

Enrolled Senate Bill 208

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor John A. Kitzhaber, M.D., for State Board of Examiners for Engineering and Land Surveying)

CHAPTER

AN ACT

Relating to the State Board of Examiners for Engineering and Land Surveying; creating new provisions; and amending ORS 672.090, 672.102, 672.105, 672.115, 672.118, 672.141, 672.151, 672.170 and 672.255.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Section 2 of this 2013 Act is added to and made a part of ORS 672.002 to 672.325.

SECTION 2. (1) Notwithstanding ORS 670.010, 672.105 and 672.118 the State Board of Examiners for Engineering and Land Surveying may waive the educational requirement for admission to the fundamentals of engineering examination or the fundamentals of land surveying examination if an applicant furnishes evidence satisfactory to the board that the applicant is currently enrolled in the senior year of a curriculum approved by the board.

(2) An applicant who is admitted to an examination under a waiver described in subsection (1) of this section shall, within a time specified by the board by rule, provide the board with an official transcript showing that the applicant has successfully completed the board-approved curriculum. Failure of the applicant to timely provide the board with an official transcript showing that the applicant has successfully completed the curriculum vacates any passing score that the applicant achieved on an examination to which the applicant was admitted under the waiver.

(3) The board may not refund any part of an application fee, examination fee or other fee paid by an applicant described in subsection (2) of this section who fails to timely provide the board with an official transcript as required by board rule.

SECTION 3. ORS 672.090 is amended to read:

672.090. (1) The State Board of Examiners for Engineering and Land Surveying shall issue certificates of registration as provided by ORS 672.002 to 672.325. All certificates shall be signed by the president and [secretary] **the administrator** of the board and issued under the seal of the board. The board shall prescribe and furnish forms for applications for examinations and for certificates and permits.

(2) Examinations shall be held at such times and at such places in each year as the board shall determine. The scope of the examinations and the methods of procedure shall be prescribed by the board. Examinations for registration may be written or [oral, or both] **computer-based**.

SECTION 4. ORS 672.102 is amended to read:

672.102. As minimum evidence of qualification for registration as a professional engineer, an applicant shall:

- (1) Successfully pass the fundamentals [*in*] **of** engineering examination;
- (2) Successfully pass a practical engineer's examination as may be prescribed by the State Board of Examiners for Engineering and Land Surveying; and
- (3) Have a work record of four years or more of active practice in engineering work satisfactory to the board.

SECTION 5. ORS 672.105, as amended by section 2, chapter 43, Oregon Laws 2012, is amended to read:

672.105. (1) As minimum evidence of qualification for the fundamentals [*in*] **of** engineering examination, an applicant shall provide evidence of graduation in an approved engineering curriculum of four years or more from a school or college approved by the State Board of Examiners for Engineering and Land Surveying.

(2) Notwithstanding subsection (1) of this section:

(a) The board shall adopt rules to consider an applicant's work experience or education, or other relevant factors, in lieu of a degree in engineering as qualification for the fundamentals [*in*] **of** engineering examination.

(b) An applicant qualifies for the fundamentals [*in*] **of** engineering examination if the board determines that the applicant has military training or experience that is substantially equivalent to the education required by subsection (1) of this section.

(3) The fundamentals [*in*] **of** engineering examination shall be prescribed by the board and shall be devoted to basic engineering subjects. The examination shall be written or [*written and oral*] **computer-based**.

SECTION 6. ORS 672.115 is amended to read:

672.115. As minimum evidence of qualification for registration as a professional land surveyor, an applicant shall:

- (1) Successfully pass the fundamentals [*in*] **of** land surveying examination;
- (2) Successfully pass a professional land surveyor's examination as may be prescribed by the State Board of Examiners for Engineering and Land Surveying; and
- (3) Have a work record of four or more years of active practice in land surveying work satisfactory to the board.

SECTION 7. ORS 672.118, as amended by section 3, chapter 43, Oregon Laws 2012, is amended to read:

672.118. (1) As minimum evidence of qualification for the fundamentals [*examination in*] **of** land surveying **examination**, an applicant shall provide evidence of graduation in an approved land surveying or photogrammetric mapping curriculum of four years or more from a school or college approved by the State Board of Examiners for Engineering and Land Surveying.

(2) Notwithstanding subsection (1) of this section:

(a) The board shall adopt rules to consider an applicant's work experience **or education**, or other relevant factors, in lieu of a degree as qualification for the fundamentals [*in*] **of** land surveying examination.

(b) An applicant qualifies for the fundamentals [*in*] **of** land surveying examination if the board determines that the applicant has military training or experience that is substantially equivalent to the education required by subsection (1) of this section.

(3) The fundamentals [*in*] **of** land surveying examination shall be prescribed by the board and shall be devoted to basic land surveying subjects. The examination shall be written[, *or written and oral*] **or computer-based**.

SECTION 8. ORS 672.141 is amended to read:

672.141. (1) Notwithstanding ORS 672.102, the State Board of Examiners for Engineering and Land Surveying may issue a certificate of registration as an engineer to an applicant who:

- (a) Provides proof satisfactory to the board that the applicant:

(A) Meets the minimum qualifications established under ORS 672.105 for taking the fundamentals *[in]* of engineering examination;

(B) Within five years prior to the application date, has taken a standardized fundamentals of engineering examination and a practical engineer's examination that were administered by a national organization recognized by the board;

(C) Satisfactorily passed the standardized fundamentals of engineering examination and practical engineer's examination in all subjects required by law or board rule; and

(D) Has a work record of four years or more of active practice in engineering work satisfactory to the board;

(b) Pays the required fee; and

(c) Meets any other requirements established under ORS 672.002 to 672.325 or board rules for registration as an engineer.

(2) Notwithstanding ORS 672.115, the board may issue a certificate of registration as a land surveyor to an applicant who:

(a) Provides proof satisfactory to the board that the applicant:

(A) Meets the minimum qualifications established under ORS 672.118 for taking the fundamentals *[in]* of land surveying examination;

(B) Within five years prior to the application date, has taken a standardized fundamentals of land surveying examination and a professional land surveyor's examination that were administered by a national organization recognized by the board;

(C) Satisfactorily passed the standardized fundamentals of land surveying examination and the professional land surveyor's examination in all subjects required by law or board rule; and

(D) Has a work record of four or more years of active practice in land surveying work satisfactory to the board;

(b) