

TITLE 245 CHAPTER 15.
LICENSURE AND PRACTICE OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS
SUBCHAPTER 1. GENERAL PROVISIONS

245:15-1-1. Purpose

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

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

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

245:15-1-3. Definitions

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

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

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

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

"Control surveying" means the establishment of horizontal and/or vertical control which will be the basis for future phases of a project including, but not limited to: extraction of geospatial data, engineering design projects, construction staking, surveys to layout horizontal and vertical alignments, topographic surveys using field methods, collection of topographic and planimetric data using photogrammetric methods and construction surveys of engineering or architectural public works project.

"Engineering surveys" means all survey activities required to support the sound conception, planning, design, construction, maintenance and operation of engineered projects, but exclude the surveying of real property for the establishment of land boundaries, rights-of-way, easements and the dependent or independent surveys or resurveys of the public land survey system. Unless a Professional Land Surveyor has provided the Professional Engineer with geocentric/geodetic control coordinates which meet the accuracy standards set forth in OAC 245:15-13-2, the Professional Engineer shall only use a coordinate system based on assumed values for the project, and so state on the documents.

"Geospatial" means the relative position of features on, above, or below the earth's surface defined by a localized or globalized system.

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

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

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

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

"Planimetric mapping surveys" mean a map that presents the horizontal positions only for the features represented. This is distinguished from a topographic map by the omission of relief in measurable form.

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

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

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

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

"Professional Surveyor" or "P.S." - The term "Professional Surveyor" or "P.S." may be used when describing a lawfully licensed Professional Land Surveyor or P.L.S. in Oklahoma, as defined pursuant to Title 59, 475.2(6).

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

(A) Manual signature means the handwritten name of a person applied to a document that identifies the person, serves as a means of authentication of the contents of the document, provides responsibility for the creation of the document and provides for accountability for the contents of the document.

(B) A digital signature shall carry the same weight, authority, and effects as a manual signature.

"Significant structures", beginning November 1, 2020, shall mean buildings and other structures that represent a substantial hazard to human life in the event of failure or are designated as essential facilities, including but not limited to:

- (A) Buildings and other structures whose primary occupancy is public assembly with an occupant load greater than 300,
- (B) Elementary schools, secondary schools or day care facilities with an occupant load greater than 50,
- (C) Adult education facilities, such as colleges and universities, with an occupant load greater than 500,
- (D) Hospitals, nursing homes, mental hospitals and detoxification facilities with an occupant load of 50 or more resident care recipients and/or surgery or emergency treatment facilities,
- (E) Prisons, jails, reformatories, detention centers, correctional centers,
- (F) Any building or other structure with an occupant load greater than 5,000,
- (G) Primary power-generating structures above 50 kilowatts,
- (H) Structures at water treatment facilities for potable water and wastewater treatment facilities serving more than 5,000 people,
- (I) Structures for public utility facilities containing quantities of toxic or explosive materials that are sufficient to pose a threat to the public if released,
- (J) Fire, rescue, ambulance and police stations and emergency vehicle garages,

- (K) Designated tornado, earthquake or other non-residential emergency shelters,
- (L) Designated emergency preparedness, communications and operations centers and other facilities required for emergency response,
- (M) Aviation control towers, air traffic control centers and emergency aircraft hangars,
- (N) Buildings and other structures having critical national defense functions,
- (O) Elevated water storage structures, and
- (P) Buildings and other structures with high lateral loadings including:
 - (i) those subjected to ultimate design 3 second wind gust speeds equaling or exceeding wind speeds corresponding to approximately a 3% probability of exceedance in 50 years, or
 - (ii) those that are in Seismic Design Category D and above.
- (Q) "Significant structures" shall exclude bridges and geo-structures. As defined in this document, "bridges" will not include elevated structures linking buildings. "Geo-structures" shall mean engineered structures that are loaded by the earth or whose resistance is derived from the earth.

A project defined as a "Significant structure" for which a permit has not been applied for or granted as of October 31, 2020, shall be required to have an engineer of record who is a licensed Professional Structural Engineer. Beginning November 1, 2020, all new projects defined as "significant structures", shall require an Oklahoma Licensed Professional Structural Engineer to be the engineer of record.

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

"Topographic surveys" mean surveys that have as their major purpose the determination of the configuration (relief) of the earth (ground) and the location of natural or artificial objects thereon.

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

Provisions of the Statutes charge the Board with adoption and enforcement of all reasonable and necessary Rules and Regulations which it may deem advisable and empowers the Board with authority to deny the issuance, restoration or renewal of, or place on probation for a period of time and subject to such conditions as the Board may specify, suspend, revoke or refuse to renew Certificates of Licensure and Certificates of Authorization for certain causes. The Statutes also empower the Board with administrative penalties (fines) and do not preclude the Board from using any necessary legal proceedings to enforce its decisions.

245:15-1-5. Severability clause

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

245:15-1-6. Administrative Procedures Act

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