

### 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 Section 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”** is 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.

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

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

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

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

~~(D) has passed the Principles and Practices of Engineering examination using the National Council of Examiners for Engineering and Surveying (NCEES) cut score if the state of Oklahoma required such an examination at the time the comity applicant's original license was granted;~~

~~(E) has not been disciplined in any jurisdiction by a Board of licensure for engineering or land surveying or architecture;~~

~~(F) has not been convicted of a felony.~~

**“Planimetric mapping surveys”** are defined as producing 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.

**“Practice of land surveying”** as defined by Title 59 O.S. Section ~~475.2(7)(a)~~ 475.2(8)(a) also includes monumenting the subdivision of land into smaller parcels and the preparation of legal descriptions in connection therewith; however, the preparation of legal descriptions by a person who does not monument the land so described is not the practice of land surveying. Preparation of the control portion of geographic information systems and land information systems means the authoritative and monumented ground survey of a system of marks or objects to establish horizontal or vertical positions. **“Professional Engineer, Retired”** – The term “Professional Engineer, Retired” as used in these rules, shall mean an individual who has been duly licensed as a professional engineer by the Board and who chooses to relinquish or not to renew a license and who applies to and is approved by the Board to be granted the use of the title “Professional Engineer, Retired.”

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

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

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

**“Signature”** means “manual signature” or “digital signature” and shall be defined as follows:

(A) Manual signature means the handwritten name of a person applied to a document that identifies the person, serves as a means of authentication of the contents of the document,

provides responsibility for the creation of the document and provides for accountability for the contents of the document.

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

Beginning November 1, 2020, “Significant structures” 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 250,

(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) Power-generating stations, water treatment facilities for potable water, wastewater treatment facilities and other public utility facilities containing quantities of toxic or explosive materials that are sufficient to pose a threat to the public if released,

(H) Fire, rescue, ambulance and police stations and emergency vehicle garages,

(I) Designated tornado, earthquake or other non-residential emergency shelters,

(J) Designated emergency preparedness, communications and operations centers and other facilities required for emergency response,

(K) Aviation control towers, air traffic control centers and emergency aircraft hangars,

(L) Buildings and other structures having critical national defense functions,

(M) Water storage facilities and pump structures required to maintain water pressure for fire suppression, and

(N) Buildings and other structures with high lateral loadings including:

(i) Buildings subjected to ultimate design 3 second wind gust speeds of 140 mph and above corresponding to approximately a 3% probability of exceedance in 50 years, and

(ii) Buildings that are in Seismic Design Category D and above.

“Significant structures” shall exclude bridges and geo-structures. 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” are defined as 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.

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

- (a) Every individual applying for a license shall submit an application, which shall be the forms furnished by the Board, or its designee, or forms located on the Board's website, accompanied by the applicable fees.
- (b) All information filled in on the application forms must be typewritten or computer generated. In case there is not sufficient room on the form to present all the subject matter necessary, the applicant shall set forth the additional information on additional sheets of plain white paper, 8 1/2" x 11" in size. Such sheets shall be typewritten or computer generated on one side only, shall be marked and numbered consecutively and in series with the regular pages of the application.
- (c) An affidavit certifying the truthfulness of the statements in the application shall constitute a part of each application. Withholding information or providing statements which are untrue or misrepresent the facts may be cause for denial of an application.
- (d) An applicant shall request the university or college, or its designee, from which credit has been obtained to forward directly to the Board or its designee a properly certified university or college transcript showing all academic work.
- (e) All application forms and information furnished thereon and all examinations and answers thereto shall be entirely in the English language.

**245:15-3-4. Board action required**

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

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

(a) Incomplete applications not yet presented to the Board, will be withdrawn from consideration by the Board after one year from the date submitted to the Board and a new and complete application shall be required from an applicant seeking licensure.

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

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

### **245:15-3-7. Qualifications for professional engineer license and engineer intern certification**

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

(1) Engineer Intern and Professional Engineer - education requirements for original license:

(A) ~~Graduation and Examination—A graduate of an EAC/ABET accredited engineering program of four (4) years or more, or an engineering program of four (4) years or more determined by the Board to be equivalent to an EAC/ABET accredited engineering program, or an applicant who has completed ninety (90) semester hours or more of academic requirements towards such degree for graduation, shall register with NCEES to take the NCEES Fundamentals of Engineering examination. Upon passing such examination and providing an application to the Board including proof of graduation, the applicant shall be certified as an engineer intern, if otherwise qualified. Completion of one of the following shall be considered as minimum evidence that the applicant has fulfilled the education requirement for certification as an Engineer Intern or licensure as a Professional Engineer:~~

(i) a bachelor's degree in engineering from an EAC/ABET-accredited program, or the equivalent, which may include a bachelor's degree in engineering from a degree program accredited by the Canadian Engineering Accreditation Board (CEAB) or signatories of the Washington Accord, a bachelor's degree in engineering from a program that meets the NCEES Engineering Education Standard, or a bachelor's degree in engineering from a program that, upon evaluation, does not meet the NCEES Engineering Education Standard, but deficiencies outlined in the degree evaluation have been corrected with further education approved by the Board,

(ii) a bachelor's degree in a Board approved related science degree program which meets the Board's statutory definition of a related science degree,

(iii) a master's degree in engineering from an institution that offers EAC/ABET-accredited programs,

(iv) a master's degree in engineering from an EAC/M-ABET-accredited program, or

(v) an earned doctoral degree in engineering acceptable to the Board.

(B) ~~Alternative Graduation, Experience, and Examination—A graduate of a related science program other than those approved in 245:15-3-7(1)(A) or an applicant who has completed ninety (90) semester hours or more of academic requirements towards such degree for graduation shall register with NCEES to take the NCEES Fundamentals of Engineering examination. Upon passing such an examination, providing proof of graduation and providing an application to the Board including proof of a specific record of one year or more of progressive engineering experience in engineering projects of a grade and character satisfactory to the Board, the applicant shall be certified as an engineer intern, if otherwise qualified. No examination shall be administered following July 1, 2020, for applicants applying under this Section of the Rules for licensure as a Professional Engineer who do not meet these educational requirements even if the applicant's application was approved by the Board prior to July 1, 2016.~~

(C) ~~A graduate of a four (4) year degree program in a science not considered an equivalent engineering or a related science degree by the Board must complete a Board approved Master's Degree in engineering before being considered for approval as a related science degree by the Board. Following completion of the undergraduate degree program, the Board approved Master's Degree, passing the NCEES Fundamentals of Engineering examination and providing proof of a specific record of one year or more of progressive engineering experience in engineering projects of a grade and character satisfactory to the Board, the applicant shall, upon application, be~~

certified as an Engineer Intern, if otherwise qualified. The one year of required experience must follow the completion of the Master's Degree in engineering.

(D) Foreign degrees not determined by the Board to be equivalent to an EAC/ABET accredited engineering degree may be considered following a degree evaluation by an evaluation service approved by the Board. The maximum equivalency granted for all non EAC/ABET foreign degrees, except those determined by the Board to be equivalent to an EAC/ABET accredited engineering degree, shall be that of a related science degree.

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

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

(2) Professional Engineer- experience (original license):

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

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

or

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

— (iii) A graduate of a four (4) year degree program in a science, not considered an equivalent engineering or a related science degree by the Board, who has completed a Board approved Master's Degree in engineering, with six (6) years of progressive experience, following the date of the Master's degree, on engineering projects of a grade and character which indicates to the Board that the applicant may be competent to practice engineering, who has passed the NCEES Fundamentals of Engineering examination, and the NCEES Principles and Practice of Engineering examination.

