitted directly to the Board office from the university or
16 college showing coursework or degrees obtained since the
17 individual's original professional engineer application to the
18 Board, if applicable; and

19 ~~4.~~ 3. Proof of successful completion of one of the following
20 structural engineering examination paths below:

- 21 a. the NCEES Structural I and Structural II exams taken
22 prior to January 1, 2011,
- 23 b. an equivalent sixteen-hour state-written examination
24 prior to 2004,

1 c. the NCEES Structural II exam plus an equivalent eight-
2 hour state-written structural examination prior to
3 January 1, 2011, or

4 d. the NCEES ~~sixteen-hour S.E. Examination~~ examination
5 taken after January 1, 2011.

6 ~~E.~~ C. Initial applicants for a professional engineer license
7 who wish to also apply for authorization to use the title
8 "Professional Structural Engineer", "P.E., S.E.", "S.E.", or any
9 variation using the "S.E." designation and to perform structural
10 engineering analysis and design services for significant structures
11 ~~who apply after November 1, 2017, and before October 31, 2020,~~ shall
12 submit the following by application and prescribed fees for Board
13 consideration as minimum evidence that the applicant is qualified,
14 in addition to all requirements in ~~Section 475.1 et seq. of Title 59~~
15 ~~of the Oklahoma Statutes~~ this act:

16 1. Proof of acceptable structural engineering experience by way
17 of a ~~list~~ description of representative projects completed, or
18 courses taught, ~~as described on Board approved application forms,~~
19 and ~~three references~~ verified by licensed professional engineers
20 having personal knowledge of ~~and verifying~~ the applicant's
21 structural engineering experience; and

22 2. Proof of structural engineering education ~~and~~ evidenced by
23 original transcripts submitted directly to the Board office from the
24 university or college showing coursework or degrees obtained.

1 ~~F. Beginning November 1, 2020, the following shall be~~
2 ~~considered as minimum evidence for all applicants who wish to apply~~
3 ~~to the Board for authorization that the applicant is qualified to~~
4 ~~use the title "Professional Structural Engineer", "P.E., S.E.",~~
5 ~~"S.E.", or any variation using the "S.E." designation and to perform~~
6 ~~structural engineering analysis and design services for significant~~
7 ~~structures:~~

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

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

12 ~~a. the NCEES Structural I and Structural II exams taken~~
13 ~~prior to January 1, 2011,~~

14 ~~b. an equivalent sixteen-hour state-written examination~~
15 ~~prior to January 1, 2004,~~

16 ~~c. the NCEES Structural II exam plus an equivalent eight-~~
17 ~~hour state-written structural examination prior to~~
18 ~~January 1, 2011, or~~

19 ~~d. the NCEES sixteen-hour S.E. Examination taken after~~
20 ~~January 1, 2011; and~~

21 ~~3. The record of experience supplied to the Board and verified~~
22 ~~by reference indicates structural engineering projects or teaching~~
23 ~~experience equivalent to the years of experience required in~~
24

1 ~~paragraph 4 of subsection D of Section 9 of this act, according to~~
2 ~~the education degree program completed by the applicant.~~

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

13 ~~H.~~ E. The Board may ~~adopt rules defining~~ define significant
14 structures and establish standards of competence in structural
15 engineering analysis and design relating to seismic or other
16 influences which have a direct impact on the life, health, safety,
17 property and welfare of the public.

18 SECTION 22. AMENDATORY 59 O.S. 2021, Section 475.13, is
19 amended to read as follows:

20 Section 475.13 A. 1. Application for ~~licensure as a~~
21 professional engineer, professional structural engineer, or
22 professional ~~land~~ surveyor license, or certification as an engineer
23 intern or ~~land~~ surveyor intern, shall be on a form prescribed and
24 furnished by the Board. It shall contain statements made under

1 oath, showing the applicant's education and a detailed summary of
2 technical and engineering or ~~land~~ surveying experience and shall
3 include the names and complete mailing addresses of the references,
4 none of whom may be members of the Board or immediate family members
5 of the applicant.

6 2. The Board may accept the certified information contained in
7 a valid ~~council record~~ NCEES Record issued by the National Council
8 of Examiners for Engineering and Surveying for professional engineer
9 or professional ~~land~~ surveyor applicants in lieu of the same
10 information that is required on the form prescribed and furnished by
11 the Board. All initial applicants for a license must submit an
12 NCEES Record along with any additional required forms to be
13 considered for licensure.

14 B. 1. The application fees shall be established by Board
15 rules.

16 2. The certification fee for a firm shall be established by
17 Board rules.

18 3. Should the Board deny the issuance of a ~~certificate of~~
19 ~~licensure~~ license to any applicant, including the application of a
20 firm for a certificate of ~~authorization~~ authority, the fee shall be
21 retained as an application fee.

22 SECTION 23. AMENDATORY 59 O.S. 2021, Section 475.14, is
23 amended to read as follows:

24

1 Section 475.14 A. Examinations shall be held at such times and
2 places as the Board directs and/or in accordance with NCEES
3 examination policy.

4 B. Examinations may be taken only after the applicant has met
5 other minimum requirements as set forth in Sections ~~9, 10 and 11~~
6 475.12a, 475.12b and 475.12c of this ~~act~~ title, and has been
7 authorized to seek admission through NCEES or approved by the Board
8 for admission to one or more of the following examinations:

9 1. NCEES Fundamentals of Engineering (FE) examination;

10 2. NCEES Principles and Practice of Engineering (PE)
11 examination;

12 3. NCEES Structural Engineering (SE) examination;

13 4. NCEES Fundamentals of Surveying (FS) examination;

14 5. NCEES Principles and Practice of Surveying (PS) examination;

15 6. Oklahoma Law and Surveying (OLS) examination; and

16 7. Oklahoma Law and Engineering (OLE) examination.

17 C. A candidate failing an NCEES examination may apply for ~~the~~
18 ~~next available examination, as prescribed by NCEES policies and~~
19 ~~procedures, which may be granted upon payment of an application fee~~
20 ~~established by the Board if applicable~~ re-examination in accordance
21 with NCEES policy. A candidate failing a Board examination may
22 apply for re-examination as directed by the Board and Board policy.

23 D. The applicant shall pay all NCEES examination fees
24 ~~established by the Board for examination documents and grading. The~~

1 ~~required fees shall be paid by the applicant in advance of the~~
2 ~~examination per published NCEES policies and procedures.~~

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

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

13 SECTION 24. AMENDATORY 59 O.S. 2021, Section 475.15, is
14 amended to read as follows:

15 Section 475.15 A. The Board shall issue to any applicant who,
16 in the opinion of the Board, has met the requirements of ~~Section~~
17 ~~475.1 et seq. of this title act, a certificate of licensure license~~
18 giving the licensee proper authority to practice in this state. The
19 ~~certificate of licensure license~~ for a professional engineer shall
20 carry the designation "Professional Engineer", for a professional
21 structural engineer shall carry the designation "Professional
22 Structural Engineer", and for a professional ~~land~~ surveyor,
23 "Professional ~~Land~~ Surveyor". It shall give the full name of the
24 licensee with the ~~licensure license~~ number of the licensee and shall

1 be signed by the Chair and the Secretary under the seal of the
2 Board.

3 B. This ~~certificate~~ license shall be prima facie evidence that
4 the person named thereon is entitled to all rights, privileges and
5 responsibilities of a professional engineer, professional structural
6 engineer, or professional ~~land~~ surveyor, while the ~~certificate~~
7 license remains ~~unrevoked and unexpired~~ active and in good standing.

8 C. Each licensee hereunder may, ~~upon licensure~~, obtain a seal,
9 the design and use of which are described in Board rules. It shall
10 be unlawful for a licensee to affix, or permit his or her seal or
11 signature to be affixed, to any document after the expiration or
12 revocation of a license, or for the purpose of aiding or abetting
13 any other person to evade or attempt to evade any provision of
14 ~~Section 475.1 et seq. of this title act~~. Whenever the seal is
15 applied, the document must be signed by the licensee thereby
16 certifying that he or she is competent in the subject matter and was
17 in responsible charge of the work product. Documents must be sealed
18 and signed in accordance with the Board rules whenever presented to
19 a client, a user or any public or governmental agency. Whenever the
20 seal is applied, the signature of the licensee and date of signature
21 shall be placed adjacent to or across the seal. Drawings, reports
22 or documents that are signed using a digital or electronic signature
23 must be done in a manner that is in direct control and personal
24 supervision of the professional ~~engineer or professional land~~

1 ~~surveyor~~ and must conform to the specifications in the Board rules
2 regarding digital or electronic signatures.