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

(C) (A) Experience credit may be claimed to the date of the application and is based on employment on a 40 hour per week full-time basis. Part-time experience shall be pro-rated after a review by the Board or its designee. Experience record is to be continuous from beginning to the date of the application. Experience time shall not exceed elapsed calendar time. Applications with insufficient experience will be rejected by the Board and application fees are non-



refundable. Only experience obtained directly within the professional field will be considered as qualifying experience by the Board and must be verified by reference. Experience shall be gained under the supervision of a licensed professional engineer or, if not, an explanation shall be made showing why the experience should be considered acceptable. ~~United States experience~~  
Experience gained under the technical supervision of an unlicensed individual may be considered if the appropriate credentials of the unlicensed supervisor are submitted and approved by the Board or its designee. ~~Engineering experience gained outside the United States shall be verified by a U.S. licensed professional engineer. At least half of the required experience for initial licensure must be obtained in the United States or, if the experience is not in the United States, it must be obtained working for a United States owned firm.~~ In evaluating experience that indicates to the Board that the applicant may be competent to practice engineering, the following will be considered:

- (i) Experience must be progressive on engineering projects to indicate that it is of increasing quality and requiring greater responsibility.
- (ii) Experience must not be obtained in violation of the licensure act.
- (iii) Experience gained in the armed services, ~~to be creditable~~, must be of a character equivalent to that which would have been gained in the civilian sector doing similar work. ~~Normally, it would be expected that the applicant, while in the armed services, served in an engineering or engineering related group.~~
- (iv) ~~For sales~~ Sales experience ~~to be creditable~~, it must ~~be demonstrated~~ demonstrate that engineering principles were required and used in gaining the experience.
- (v) Teaching experience, ~~to be creditable~~, must be in engineering or engineering-related courses at an advanced level in a college or university offering an engineering program of 4 years or more that is approved by the Board.
- (vi) Experience may be gained in engineering research and design projects by members of an engineering faculty, where the program is approved by the Board, ~~is creditable~~.
- (vii) Experience in construction, ~~to be creditable~~, must demonstrate the application of engineering principles.
- (viii) Experience should include demonstration of knowledge of engineering mathematics, physical and applied science, properties of materials, and the fundamental principles of engineering design.
- (ix) Experience should include demonstration of the application of engineering principles in the practical solution of engineering problems.
- (x) The board may deem professional experience acquired by applicants outside the United States to be equivalent to the minimum Board requirements established by regulations for professional experience in that jurisdiction.

~~(D) (B) A maximum of six (6) months experience may be allowed for successful completion of an EAC/ABET accredited engineering cooperative education program with work experience meeting (2)(A) of this Sections. Partial experience credit may be given for experience earned prior to receipt of a baccalaureate degree, at the discretion of the Board, if the employment is at least half-time and the work is performed under the supervision of a professional engineer. At the time the experience was gained, the applicant must have passed upper level engineering or related engineering science courses and applied relevant engineering knowledge in the claimed experience. In no case shall the experience credit exceed one half of that required for approved qualifying experience.~~

~~(E) (C) Concurrent time, that is, time spent in engineering work while attending school will be credited either as education experience or work experience but not both.~~

~~(F) Applicants, applying under (2)(A)(i), or (2)(A)(ii) who successfully complete graduate study leading to a Board approved Master's Degree in engineering may be awarded one (1) years' experience. If a Ph.D. in engineering is completed under the same conditions, two years total experience may be awarded. The two years awarded include the one year awarded for the~~

~~master's degree. If the Ph.D. in engineering is completed under the same conditions but without the master's degree in engineering one year of experience may be awarded for the combined master's degree and Ph.D. ———~~

~~(G) Accredited engineering programs of six (6) years or more which confer a master's of science in engineering without first conferring a bachelor of science in engineering may be accepted under 2(A)(i) and may be allowed the additional one year of engineering experience under 2(F) of this section.~~

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

~~(I) When the requirements of the Statutes and of this Chapter are met, the applicant shall be admitted to, and must pass, an examination covering the laws, rules, procedures and practices pertaining to engineering in the state of Oklahoma.~~

~~(J) (E) Applicants may apply for a waiver of the NCEES Fundamentals of Engineering examination by showing proof of a minimum of fifteen (15) years of acceptable progressive engineering experience following the date of the conferred degree qualifying the applicant for licensure. The required experience shall be verified by reference, and may not be self-verified. Experience earned prior to the conferred qualifying degree shall not be considered in the years of required experience. All elements of the application shall be evaluated by the Board when considering application for a waiver of the exam, including but not limited to, reference responses, disciplinary actions and all convictions.~~

~~(F) An applicant with a Board-approved doctoral degree in engineering shall be required to obtain two (2) years of experience credit after the doctoral degree is conferred, whether or not an M.S. degree was also conferred, to qualify for licensure.~~

~~(G) An applicant with an education path described in OAC 245:15-3-7(1)(A)(i) or (1)(A)(ii), who further obtains a master's degree in engineering from an institution that offers EAC/ABET-accredited programs or CEAB-accredited programs, shall be required to obtain three(3) years of experience following the master's degree to qualify for licensure. Under the same conditions, if a Board-approved doctoral degree is conferred, the applicant shall be required to obtain two (2) years of experience following the Ph.D. in engineering.~~

~~(H) An applicant with a bachelor's degree in engineering from a program that is a signatory of the Washington Accord, who chooses not to obtain a degree evaluation from a Board-approved evaluation service, shall be required to obtain six (6) years of experience following the date of the conferred B.S. degree to qualify for licensure.~~

~~(I) Non-U.S., non-EAC/ABET-accredited degrees, non-CEAB-accredited degrees which are not approved by the Board may be considered only following a degree evaluation obtained through a degree evaluation service approved by the Board. If the degree evaluation states that the degree is equivalent to the NCEES Education Standard, then four (4) years of experience will be required following the conferred degree. If the degree does not meet the NCEES Education Standard and deficiencies outlined in the degree evaluation are corrected by further education as approved by the Board, then four (4) years of experience will be required following the conferred degree to qualify for licensure. If the applicant described in this paragraph obtains a master's degree in engineering from an institution that offers EAC/ABET-accredited programs or CEAB-accredited~~

programs, they may be required to obtain three (3) years of experience credit following the master's degree to qualify for licensure. Under the same conditions, if a Board-approved doctoral degree is conferred, the applicant shall be required to obtain two (2) years of experience following the Ph.D. in engineering to qualify for licensure.

(J) Non-U.S., non-EAC/ABET-accredited degrees or non-CEAB-accredited degrees which are not approved by the Board which upon evaluation are not deemed equivalent to the NCEES Education Standard shall be considered at a maximum equivalent to a related science degree.

(3) Professional Engineer – examination requirements (original license):

(A) Applicants for professional engineering licensure must take and pass the FE examination prior to being admitted to take the PE examination, unless the Board has approved a waiver request.

(B) Applicants applying to take the PE examination prior to obtaining the required number of years' experience for licensure shall submit a board approved application and required documents verifying their degree program and verifying passage of the FE examination. The Board or its designee shall review the application for compliance with the education and exam requirements prior to admitting the applicant to the PE examination. Once the applicant has passed the PE examination and has obtained the required experience for professional engineering licensure, the remaining application requirements shall be submitted and verified prior to final consideration.

(C) When the requirements of the Statutes and of this Chapter are met, the applicant shall be admitted to, and must pass, an examination covering the laws, rules, procedures and practices pertaining to engineering in the state of Oklahoma.

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

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

~~(1) Land Surveyor Intern:~~

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

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

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

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

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

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

~~(2) (1) Professional Land Surveyor - experience (original license):~~

~~(A) Graduation, Experience, and Examination:~~

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

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

~~(B) Alternative Graduation, Experience and Examination:~~

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

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

~~(C) Long Established Practice and Examination:~~

~~(i) An applicant with a specific record of nine (9) years or more of practice in land surveying of a grade and character which indicates to the board that the applicant may be competent to practice surveying shall register with NCEES to take the NCEES Fundamentals of Surveying examination, and, if passed, then shall be admitted to the NCEES Principles and Practice of Surveying examination and an Oklahoma Law and Surveying examination. Upon passing such examinations, the applicant shall be granted a certificate of licensure to practice land surveying in this state, if otherwise qualified. Provided, after July 1, 2014, the record of practice in land surveying specified in this paragraph shall not be considered by the Board as minimum evidence that an applicant is qualified for licensure as a professional land surveyor. No examination shall be~~

~~administered following July 1, 2014, for applicants applying under this section of the rules for licensure as a Professional Land Surveyor, even if the applicant's application was approved by the Board prior to July 1, 2014.~~

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

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

(ii) Experience must ~~not~~ be obtained in compliance with the Statutes and Rules of the Board. ~~violation of the licensure act.~~

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

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

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

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

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

(viii) Experience may be gained in surveying research projects by members of a surveying faculty where the program is approved by the Board.

(ix) The Board may deem professional experience acquired by applicants outside the United States to be equivalent to the minimum Board requirements established by statutes or rules for professional experience.

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

(2) Professional Land Surveyor – examination requirements (original license):

(A) Applicants for professional land surveyor licensure must take and pass the FS examination prior to being admitted to take the PS examination.

(B) Applicants applying to take the PS examination prior to obtaining the required number of years' experience for licensure shall submit a Board-approved application and required documents verifying their degree program and verifying passage of the FS examination. The Board or its designee shall review the application for compliance with the education and examination requirements prior to admitting the applicant to the PS examination. Once the applicant has passed the PS examination and has obtained the required experience for professional land surveying licensure, the remaining application requirements shall be submitted and verified prior to final consideration.

(C) When the requirements of the Statutes and of this Chapter are met, the applicant shall be admitted to, and must pass the Oklahoma Law and Surveying examination and an examination covering the laws, rules, procedures and practices pertaining to surveying in the state of Oklahoma.

**245:15-3-9. License by comity or endorsement for professional engineers or professional land surveyors**

- (a) Applicant for comity or endorsement license shall provide proof that the applicant is a person holding a Professional Engineer or Land Surveyor license, in good standing, issued by a proper authority.
- (b) Applicant must have been licensed, based on requirements that do not conflict with the provisions of the Statutes and Rules of the Board. If the applicant was originally licensed by standards lower than those specified in the applicable Statute in effect in Oklahoma at the time such license was issued, the applicant must provide proof that they are qualified. ~~have not been subject to a disciplinary~~ All disciplinary actions by a professional licensing board and all criminal activity shall be taken into consideration by the Board. ~~in any licensing jurisdiction and possess a record of sufficient verifiable experience since the date of their original license evidencing their qualification for Oklahoma licensure.~~
- (c) Applicant shall submit a minimum of five (5) references, three (3) of whom shall be Professional Engineers or Professional Land Surveyors having personal knowledge of the applicant's engineering or surveying experience, none of whom may be current members of the Board or relatives. ~~Comity applicants who obtained their original license more than ten years prior must list all engineering and/or surveying experience obtained since their original license, but only shall be required to verify the most recent ten years.~~
- (d) An applicant with less than the standards outlined in subsection (b) of this section may be required to obtain additional education, experience and examination requirements as the Board may determine to establish the applicant's qualifications.
- (e) Upon satisfactorily complying with minimum requirements of this section and examination requirements as described in the Board rules, the applicant shall be licensed in the State of Oklahoma.



**245:15-3-10. Temporary Permits-License**

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

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

~~(2)~~ (1) An applicant who is granted a Temporary License Permit, but fails to submit their complete permanent professional engineer application within the prescribed period of time, may be considered to be in violation of the Statutes and Rules of this Board. An application shall be considered complete when all required properly completed forms and fees have been received in ~~this~~ the Board's office.

~~(3)~~ (2) Information relative to a license in the other state or jurisdiction shall be verified before issuance of a Temporary License Permit.

~~(4)~~ (3) The Temporary License Permit fee as prescribed by law shall be remitted with the application and is non-refundable.

~~(5)~~ (4) A Temporary License Permit shall be issued for a definite period of time not to exceed 120 days, for a specifically described single work project ~~in one location~~ as set out in the application form and may not be renewed or extended.

~~(6)~~ (5) A Temporary License Permit shall expire the earliest of the issuance of the permanent professional engineer license by this Board; or the rejection of the application for licensure, ~~or a time limit stated in the temporary permit~~, but not later than 120 days after issuance.

~~(7)~~ (6) The holder of a Temporary License Permit shall seal plans, specifications, ~~surveys,~~ or other documents only in accordance with the Statutes and Rules of this Board. The seal used shall be the holder's license seal of the state on which issuance of the Temporary License Permit was based and immediately under the seal the following shall be inserted:

Oklahoma Temporary License Permit number \_\_\_\_\_

Date of issue \_\_\_\_\_

Date of expiration \_\_\_\_\_

Signature of holder \_\_\_\_\_

~~(8)~~ (7) No person may be issued more than one (1) temporary license permit.

**245:15-5-1. Examinations required, scheduling, and postponements**

(a) An applicant who fails to attend an examination for which he or she has been scheduled will forfeit the application fee paid for the examination paid to the Board, except in the case of illness, death in the family, or other unavoidable causes for absence where the application fee may be applied to the next examination administration. All such postponement requests must be submitted in writing to the Board office for consideration including supporting documentation. Examination fees paid to NCEES shall only be refunded, and examinations postponed, per NCEES policy and procedures.

(b) Following the published deadline, An applicant may be admitted to an examination, ~~following the deadline,~~ by the Principal Assistant or Executive Director if sufficient evidence of hardship exists to warrant such action.

#### **245:15-5-4. Taking and order of taking examinations**

(a) Applicants approved to take examinations will be required to take one or more of the examinations listed in this subsection.

- (1) NCEES Fundamentals of Engineering (FE) examination
- (2) NCEES Principles and Practice of Engineering (PE) examination
- (3) NCEES Structural Engineering (SE) examination
- ~~(3)~~ (4) NCEES Fundamentals of Surveying (FS) examination
- ~~(4)~~ (5) NCEES Principles and Practice of Surveying (PS) examination
- ~~(5)~~ (6) Oklahoma Law and Surveying (OLS) examination
- ~~(6)~~ (7) Oklahoma Law and Engineering/Surveying (OLE/S) examination

(b) Applicants required to take the Fundamentals of Engineering or Surveying examination, ~~and the Principles and Practice of Engineering examination, the Structural Engineering examination, or the Principles and Practice of Surveying examination,~~ shall have received a passing score on the Fundamentals examination prior to being permitted to take the Principles and Practice examination or the Structural Engineering examination.

(c) The Structural examination shall be considered and referred to as one ~~16-hour~~ examination. The Structural examination shall consist of two ~~8-hour~~ components: the Vertical Forces (gravity/other) and Incidental Lateral component and the Lateral Forces (wind/earthquake) component. A candidate must receive acceptable results on both ~~8-hour~~ components to pass the Structural examination. A candidate may sit for each component in separate exam administrations but must receive acceptable results on both components within a 5-year period. Receiving acceptable results on only one ~~8-hour~~ component shall not be sufficient for licensure purposes.

(d) Examination subversion is the use of any means to alter the results of an examination to cause the results to inaccurately represent the competency of an examinee. Examination subversion for paper-and-pencil examination offerings includes, but is not limited to:

- (1) Communication between examinees inside of the examination room.
- (2) Giving or receiving any unauthorized assistance on the examination while an examination is in progress.
- (3) Having any unauthorized printed or written matter or other devices in his or her possession which might serve to aid the examinee on the examination.
- (4) Obtaining, using, buying, selling, distributing, having possession of, or having unauthorized access to secured examination questions or other secured examination material prior to, during or after the administration of the examination.
- (5) Copying another examinee's answers or looking at another examinee's materials while an examination is in progress.
- (6) Permitting anyone to copy answers to the examination.
- (7) Removing any secured examination materials from the examination facility.
- (8) Allowing another person to take the examination in the examinee's place.
- (9) Placing any identifying mark upon his or her examination papers other than his or her identification number or other identifiers as directed by the examination administrator.
- (10) Use by an examinee of any written material, audio material, video material, digital material, or any other mechanism not specifically authorized during the examination for the purpose of assisting any examinee in the examination.
- (11) Writing on anything other than designated examination material.
- (12) Writing or erasing anything after time is called.

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

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

- (2) If the examination subversion detected has not yet compromised the integrity of the examination, such steps as are necessary to prevent further examination subversion shall be taken, and the examinee may be permitted to continue with the examination.
- (3) The examinee may be requested to leave the examination facility if examination subversion is detected during the examination.
- (4) The examinee may be requested to submit written advisement of his or her intent to comply with and understanding of the law.
- (5) The examination results may be voided and the application fee forfeited.
- (6) The examinee may not be allowed to sit for an examination for a time prescribed by the Board following investigation.
- (f) The Executive Director reserves the right not to release the examination results to the examinee pending the outcome of any investigation of examination subversion.
- (g) Removal from or voidance of one part of a multiple-part examination taken during a single examination administration shall constitute removal from or voidance of all other parts of the multiple-part examination.