3 D. A professional ~~engineer, professional land surveyor~~ or firm
4 shall retain a hard copy or electronic copy of all technical
5 submissions produced for a minimum of ten (10) years following the
6 date of preparation.

7 E. The Board shall issue to any applicant who, in the opinion
8 of the Board, has met the requirements of ~~Section 475.1 et seq. of~~
9 ~~this title act~~, a certificate as an engineer intern or ~~land~~ surveyor
10 intern which indicates that his or her name has been recorded as
11 such in the Board office. The engineer intern or ~~land~~ surveyor
12 intern certificate does not authorize the holder to practice as a
13 professional engineer or professional ~~land~~ surveyor.

14 SECTION 25. AMENDATORY 59 O.S. 2021, Section 475.16, is
15 amended to read as follows:

16 Section 475.16 A. The Board shall issue ~~certificates of~~
17 ~~licensure~~ licenses and certificates of ~~authorization~~ authority for
18 firms for a term of twenty-four (24) months.

19 B. ~~It shall be the duty of the Executive Director to notify~~
20 ~~every person licensed under Section 475.1 et seq. of this title, and~~
21 ~~every firm holding a certificate of authorization under Section~~
22 ~~475.1 et seq. of this title, of the date of the expiration of the~~
23 ~~certificate of licensure or certificate of authorization, and the~~
24 ~~amount of the fee required for its renewal.~~

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

6 ~~D. If a licensee is granted inactive status, the licensee may~~
7 ~~return to active status by notifying the Board in advance of his or~~
8 ~~her intention, by paying appropriate fees and by meeting all~~
9 ~~requirements of the Board, including demonstration of continuing~~
10 ~~professional competency as a condition of reinstatement~~ A license or
11 certificate of authority may be renewed up to sixty (60) days prior
12 to the expiration date. Renewal and reinstatement fees and
13 conditions shall be established by Board rules.

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

20 SECTION 26. AMENDATORY 59 O.S. 2021, Section 475.17, is
21 amended to read as follows:

22 Section 475.17 A new ~~certificate of licensure~~ license or
23 ~~certificate of authorization~~ authority, to replace any certificate
24

1 | lost, or destroyed ~~or mutilated~~, may be issued, subject to the rules
2 | of the Board.

3 | SECTION 27. AMENDATORY 59 O.S. 2021, Section 475.18, is
4 | amended to read as follows:

5 | Section 475.18 A. As provided in subsections A and B of
6 | Section 475.8 of this title, the Board shall have the power to deny,
7 | place on probation, suspend, revoke, place practice restrictions on,
8 | or refuse to issue a certificate or license, or fine, reprimand,
9 | issue orders, levy administrative fines or seek other penalties, if
10 | a person or entity is found guilty of:

11 | 1. Any fraud or deceit in obtaining or attempting to obtain or
12 | renew a ~~certificate of licensure~~ license, or a certificate of
13 | ~~authorization~~ authority, or in taking the examinations administered
14 | by the Board or its authorized representatives;

15 | 2. Any fraud, misrepresentation, gross negligence, gross
16 | incompetence, misconduct or dishonest practice, in the practice of
17 | engineering or ~~land~~ surveying;

18 | 3. Conviction of or entry of a plea of guilty or nolo
19 | contendere to a felony crime that substantially relates to the
20 | practice of engineering or ~~land~~ surveying and poses a reasonable
21 | threat to public safety; or conviction of or entry of a plea of
22 | guilty or nolo contendere to ~~a~~ any crime, whether a felony,
23 | misdemeanor, or otherwise, an essential element of which is
24 |

1 dishonesty or is a violation of the practice of engineering or ~~land~~
2 surveying;

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

6 5. Disciplinary action, including voluntary surrender of a
7 professional engineer's or professional ~~land~~ surveyor's license in
8 order to avoid disciplinary action by another state, territory, the
9 District of Columbia, a foreign country, the United States
10 government, or any other governmental agency, if at least one of the
11 grounds for discipline is the same or substantially equivalent to
12 those contained in this section;

13 6. Failure, within thirty (30) days, to provide information
14 requested by the Board or its designated staff as a result of a
15 formal or informal investigation or complaint to the Board which
16 would indicate a violation of ~~Section 475.1 et seq.~~ of this title
17 act;

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

20 8. Aiding or assisting another person or entity in violating
21 any provision of ~~Section 475.1 et seq.~~ of this title act or the
22 rules or regulations pertaining thereto;

23 9. Violation of any terms imposed by the Board, or using a seal
24 or practicing professional engineering or professional ~~land~~

1 surveying while the professional engineer's license or professional
2 ~~land~~ surveyor's license is restricted, suspended, revoked,
3 nonrenewed, retired or inactive;

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

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

15 12. Providing false testimony or information to the Board;

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

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

21 15. Violating the Oklahoma Minimum Standards for the Practice
22 of ~~Land~~ Surveying; and

23

24

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

4 B. The Board shall prepare and adopt Rules of Professional
5 Conduct for Professional Engineers and ~~Professional Land~~ Surveyors
6 as provided for in Section 475.8 of this title, ~~which shall be made~~
7 ~~available in writing to every licensee and applicant for licensure~~
8 ~~under Section 475.1 et seq. of this title.~~ The Board may revise and
9 amend these Rules of Professional Conduct for Professional Engineers
10 and ~~Professional Land~~ Surveyors and shall notify each licensee, in
11 writing, of such revisions or amendments.

12 C. Principals of a firm who do not obtain a certificate or
13 authorization for the firm as required by ~~Section 475.1 et seq. of~~
14 ~~this title~~ act may be subject to disciplinary action.

15 D. As used in this section:

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

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

1 SECTION 28. AMENDATORY 59 O.S. 2021, Section 475.19, is
2 amended to read as follows:

3 Section 475.19 A. Investigations and inquiries concerning the
4 professional licensed activities of licensees, or any person or
5 entity who may be in violation of the Board's statutes and rules,
6 may be initiated pursuant to the request of the Investigative
7 Committee or the public. In the event of such an investigation, all
8 licensees and subjects of complaints have a duty to provide all
9 information requested by the Board within thirty (30) days or a
10 later time if agreed to by the licensee and the ~~Board~~ Investigative
11 Committee. All allegations shall be timely investigated by the
12 Investigative Committee of the Board and, unless determined
13 unfounded or trivial ~~by the Board~~, or unless settled by mutual
14 accord, shall be filed as a formal notice of charges by the Board.

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

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

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

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

20 SECTION 29. AMENDATORY 59 O.S. 2021, Section 475.20, is
21 amended to read as follows:

22 Section 475.20 A. Criminal penalties:

23 Any person or entity who practices, or offers to practice,
24 engineering or ~~land~~ surveying in this state without being licensed

1 by the State Board of Licensure for Professional Engineers and ~~Land~~
2 Surveyors in accordance with the provisions of ~~Section 475.1 et seq.~~
3 ~~of this title act~~, or any person or entity using or employing the
4 words "engineer" or "engineering" or "~~land~~ surveyor" or "~~land~~
5 surveying" or any modification or derivative thereof in its name or
6 form of business or activity except as authorized in ~~Section 475.1~~
7 ~~et seq. of this title act~~, or any person presenting or attempting to
8 use the ~~certificate of licensure~~ license or the seal of another, or
9 any person who gives false or forged evidence of any kind to the
10 Board or to any member thereof in obtaining or attempting to obtain
11 a ~~certificate of licensure~~ license, or any person who falsely
12 impersonates any other licensee of like or different name, or any
13 person who attempts to use an expired, suspended, revoked, or
14 nonexistent ~~certificate of licensure~~ license, or who practices or
15 offers to practice when not qualified, or their practice is
16 restricted, or any person who falsely claims to be registered or
17 licensed under ~~Section 475.1 et seq. of this title act~~, or any
18 person who violates any of the provisions of ~~Section 475.1 et seq.~~
19 ~~of this title act~~, shall be guilty of a misdemeanor, punishable by a
20 fine of not less than Two Hundred Fifty Dollars (\$250.00), nor more
21 than Two Thousand Dollars (\$2,000.00).