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

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

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

**245:15-7-3. Biennial licensure required**

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

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

The biennial renewal fee for engineers or land surveyors who reach the age of 70 prior to the renewal date of their certificate of licensure will be waived. Renewal forms must be filled out and returned to the Board office or completed online prior to the renewal date to qualify. Licensees who are continuing to practice their profession are required to fulfill continuing education requirements, even if the renewal fee is waived, ~~must fill out and submit the log form supplied by the board by the license expiration date.~~ Otherwise, if all requirements of this section are not completed properly, the certificate of licensure will be ~~revoked~~ inactivated and reinstatement fees and penalties will apply to re-license.

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

(a) Licenses ~~revoked~~ inactivated for nonpayment of fees, failing to return the renewal form or completing the online form for licensee over the age of 70, or licenses that were voluntarily retired by the licensee, may be reinstated by making written application for reinstatement within one hundred eighty days after expiration and payment of the prescribed renewal fee and penalty. After one hundred eighty (180) days of a license inactivity~~revocation~~, a new application and fees will be required, which shall be considered specifically by the Board, both from the standpoint of competency and character. If reinstatement is within one hundred eighty (180) days following the date of inactivity~~revocation~~, then licensure will be deemed to have been continuous. Licenseses who are unable to certify completion of thirty (30) professional development hours will be held to the requirements of this section. Offering or practicing engineering or surveying with an inactive, revoked or retired license during this reinstatement period is a violation of Title 59, Section 475.1 et seq. and the Rules of this Board.

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

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



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

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

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

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

- (1) Licensees shall at all times recognize their primary ~~obligation~~ responsibility is to safeguard the health, property, safety, and public welfare when performing services for clients and employers.
- (2) Licensees shall sign, date, and seal only those design documents and surveys which conform to accepted engineering or land surveying standards and that safeguard the life, health, property and welfare of the public.
- (3) Licensees shall not reveal facts, data or information obtained in a professional capacity without the prior consent of the client, ~~or employer,~~ or public body on which they serve except as authorized or required by law or rules.
- (4) Licensees shall not partner, practice, or offer to practice, or permit the use of their name or firm name nor associate in business ventures with any person or firm which they know or have reason to believe is engaging in fraudulent or dishonest business or professional practices.
- (5) Licensees ~~having~~who have knowledge or reason to believe that any person or firm have violated ~~of any alleged violation of~~ any of these "Rules of Professional Conduct" or any other violation of Title 59 O.S., Sec. 475.1 et seq, Title 65 O.S. Sec 3.116 et seq, or the rules of this Board, shall ~~provide the board with such information~~ report it to the Board, may report it to appropriate legal authorities, and shall cooperate with the Board and those authorities as may be requested, in the investigation of such violation as may be required.
- (6) Licensees shall notify their employer or client and such other authority as may be appropriate when their professional judgment is overruled under circumstances where the life, health, property, or welfare of the public is endangered.
- (7) Licensees shall make a reasonable effort to inform another licensee whose work is believed to contain a material discrepancy, error, or omission that may impact the health, safety, property or welfare of the public, unless such reporting is legally prohibited.

#### **245:15-9-4. Areas of practice**

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

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

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

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

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

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

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

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

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

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

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

(d) In the event a question arises as to the competence of a licensee in a specific technical field which cannot be otherwise resolved to the Board's satisfaction, the Board, either upon request of the licensee or on its own volition, shall admit the licensee to an appropriate examination.

#### **245:15-9-5. Public statements**

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

(1) Licensees shall, to the best of their knowledge, include all ~~objective and truthful in professional reports, statements or testimony.~~ They shall include all relevant and pertinent information in an objective and truthful manner within all professional documents, statements and testimony. ~~such reports, statements or testimony.~~

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

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

(4) Licensees shall not knowingly provide false or incomplete information regarding an applicant in obtaining licensure.

(5) Licensees shall comply with the licensing laws and rules governing their professional practice in each of the jurisdictions in which they practice.

**245:15-9-6. Conflict of interest**

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

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

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

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

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

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

(6) Licensees shall not use confidential information received in the course of their assignments as a means of making personal profit without the consent of the party from whom the information was obtained.

### **245:15-11-1. Definitions**

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

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

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

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

**"College Semester / Quarter Hour"** means credit for course in an EAC/ETAC-ABET approved program or surveying college program approved by the Board.

**245:15-11-2. Continuing education committees**

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

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

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

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

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

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

~~(5)~~ (4) Report annually on the activities and operation of committees to the Board.

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

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

~~(e)~~ (d) The travel expenses of members of the continuing education committees shall be paid by the Board as provided in the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes. All travel by members of the committees shall be approved by the Chair of the Board, or the Executive Director of the Board, prior to the travel occurring.

### **245:15-11-3. Scope and exemptions**

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

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

(1) New licensees by way of examination or comity shall be exempt for their first pro-rated renewal period and first two-year renewal period.

(2) ~~A licensee who is deployed on active duty as a member of the Armed Forces of the United States, shall be exempt from obtaining the professional development hours required during that year when circumstances associated with military duty prevent obtaining training and a waiver request has been submitted to the Board; when the active duty military member performs engineering and/or land surveying services respectively as part of his or her military duties as annotated in Defense Department Form 214 (DD 214), or when performing any other act typically required for renewal of the license.~~ A licensee serving on temporary active duty in the armed forces of the United States for a period of time exceeding 120 consecutive days in a year shall be exempt from obtaining the PDH's required during the renewal period.

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

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



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

- (a) To demonstrate that a Professional Engineer and/or Land Surveyor maintains an acceptable level of competency, a licensee must obtain thirty (30) professional development hours (PDH's) ~~for~~ within a twenty-four month (biennial) renewal period. If a licensee exceeds the requirement in any biennial renewal period, a maximum of fifteen (15) PDH's may be carried forward into the subsequent biennial renewal period.
- (b) Beginning January 1, 2019, a licensee may choose either the Board's standard continuing education program as detailed above, or comply with the calendar year reporting method, which is equivalent to fifteen (15) PDH's per calendar year, totaling thirty (30) PDH's per renewal period, with no allowable carryover. The Board shall adopt a conversion table accounting for different renewal periods within the calendar year.
- (c) A Professional Land Surveyor or a dual licensee must earn at least two (2) PDH's covering the Oklahoma Minimum Standards for the Practice of Land Surveying per renewal period with no allowable carryover. This requirement will begin with the completion of the licensees first full two-year renewal period following the adoption of these administrative rules unless exempt under one of the provisions listed in 245:15-11-3(b).
- (d) A licensee shall only renew their license when they can truthfully certify that they have met the continuing education requirements of this subchapter and have proper proof of completion of the required PDH's to which they are certifying.
- (e) PDH's may be earned by a licensee as follows:
- (1) Successful completion ~~or auditing~~ of college courses.
  - (2) Successful completion ~~or auditing~~ of continuing education courses.
  - (3) Successful completion of short courses, tutorials, webinars, and distance-education courses offered for independent study, or group study and through synchronous or asynchronous delivery methods such as live, through correspondence, ~~television, videotapes archival,~~ or the Internet.
  - (4) Presenting or attending qualifying seminars ~~meeting the criteria of Section 15-11-6,~~ in-house courses, workshops, or professional or technical presentations made at meetings, conventions, educational institutions or conferences.
  - (5) Active participation in professional or technical societies serving the engineering or land surveying profession, or code development technical committees, or code commissions. ~~Credit for active participation in a professional and technical society serving the engineering or land surveying profession (limited to 4 PDH's per renewal period), requires that a licensee serve as an officer and/or actively participates in a committee of the organization. PDH's are not earned until the end of each year of service is completed.~~
  - (6) Active participation in standards or code development technical committees, standards or code commissions, or licensing examination development committees.
  - (7) Teaching or instructing in (1) through (4) of this subsection.
  - (8) Authoring published papers, articles, books, accepted licensing examination items, or building codes.
  - ~~(9) Authoring published articles.~~
  - ~~(10)~~ (9) Award of patents to the licensee or to licensee's employer when developed by the licensee.
- ~~(b)~~ (f) All such PDH's earned in activities as described in ~~(a)(d)~~ (d)(1) through ~~(a)(d)~~ (d)(10) of this section must be relevant to the practice of engineering and/or land surveying as applicable and may include technical, ethical or business content. Qualifying ethical or business courses or activities must contain content areas related to (1) the awareness of ethical concerns and conflicts; (2) an enhanced familiarity with the codes of conduct; (3) an understanding of standards of practice or care; (4) project management and risk-assessment management; or (5) other similar topics aimed at maintaining, improving, or expanding the skills set and knowledge relevant to the licensee's field and methods of practice.

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

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

- (1) There is a clear purpose and objective for each activity, which will maintain, improve or expand skills and knowledge obtained prior to initial licensure or to develop new and relevant skills and knowledge.
- (2) The content of each presentation is well organized and presented in a sequential manner.
- (3) There is evidence of preplanning which should include the opportunity for input by the target group to be served.
- (4) The presentation will be made by persons who are well qualified by education or experience.
- (5) There is a provision for individual participant registration which will include information required for record keeping and reporting.

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

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

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

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

### **245:15-11-7. Conversion of units and determination of credits**

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

- (1) One (1) college or unit semester hour – 15 PDH's
- (2) Auditing of (1) college or unit semester hour – 15 PDH's One (1) quarter hour – 20 PDH's
- (3) One (1) hour of technical or professional development in course work, seminars, technical and professional meetings, conventions, workshops, or conferences - 1 PDH's
- ~~(5)~~ (4) For teaching or making presentations in (1) – (3) above - apply multiple of 2 (Teaching credit is valid for teaching a course or seminar for the first time only. Teaching credit does not apply to full-time or part-time faculty members unless the activity is outside the scope of the licensee's customary teaching responsibilities.)
- ~~(4)~~ (5) One (1) contact hour for developing professional licensure examinations or writing standards or developing code in an official capacity – 1 PDH
- (6) Each peer-reviewed published, Professional/Technical professional or technical paper or book in the licensee's area of professional practice -10 PDH's
- (7) Each published paper or article in the licensee's area of professional practice – 5 PDH's
- (8) Active participation in a professional and technical society or association (maximum of 4 PDH's per biennial renewal period)– 2 PDH's
- ~~(10)~~ (9) Active participation serving on standards or code development technical committees or standards or code commissions – 4 PDH's (maximum of 8 PDH's per biennial renewal period)
- ~~(9)~~ (10) Each patent. – 10 PDH's

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

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

(2) Credit for qualifying seminars and workshops will be based on one (1) PDH for each hour of attendance. Attendance at qualifying programs presented at professional and/or technical society meetings will earn PDH's for the actual time of each program.

(3) Credit for activity in subsection (a)(8), active participation in professional and technical societies (limited to 2 PDH's per organization with a maximum of 4 PDH's per renewal period), requires that a licensee serve as an officer and/or actively participate in a committee of the organization. PDH's are not earned until the end of each year of service is complete. Active participation in educational outreach activities pertaining to professional licensure or the surveying/engineering professions that involve K-12 or higher education students may count as active participation in a professional and technical society.

(4) Credit for activity in subsection (a)(9), active participation in standards or code development technical committees or standards or code commissions is limited to 4 PDH's per organization with a maximum of 8 PDH's per renewal period. PDH's are not earned until the end of each year of service is complete.

### **245:15-11-9. Records - Audits**

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

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

(2) Attendance verification records in the form of completion certificates, or other approved documentation supporting evidence of attendance shall include the name of the licensee, title of the activity, sponsoring organization, date of the activity, and PDH's earned. Documentation which does not support evidence of actual attendance will not be accepted for audit purposes.

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

(c) Audits will be conducted annually by the Continuing Education Committee of the Board.

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

(a) If a licensee fails is unable to certify completion of 30 PDH's per biennial renewal period, or 15 PDH's per calendar year beginning January 1, 2019, by their expiration date, the license will not be renewed unless an approved exemption has been claimed pursuant to OAC 245:15-11-3.

(b) If the Board, or its designee, disallows claimed PDH's completed during the designated renewal period for audit, as activities that do not meet the criteria for continuing education activities, the licensee shall have ~~120~~ 60 days after notification to substantiate the original claim or to ~~earn other credit~~ complete new continuing education activities to meet the minimum requirement. Further, if verification is supplied for the submitted hours, but disallowed as not acceptable verification, the licensee shall have 60 days after notification to substantiate the original claim with acceptable verification, or complete new continuing education activities to meet the minimum requirement. The total number of days a licensee will be allowed to complete new continuing education activities or provide additional verification of claimed hours is 60 days from the date of notification.

(c) Failure to comply with an audit occurs when a licensee is notified of an audit and they fail to supply a completed log form and verifications showing the required PDH's earned during the appropriate audit period, by the stated deadline, or a licensee ~~submitting~~ submits false information to the Board ~~on the log form~~ in an attempt to renew a license. These acts are violations of Board Statutes and Rules and may lead to disciplinary action. Licensees who do not properly respond to the audit by the stated deadline, shall be in non-compliance with the audit and shall not be granted extra time to earn additional continuing education credit. If a licensee is audited for their continuing education requirements for their renewal period, the licensee shall not be allowed to retire their license to avoid complying with the audit or avoid disciplinary action if they incorrectly certified at the time of renewal that they had completed their continuing education requirements.

**245:15-11-12. Re-licensure**

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

**245:15-11-13. Dual Licensees**

For an individual licensed both as an engineer and surveyor, the number of PDH's required shall remain 30 per biennial renewal period, at least 1/3 of which shall be obtained in each profession. Beginning with the completion of a dual licensee's first full two-year renewal period, or two-year calendar year reporting, following the adoption of these administrative rules, a minimum of two (2) PDH's covering the Oklahoma Minimum Standards for the Practice of Land Surveying must be earned per renewal period with no allowable carryover.

## 245:15-13-2. Minimum Standards

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

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

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

- (1) In order for a plat, subdivision plat, map, or sketch of a survey to be acceptable in terms of this rule, it must be complete and shall be certified or otherwise stated as meeting these minimum technical standards.
- (2) All measurements made in the field shall be in accordance with the United States Standard, using either US Survey Feet or meters. All measurements shall be referenced to the horizontal or vertical plane, with the exception of geodetic surveys.
- (3) All survey documents produced by an individual practicing under his or her own name shall bear the name, address, and telephone number, along with the license number, seal, signature, and date of signature of the professional land surveyor. All survey documents produced by a firm shall bear the name, address, telephone number, and Certificate of Authorization number, along with the name, license number, seal, signature, and date of signature of the surveyor.
- (4) All survey documents must bear the date of the last site visit and bear the date of any revisions thereon. If the site visit was performed on multiple dates, the drawing may specify the range of those dates.
- (5) A designated north arrow and scale of the map shall be shown prominently upon the drawing.
- (6) Any symbols and/or abbreviations representing physical objects used on the drawing will be clearly noted upon the drawing.
- (7) ~~A reference to all bearings shown must be clearly stated, i.e., whether to ‘True North’; ‘Grid North as established by state plane datum’; ‘Assumed North based on the bearing of a well-established line’; a ‘Deed call for a particular line’; or ‘the bearing of a particular line shown upon a plat’; etc. The basis of control used in the survey must be shown on the survey and shall be based upon one or both of the following:~~

(A) Projections (state plain coordinates or other) with specifics to elevation, vertical datum, horizontal datum, zone, ground to grid factor used, state plane or UTM zone including all pertinent metadata, if applicable, measured and published geodetic control values based upon an online position user service (OPUS) solution or geodetic control stations or other control;

(B) A reference to all bearings shown must be clearly stated, i.e., whether to ‘True North’; ‘Grid North as established by state plane datum’; ‘Assumed North based on the bearing of a well-established line’; a ‘Deed call for a particular line’; or ‘the bearing of a particular line shown upon a plat’; etc. A specific line between two points either found or re-established set points as shown on a filed plat or in an existing deed description. If a solar observation or GNSS observation or other means for determining True or Geodetic North is used it shall also be included accompanying longitudinal value of the observation point. “GPS North” or similar ambiguous notations without explanation is unacceptable.

(8) Referencing surveys.

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

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

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

(10) All survey drawings shall show the change in direction between lines, lines and curves, and between adjacent curves, by angles, bearings or azimuths. Circular curves shall show: 1. The length of radius; 2. The arc distance; and 3. The chord distance and chord bearing. Sufficient information must be shown to mathematically close all lots and/or parcels.

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

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

(13) Accuracy of measurements. The accuracy of the measurements for the survey shall be based upon the type of survey, and the current or expected use of the land. The accuracy of the measurements thus performed shall be substantiated by the computations of the traverse or the results of a Static Global Navigation Satellite System (GNSS) Network Adjustment of the traverse; the relative error of closure permissible shall be no greater than the following standards given below:

(A) Where there is or will be zero lot line construction on small tracts in a high density urban area, the allowable closure error is 1:10,000 or the allowable positional error is plus or minus 0.10 feet at the 95% confidence level.