22 B. Administrative penalties:

23 1. Any person or entity who has been determined by the Board to
24 have violated any provision of ~~Section 475.1 et seq. of this title~~

1 act, or any rule, regulation or order issued pursuant to such
2 provisions, may be liable for an administrative penalty of not less
3 than ~~Two Hundred Fifty Dollars (\$250.00)~~ Five Hundred Dollars
4 (\$500.00) nor more than ~~Ten Thousand Dollars (\$10,000.00)~~ Twenty
5 Thousand Dollars (\$20,000.00) for each separate violation.

6 2. The amount of the penalty shall be assessed by the Board
7 pursuant to the provisions of paragraph 1 of this subsection, after
8 notice and hearing. In determining the amount of the penalty, the
9 Board shall include, but not be limited to, consideration of the
10 nature, circumstances and gravity of the violation, and with respect
11 to the person or entity found to have committed the violation, the
12 degree of culpability, the effect on ability of the person or entity
13 to continue to do business, and any show of good faith in attempting
14 to achieve compliance with the provisions of ~~Section 475.1 et seq.~~
15 ~~of this title act.~~ All monies collected from administrative
16 penalties shall be deposited with the State Treasurer and placed in
17 the "Professional Engineers and ~~Land~~ Surveyors Fund".

18 3. Any ~~certificate of licensure~~ license or certificate of
19 ~~authorization~~ authority holder may request to surrender the
20 ~~certificate of licensure~~ license or certificate of ~~authorization~~
21 authority in lieu of an administrative action, but shall be
22 permanently barred from obtaining a reissuance of the ~~certificate of~~
23 ~~licensure~~ license or certificate of ~~authorization~~ authority. All
24 such requests shall be presented to the Board for approval.

1 C. Legal Counsel:

2 The Attorney General of this state or an assistant shall act as
3 legal advisor to the Board and render such legal assistance as may
4 be necessary in carrying out the provisions of ~~Section 475.1 et seq.~~
5 ~~of this title act.~~ The Board may employ counsel whose compensation
6 and expenses shall be paid from Board funds for necessary legal
7 assistance to aid in the enforcement of and carrying out the
8 provisions of ~~Section 475.1 et seq.~~ of this title act.

9 SECTION 30. AMENDATORY 59 O.S. 2021, Section 475.21, is
10 amended to read as follows:

11 Section 475.21 A. The practice of or offer to practice
12 engineering or ~~land~~ surveying by firms authorized under ~~Section~~
13 ~~475.1 et seq.~~ of this title act, or by more than one person acting
14 individually through a firm, is permitted provided:

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

19 2. The firm has been issued a certificate of ~~authorization~~
20 authority by the Board.

21 B. An engineering or ~~land~~ surveying firm requiring a
22 certificate of ~~authorization~~ authority shall file with the Board an
23 application, using a form provided by the Board, and provide all the
24 information required by the Board. The Board shall prescribe a form

1 to be filed with the renewal fee and which shall be updated within
2 thirty (30) days of the time any information contained on the form
3 is changed or differs for any reason. If, in the Board's judgment,
4 the information contained on the form warrants such action, the
5 Board shall issue a certificate of ~~authorization~~ authority for the
6 firm to practice engineering and/or ~~land~~ surveying.

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

15 C. The Secretary of State shall not issue a certificate of
16 incorporation to an applicant, approve for filing articles of
17 organization for a limited liability company, approve for filing a
18 certificate of limited partnership or accept a registration as a
19 foreign firm to a firm which includes in the firm's name or among
20 the objectives for which it is established any of the words
21 "Engineer", "Engineering", "Surveyor", "~~Land~~ Surveying" or any
22 modification or derivation thereof unless the ~~Board(s) of Licensure~~
23 Board for these professions has issued for the applicant a
24 certificate of ~~authorization~~ authority or a letter indicating the

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

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

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

12 F. ~~Effective November 1, 2017, all firms~~ Firms applying for a
13 certificate of ~~authorization~~ authority shall designate a managing
14 agent.