(B) In residential or commercial subdivisions where the length of lines does not exceed 300 ft, the area of tracts does not exceed 2 acres, and there is no plan for zero lot line construction, the allowable closure error is 1:10,000 or the allowable positional error is plus or minus 0.25 feet at the 95% confidence level.

(C) In suburban or rural residential or industrial tracts where the length of lines does not exceed 1000 feet and the area of tracts is between 2 and 40 acres, the allowable closure error is



1:10,000 or the allowable positional error is plus or minus 0.50 feet at the 95% confidence level.

(D) Rural tracts of 40 acres or more where the corners of the tract may be connected with traverse legs in excess of 1000 feet, the allowable closure error is 1:10,000 or the allowable positional error is plus or minus 1.0 foot at the 95% confidence level.

(E) Rural tracts of 40 acres or more in rough or tree covered terrain where the corners of the tract must be connected with short traverse lines because of poor visibility between the corners of the tract, the allowable closure error is 1:7,500 or the allowable positional error is plus or minus 1.5 feet at the 95% confidence level.

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

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

(15) A survey plat, sketch or map must be created whenever a land or boundary survey is performed. Every survey plat, sketch or map must contain the legal description of the land being surveyed, either on the face of the survey plat or attached to and referenced to the survey plat. If the professional land surveyor prepares a new description, then both the surveyor's description and the original description must be on the drawing, in accordance with (f).

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

(d) Specifications for Topographic and Planimetric Mapping, Including Ground, Airborne, and Spaceborne Surveys

(1) Production procedures for topographic and planimetric mapping surveys shall be prepared in accordance with the Instruction Manual for Topographic and Planimetric Mapping, as adopted by the Board, and with the standards established by Part 3 of the Federal Geographic Data Committee (FGDC) Geospatial Positioning Accuracy Standard and applicable extensions and revisions. These standards are incorporated by reference including subsequent amendments and editions.

(e) Control Surveying Reporting: Whenever a professional land surveyor undertakes control surveying, where the coordinates and elevations of the control points established by the survey will be relied upon by professionals other than the original surveyor for future phases of the work, the licensee shall prepare a control survey report and shall provide the report to the prime client and to any other person who makes a written submittal. Alternatively, if the entire report is contained on the face of the work product, no other reporting is required. The report will contain the following information as appropriate to work being performed:

(1) A listing of the final adjusted coordinates and elevations for all points within the control network along with a complete description of all monuments established or recovered,

(2) A complete description of the horizontal and vertical datum used including the basis of bearings,

(3) A complete description of the state plane or UTM zone used including all pertinent metadata, if appropriate,

(4) Units used for coordinates and elevations,

(5) Description of monument(s) used to constrain the control network including the reference coordinates and elevations used for aid monument(s),

(6) If the final adjusted coordinates are based on a modified (ground datum) state plane coordinate system or a low-distortion local coordinate system (ground referenced) derived from geospatial positions, a complete description of the method(s) used to generate the modified coordinates shall be included in the report,

(7) A brief description detailing the field methods and equipment used to conduct the control survey.

(8) The date when the control monuments were set, the date when the control monuments were positionally observed, and the date of the final network adjustment.

(9) Nothing in this section dictates the spatial accuracy that will be required by any specific project. It will be the responsibility of the individual licensee to determine the appropriate level of accuracy for each project. However, the licensee shall report the spatial accuracy in both the horizontal and vertical components.

(10) A certificate followed by the dated signature and seal of the professional land surveyor responsible for the control survey stating that the surveyor conducted an actual survey on the ground and is responsible for the survey. The following model certification is considered to be an example of the minimum that the surveyor should certify to:

“I, \_\_\_\_\_, certify that this horizontal/vertical control survey was completed under my direct and responsible charge from an actual survey made under my supervision and meets the Oklahoma Minimum Standards for the Practice of Land Surveying as adopted by the Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors.”

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

Preparation of a new description that is different from the description furnished to the professional land surveyor should be avoided unless deemed necessary by the professional land surveyor because of errors or ambiguities in the original description. Except in the case of an original survey, if a new description is prepared, a note shall be provided stating (a) that the new description describes the same real estate as the record description or, if it does not, (b) how the new description differs from the record description.

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

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

(B) A beginning point and Point of Commencement (if applicable) referenced to a known point such as a section corner, quarter-section corner, sixteenth section corner, or a Lot/Block corner of a recorded subdivision a tie to each additional section line or recorded subdivision line it passes through, and all distances and directions identified in the record description of the surveyed property (and in the new description, if one was prepared), and

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

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

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

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

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

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

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

(2) Aliquot descriptions may be used in lieu of a metes and bounds description and shall at a minimum contain the following items: Quarter Section, Section, Township, Range, Principal Meridian (Indian or Cimarron), city (if applicable) and the County of the tract of land being described.

(3) Lot and block description may be used in lieu of a metes and bounds description and shall at a minimum contain the following items: Lot and/or Block number, subdivision name, City (if applicable), the County in which it is filed of record and, if available, the recording information of the plat.

(4) A written legal description of the surveyed tract of land must provide sufficient information to locate the property on the ground and distinctly set it apart from all adjoining properties.

**245:15-13-4. Mortgage Inspection Report**

(a) A Professional Land Surveyor may prepare a Mortgage Inspection Report for the use of a specific client based upon their general knowledge of land boundaries and monuments in a given area. Such report shall be prominently labeled ‘Mortgage Inspection Report – Not a Land or Boundary Survey’ and shall not be designated as, or construed as being, a Land or Boundary Survey. Professional Land Surveyors showing measurements on a mortgage inspection report that are not true representations of the conditions that were found at the time of the inspection will be in violation of the Minimum Standards for the Practice of Land Surveying. The statement furnished on the certificate shall be similar to the following form:

(b) ‘This Mortgage Inspection Report was prepared for ...(individual or firm).... It is not a land or boundary survey plat, and it is not to be relied upon for the establishment of fence, building or other future improvement lines. The accompanying sketch is a true representation of the conditions that were found at the time of the inspection, and the linear and angular values shown on the sketch, if any, are based on record or deed information and have not been verified unless noted.’

(c) Any further statements shall be made only after proper research, investigation and boundary analysis is conducted per 245:15-13-2(a) through (f) ~~(d)~~.

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

- (a) Every person authorized to practice engineering or land surveying by a certificate of licensure may obtain a seal with which to identify all final engineering and land surveying papers or documents, including drawings, specifications, plans, reports, land surveys, plats, land descriptions, design information, construction documents, calculations, addenda, change orders, field orders and other documents of service involving the practice of engineering or land surveying issued by the licensee for use in the State of Oklahoma whenever presented to a client or any public agency to certify that the work thereon was done by the licensee or under the direct control and personal supervision of the licensee.
- (b) The seal required shall be of a type which will make an image on the surface of original documents and duplications of original documents. The use of a rubber stamp or electronic digitization which produces an accurate and legible image of the seal is permissible.
- (c) The seal of the licensee shall consist of two (2) concentric circles. The inner circle shall have inscribed the licensee's name and number, which shall correspond to the name and certificate number shown on the Certificate of Licensure. The area between the two (2) circles shall be inscribed with the word "Oklahoma" at the bottom reading counter-clockwise and the words "Licensed Professional Engineer" or "Licensed Professional Land Surveyor" at the top reading clockwise. The seals commercially designated as 1 7/8" seal, with an inner circle of 1 1/8" diameter and an outer circle of 1 3/4" diameter, or the 1 5/8" seal, with an inner circle of 1 1/16" diameter and an outer circle of 1 9/16" diameter, are acceptable, as shown in Appendix A of this Chapter. Reproduction of the original documents with the required seal may produce a different seal size provided the seal remains completely legible.
- (d) A licensee who practices in other than their full legal name shall register the name customarily used in professional practice with the Board together with a copy of their signature for such customarily used name. The seal may be inscribed with the registered, customarily used name, and the signature affixed across or adjacent to the seal shall be the name inscribed on the seal. A seal and signature affixed in a registered, customarily used name shall have the same force and effect as the seal and signature affixed in a licensee's full legal name.
- (e) Existing seals containing the words "Registered Professional Engineer", "Registered Professional Land Surveyor", and "Registered Land Surveyor" may continue to be used.
- (f) "Professional Structural Engineers" may obtain an additional seal and use the word "Professional Structural Engineer" in lieu of "Licensed Professional Engineer" to use when sealing structural engineering projects, whether or not the work requires the seal of a Professional Structural Engineer. All other work lawfully performed by the Professional Structural Engineer in other disciplines of engineering shall be signed and sealed using the seal which states "Licensed Professional Engineer". Work defined as a "significant structure" shall be sealed with a "Professional Structural Engineer" seal, signed with the designation "P.E., S.E." following the signature, or both.

### **245:15-17-2. Use of seal**

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

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

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

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

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

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

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

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

(i) A professional engineer may only review, sign and seal engineering work performed independently by a certified technician, not licensed by this Board, if the certified technician is otherwise lawfully authorized by statute or applicable building code to perform such services. In this instance, the professional engineer who reviews, signs, and seals the work of the certified technician, must be qualified in the specified area of competence to take responsible charge of the work. Further, the professional engineer must certify that the work meets any adopted minimum standards of practice in the relevant discipline of engineering, if applicable. In circumstances where other unlicensed persons not authorized by statute or building code are independently performing engineering work, a professional engineer shall not be allowed to review, sign and seal such work.

(ii) If an unlicensed person who is not qualified by law submits plans to an Authority Having Jurisdiction (AHJ) without the seal and signature of a professional engineer, and it

is determined by the AHJ that the plans were required to be prepared, signed and sealed by a professional engineer, a professional engineer may contract to perform a review of the plans for the purpose of obtaining a permit. In this instance, a professional engineer may only review, sign and seal plans that are within their area(s) of competence listed with this Board, and the plans must reflect the note that these plans were not prepared under the direct supervision or responsible charge of the professional engineer, but have been reviewed by the professional engineer to ensure the plans are in compliance with the applicable building code. If the professional engineer contracts to take complete responsible charge of the project, the professional engineer shall be considered to be a successor professional engineer, and must meet the criteria as described in (k) of this section with the understanding that in this situation the original work was not performed by a professional engineer so due diligence must be exercised to ensure that the project is designed in such a way as to protect the health, safety and welfare of the public.

(iii) Professional engineers not licensed in Oklahoma may not enter into a contract for or perform engineering work in the state of Oklahoma, to subsequently have it reviewed, signed, and sealed by a licensed professional engineer in the state of Oklahoma, unless the unlicensed professional engineer works in the same firm as the Oklahoma professional engineer and the Oklahoma professional engineer has met the provisions otherwise outlined in this section to take responsible charge of the work.

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

- (1) The licensee directly controls and personally supervised the surveying work; and
- (2) The licensee has the authority to, and does, make any necessary and appropriate changes to the work prior to signing and sealing the work; and
- (3) All surveying offices must have a Oklahoma licensed professional land surveyor physically present at the location to be in responsible charge of, and in direct control and supervision of the work; and
- (4) A surveyor who signs and seals work must be capable of answering questions as to the surveying decisions made during the project in sufficient detail as to leave little doubt as to the surveyor's involvement with the work performed. It is not necessary to defend decisions, as in an adversary situation, but only to demonstrate that the surveyor who is in direct control and personally supervising the work made them and possessed sufficient knowledge of the project to make them. The licensee should be able to clearly define the degree of control over the work and how it was exercised, and should be able to demonstrate that the surveyor was answerable within said degree of control necessary for the work done.
- (5) The intent of the law shall not be met if an unlicensed surveying crew independently performs surveying work, to then be reviewed, signed and sealed by a professional land surveyor. An unlicensed surveying crew may only be used if the professional land surveyor in direct control and supervision of the work is personally directing the land surveying crew and the work is performed concurrent with the supervision.

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

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

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

(h) ~~Work of a Working drawings or preliminary documents are not required to have a seal and signature if the working drawing or preliminary document contains a statement in large bold letters to the effect nature, submitted to obtain comments and not for formal approval, shall be clearly marked with the following statement :~~ ***This document is preliminary in nature and is not a final, signed and sealed document*** ***PRELIMINARY OR PERMIT SET, NOT FOR CONSTRUCTION, RECORDING PURPOSES, OR IMPLEMENTATION.***

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

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

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

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

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

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

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

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

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

(l) Prototypical design plans- A licensee may take responsible charge over a standard, prototypical design plan, including drawings and specifications in printed or electronic form, for the purpose of adapting the plan to a specific site in this state, provided the licensee's work is completed in accordance with the provisions of this Chapter. This provision shall apply to both site adaptation of new structures and site adaptation for construction in an existing structure.



- (1) In the case of an existing structure, the engineering for modifications to the existing structure and any of its systems shall be under the responsible charge of persons licensed in this state.
  - (2) Standard, prototypical designs that may be site adapted under this provision are drawings and specification documents prepared for the purpose of defining the Owner's requirements but not yet completed for construction on a specific site.
  - (3) Site adaptation shall not include, and this provision does not authorize, a licensee to take responsible charge over work designed for construction on a specific site in this state that was prepared by a person not licensed in this state.
  - (4) Standard prototypical design plans shall not be released publicly or submitted to a client or user unless the plans are marked with a statement substantially equivalent to 'This document is preliminary in nature and is not a final, signed and sealed document'. The statement shall not be removed until an Oklahoma licensee has taken responsible charge of the work and the work is dated and issued under the seal and signature of an Oklahoma licensee.
  - (5) A licensee shall perform or have responsible charge over all professional engineering services to include development of a complete design file including work or design criteria, calculations, code research, and any necessary and appropriate changes to the work. The burden is on the successor licensee to demonstrate such compliance.
  - (6) The non-professional services, such as drafting, need not be redone by the successor licensee but must clearly and accurately reflect the successor licensee's professional work.
  - (7) The licensee shall have direct control and personal supervision over the engineering work and the signed, dated, and sealed originals of all documents over which the licensee has taken responsible charge under this provision.
- (m) Any revision to a document containing the seal and signature of a licensee shall be identified and dated. Revisions not done by the original licensee must be signed and sealed by the licensee in responsible charge of the revision. At no time shall a successor licensee remove the seal and signature of the original licensee in responsible charge of the work.
- (n) Record drawings prepared to reflect changes made during construction based on the record of changes made to construction drawings and changes to the construction observed by the licensee or on the licensee's behalf or reported by contractors is deemed a drafting service and shall not require a licensee's seal, signature, and date of signature.
- (o) In the case of a firm, each separate document, the first page of a bound document, and, in the case of multiple licensees, the portion of the work for which each firm is responsible, shall also show the name of the firm, the firm's Certificate of Authorization number and contact information for the firm.
- (p) Engineering or surveying technical submissions given to an architect for a project must be signed and sealed by the professional engineer or land surveyor in responsible charge of the work prior to the architect taking responsible charge of the work as the prime professional for the project.
- (q) Consultants hired to do work on behalf of the firm must sign, seal and date their work and include their title block, contact information, and Certificate of Authorization information, if applicable, on the work. Consultants may not sign and seal as the responsible charge engineer for the firm to which they are consulting.