15 Managing agent. A firm offering ~~either~~ engineering or surveying
16 services shall designate an engineer or surveyor, respectively, to
17 be the managing agent for the firm. A firm offering both
18 engineering and ~~and~~ surveying services must have a licensed
19 professional engineer and licensed professional ~~and~~ surveyor listed
20 as managing agent. A licensee may not be designated as a managing
21 agent for more than one firm without prior Board approval. The
22 managing agent must hold a position of recognized authority within
23 the firm to be designated as the managing agent. In the case of a
24 corporation, a licensee must be an officer, principal, director or

1 shareholder of the firm to be designated as the managing agent. In
2 the case of a limited liability company or limited liability
3 partnership, the licensee must be a member of the firm to be
4 designated as the managing agent. In the case of a limited
5 partnership, the licensee must be a general partner of the firm to
6 be designated as the managing agent. In the case of a partnership,
7 the licensee must be an owner of the firm to be designated as the
8 managing agent. If the ownership is less than fifty percent (50%)
9 ownership, an explanation must be included as to the extent of
10 authority this partner holds regarding engineering or surveying
11 decisions, respectively, as it pertains to paragraphs 1 through 3 of
12 this subsection. A licensee who is a full-time employee of a firm
13 and holds a position of recognized authority within the firm but
14 does not hold one of the above-stated titles may request Board
15 approval to be named the managing agent by submitting a letter to
16 the Board on firm letterhead signed by a person within the firm
17 holding one of the above-stated titles, describing the special
18 circumstances surrounding the requested exception and the extent of
19 authority this employee holds regarding engineering or surveying
20 decisions, respectively, as it pertains to paragraphs 1 through 3 of
21 this subsection. A licensee who is self-employed, an independent
22 contractor or who renders consulting engineering or surveying
23 services to, or for, a firm shall not be designated as a managing
24 agent. ~~Firms holding a certificate of authorization with this Board~~

1 ~~prior to November 1, 2017, must be in compliance with this provision~~
2 ~~of law by November 1, 2019.~~ The managing agent's responsibilities
3 include:

4 1. Renewal of the firm's certificate of ~~authorization~~ authority
5 and notification to the Board of any change in managing agent or
6 firm's contact information;

7 2. Overall administrative supervision of the firm's licensed
8 and subordinate personnel performing engineering or surveying work
9 in Oklahoma; and

10 3. Institution and adherence of policies of the firm that are
11 in accordance with ~~Section 475.1 et seq. of this title act,~~ Section
12 3-116 et seq. of Title 65 of the Oklahoma Statutes and the rules of
13 the Board.

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

24

1 professional engineer or professional ~~land~~ surveyor designated
2 managing agent shall be responsible for:

3 1. Maintaining and renewal of the firm's certificate of
4 ~~authorization~~ authority and notification to the Board of any change
5 in managing agent or firm's contact information;

6 2. Overall administrative supervision of the firm's licensed
7 and subordinate personnel who provide the engineering work in this
8 state; and

9 3. The institution of and adherence to policies of the firm
10 that shall be in accordance with ~~Section 475.1 et seq. of this title~~
11 act, Section 3-116 et seq. of Title 65 of the Oklahoma Statutes and
12 the rules promulgated by the Board.

13 SECTION 31. AMENDATORY 59 O.S. 2021, Section 475.22, is
14 amended to read as follows:

15 Section 475.22 ~~Section 475.1 et seq. of this title~~ This act
16 shall not be construed to prevent:

17 1. Other professions. The practice of any other legally
18 recognized profession;

19 2. Temporary license:

20 a. Professional engineer. The practice or offer to
21 practice engineering by a person not a resident of or
22 having no established place of business in this state
23 is allowed; provided, such person is legally qualified
24 by licensure to practice engineering, as defined in