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

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

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

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

- (1) An application is filed and approved by the Board or its designee.
- (2) ~~At least one individual in responsible charge of the services and personnel performing services on behalf of the firm in this state is licensed to practice engineering or land surveying in the State of Oklahoma. If the firm is offering to practice both professions, the firm shall have at least one individual in responsible charge licensed to practice each profession. A licensee must be a full-time employee of a firm to qualify as a person designated in responsible charge.~~
- (3) ~~The firm's practice of engineering or land surveying in any main office or branch office is under the direct control and personal supervision of a duly licensed engineer or land surveyor in responsible charge. In the case of an out-of-state firm authorized to perform engineering services in Oklahoma, the firm may have one or more branch offices located in Oklahoma only if the firm has a professional engineer designated responsible and in charge of the firm's professional practice in this state. The professional engineer designated for this purpose shall be required to spend a majority of normal business hours at one or more branch offices located in Oklahoma and be duly licensed as a professional engineer in this state, as prescribed by law.~~
- (4) ~~All documents relating to engineering or surveying work shall be sealed, signed, and dated by the Professional Engineer or Land Surveyor in responsible charge of the work.~~
- (5) ~~The Certificate of Authorization shall identify all individual(s), Oklahoma Professional Engineer(s) or Land Surveyor(s), who shall practice engineering or land surveying on behalf of the firm and shall be employees of the firm.~~
- (6) Notwithstanding that licensees may practice through or with a firm, licensees shall have individual responsibility for the actions taken by them in violation of the statutes and rules applicable to licensees, firms, and entities, including this Chapter, 59 O.S. Sections 475.1 et seq., and 65 O.S. Section 3-118 et seq., and for their failure to act when required.
- (7) (3) Certificates of Authorization shall be issued to firms meeting statutory requirements and the current Rules of Procedure of the Board. The certificate will identify the firm by name and authorization number, show the effective date, and confirm the firm's right to practice engineering and/or land surveying in the State of Oklahoma.
- (8) (4) One Certificate of Authorization will be issued by the Board for each firm, which shall be subject to powers of renewal, reinstatement, suspension, revocation, penalties, orders or refusal to renew for cause, vested in the Board by the statutes.
- (9) (5) Firms holding a Certificate of Authorization shall display or maintain it at the firm's place of practice.
- (10) (6) Duplicate original Certificates of Authorization will be issued to a firm provided:
  - (A) The current Certificate of Authorization's renewal is effective;
  - (B) The firm makes written request for a replacement of certificate;
  - (C) The firm certifies that the original certificate has been lost, damaged or destroyed; and
  - (D) The firm pays the prescribed fee.
- (11) (7) Duplicate Certificates of Authorization will be issued for multiple places of practice upon a written request and payment of the prescribed fee. However, each duplicate certificate will be marked as such.

**245:15-21-1. Purpose**

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

**245:15-21-2. Recordation of corners**

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

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

- (1) Monuments have been established; or
- (2) A plat or drawing has been submitted; or
- (3) Field notes for plans or planned purposed have been submitted.

**245:15-23-1. Prima facie evidence**

- (a) A person, firm, or entity shall be construed to practice or offer to practice engineering or land surveying, who does any of the following:
- (1) practices any branch of the professions the Board regulates, or
  - (2) by display or verbal claim, sign, advertisement, contract, card or other printed, engraved, or written instrument or device, bearing a person's, firm's, or entity's name or in any other way represents to be an Engineer, Professional Engineer, Land Surveyor, or Professional Land Surveyor or a firm providing or having the qualifications to provide engineering or land surveying services, or
  - (3) through the use of some other title implies that the person, firm, or entity is an Engineer, Professional Engineer, Land Surveyor, or Professional Land Surveyor or a firm providing engineering or land surveying services, or
  - (4) holds himself/herself or itself out as having the qualifications to, is able to, or who does contract, offer or perform any engineering or land surveying service.
- (b) The following actions shall not be violations under 59 O.S. 475.1 et seq. and the Rules of the Board:
- (1) Advertising in national publications or electronic media, provided there is no offering of professional services in jurisdictions where not licensed
  - (2) Responding to letters of inquiry regarding requests for proposals, provided there is written disclosure that the engineer/surveyor and firm are not licensed in this jurisdiction and the response is limited to inquiries regarding the scope of project and to demonstrate interest
  - (3) Responding to letters of inquiry from prospective clients, provided there is written disclosure that the engineer/surveyor and firm are not licensed in this jurisdiction and the response is limited to inquiries regarding scope of project and to demonstrate interest
  - (4) Using the title/designation "Professional Engineer", "Engineer", "P.E.", "Professional Structural Engineer", "P.E., S.E.", "S.E.", "Professional Land Surveyor", "Land Surveyor", "P.S.", "L.S." or "P.L.S." or the like on letterheads, or business cards from an office in the jurisdiction where licensure is held.
- (c) Regardless of the above, proposals may not be submitted, contracts signed, or work commenced until the engineer, surveyor and firm become licensed in Oklahoma.
- (d) Any violation of such action noted by this Section shall be sufficient to justify an injunction or any other order or a conviction without evidence of a general course of conduct. The Board shall determine if other legal procedures and penalties are necessary and shall have the power to proceed with any and all legal procedures in addition to the injunction or other such orders issued.

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

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

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

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

**245:15-23-5. Gross negligence**

- (a) The Professional Engineer or Land Surveyor is responsible for many professional, technical, ethical and tactical judgments relating to planning, surveys, reports, studies, inspections, designs, plans and specifications, construction materials, methods, techniques and systems processes. The licensee's education, training and experience, or the education, training and experience of the licensee in responsible charge of the services of any Firm, should enable such licensee to make such determinations with confidence in a successful result.
- (b) Each licensee, firm, entity, or person representing same, shall exercise prudent and deliberate consideration in decisions, made only after responsible and thorough investigation, research and, when necessary, expert advice and assistance.
- (c) When the results from such decisions are not reasonably predictable, each licensee, firm, entity, or person representing same, shall so advise the client, and fully disclose the implications involved.
- (d) When such decisions require procedures, techniques, materials, or systems unfamiliar to the planning, design and/or construction team involved, the licensee, firm, entity, or person representing same shall exercise additional care and attention to the process, advancing the result sought.
- (e) The Board may deem acts, errors and/or omissions to be gross negligence if ~~if~~, in the judgment of the Board, a licensee, firm, entity, or person representing same, ~~fails~~ does by its failure to discharge its duties, obligations, and responsibilities under 59 O.S., Sections 475.1 et seq. and the Rules of the Board ~~or the laws and regulations of another jurisdiction~~ demonstrate carelessness as described in (b) – (d) in this subchapter, ~~which is~~ in reckless disregard for the safety, property or lives of others, or is so great it appears to be a conscious violation of other people's property, or rights to health, safety or welfare, ~~the Board may deem such neglect to be gross negligence.~~



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

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

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

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

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

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

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

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

(7) Acts which evidence a failure to engage competent licensed architects, professional engineers and/or professional land surveyors when the licensee has contracted to furnish services outside of the licensee's area(s) of competence.

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

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

(2) Acts which evidence attempts to bribe any person, firm, or entity, who may influence the selection of any licensee, firm, or entity. Kickbacks, donations or forgiveness offered or paid to gain improper advantage in selection will be considered bribes.

(3) Acts evidenced by exaggerated, misleading, deceptive or false statements in claims about professional qualifications.

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

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

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

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

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

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

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

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

**245:15-23-10. ~~Informal resolution~~ Resolution by settlement**

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

## **245:15-23-15. Hearings**

### **(a) General provisions.**

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

- (A) against self-incrimination; and
- (B) of confidential communication with his/her spouse, attorney, clergyman, priest and/or physician; and
- (C) of withholding confidential or privileged records and files of any official or agency of any state or of the United States which, by any statute of such state or of the United States; and
- (D) of cross examination; and
- (E) of counsel.

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

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

(4) The first motion for a continuance filed on behalf of a party may be granted by the Executive Director. Any additional requests for a continuance must be presented to, and approved by the Board.

### **(b) Hearing record.**

(1) The hearing records shall include:

- (A) all pleadings, motions and intermediate rulings;
- (B) evidence received or considered;
- (C) questions and offers of proof, objections, and ruling thereon;
- (D) proposed findings and exceptions;
- (E) any decision, opinion, or report by the officer presiding at the hearing, if any;
- (F) any records, including records of the Board, of which the Board chooses to take judicial notice;
- (G) all staff memoranda or data submitted to the hearing officer, if any, or member of the agency in connection with their consideration of the case;
- (H) an opinion, rendered by a state officer or authority, required by statute or Executive Order, sought by the Board or designated staff prior to the order being filed with the Board.

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

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

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

- (1) by the Board;
- (2) by a member or emeritus member of the Board or its designee acting as hearing examiner;
- (3) by an attorney licensed to practice before the Supreme Court of the State of Oklahoma acting as hearing examiner.

(d) Unless precluded by law, any party may waive rights and proceed by stipulation, agreed settlement, consent order or default. No provision in the rules shall be construed as prohibiting the Board from continuing to a later date, suspending or holding in abeyance any formal or civil proceeding pending the outcome of informal negotiation or informally agreed upon terms.

**245:15-23-19. ~~Proposed hearing orders~~ Orders developed without a quorum**

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

**245:15-23-20. Issuing of orders**

All orders, whether proposed or final, shall be issued within one hundred twenty (120) days of the conclusion of a hearing, or 30 days of receipt of order from a reviewing state officer or authority, whichever is the longer of the two.

**245:15-23-21. Final orders**

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

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

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

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

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