1 Section 475.2 of this title, in the applicant's
2 resident state or jurisdiction and who has made
3 application for licensure to ~~this~~ the Board. Such
4 person shall make application for temporary ~~license~~
5 licensure to the Board, in a manner prescribed by the
6 Board. After payment of a temporary license fee, a
7 ~~written~~ temporary license may be granted to perform a
8 particular job for a definite period of time, to
9 expire at the earliest issuance of a professional
10 engineering license by ~~this~~ the Board. ~~Further, such~~
11 ~~person shall not have been disciplined in any~~
12 ~~jurisdiction by a Board of licensure for engineering,~~
13 ~~land surveying or architecture, and shall not have~~
14 ~~been convicted in any jurisdiction of a felony.~~
15 Further, such person shall submit a complete permanent
16 professional engineer application to the Board within
17 thirty (30) days of the date of issuance of the
18 temporary license, with all required properly
19 completed forms and fees. Failure to submit a
20 permanent professional engineer application for Board
21 consideration within the designated thirty-day time
22 period may be considered a violation of ~~Section 475.1~~
23 ~~et seq.~~ of this title act and Board rules. No right
24 to practice engineering shall accrue to such applicant

1 by reason of a temporary license for any works not set
2 forth in the license, and

3 b. Professional ~~land~~ surveyor. The practice of ~~land~~
4 surveying under a temporary permit by a person
5 licensed as a professional ~~land~~ surveyor in another
6 state is not considered to be in the best interest of
7 the public and therefore shall not be granted unless
8 the person is applying pursuant to the Military
9 Service Occupation, Education and Credentialing Act;

10 3. Employees and subordinates. The work of an employee or a
11 subordinate of a person holding a ~~certificate of licensure~~ license
12 under ~~Section 475.1 et seq. of this title act,~~ or an employee of a
13 person practicing lawfully under paragraph 2 of this section is
14 allowed; provided, such work does not include final engineering or
15 ~~land~~ surveying designs or decisions and is done under the direct
16 supervision of and verified by a person holding a ~~certificate of~~
17 ~~licensure~~ license under ~~Section 475.1 et seq. of this title act~~ or a
18 person practicing lawfully under paragraph 2 of this section;

19 4. Material takeoff. Providing a list of material derived from
20 measuring and interpreting a set of blueprints or plans, otherwise
21 known as a "material takeoff" or advising a person on such a
22 "material takeoff" shall not constitute the practice of engineering;
23 and

1 5. A person shall not be construed to practice or offer to
2 practice ~~land~~ surveying, within the meaning and intent of ~~Section~~
3 ~~475.1 et seq.~~ of this ~~title~~ act, who merely acts as an agent of a
4 purchaser of ~~land~~ surveying services. Agents of a purchaser of ~~land~~
5 surveying services include, but are not limited to, real estate
6 agents and brokers, title companies, attorneys providing title
7 examination services, and persons who or firms that coordinate the
8 acquisition and use of ~~land~~ surveying services. The coordination of
9 ~~land~~ surveying services includes, but is not limited to, sales and
10 marketing of services, discussion of requirements of ~~land~~ surveys,
11 contracting to furnish ~~land~~ surveys, review of ~~land~~ surveys, the
12 requesting of revisions of ~~land~~ surveys, and making any and all
13 modifications to surveys with the written consent of the
14 professional ~~land~~ surveyor, and furnishing final revised copies to
15 the professional ~~land~~ surveyor showing all revisions, the
16 distribution of ~~land~~ surveys and receiving payment for such
17 services. These actions do not constitute the practice of ~~land~~
18 surveying, and do not violate any part of ~~Sections 475.1 through~~
19 ~~475.22a~~ of this ~~title~~ act or the bylaws and rules of the Board.

20 SECTION 32. AMENDATORY 59 O.S. 2021, Section 475.22a, is
21 amended to read as follows:

22 Section 475.22a It shall be unlawful for the registrar of deeds
23 or the county clerk of any county or proper public authority to file
24 any map, plat, survey or other documents within the definition of

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

5 SECTION 33. REPEALER 59 O.S. 2021, Section 46.11, is
6 hereby repealed.

7 SECTION 34. This act shall become effective November 1, 2024.

8 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND COMMERCE
9 April 8, 2024 - DO PASS

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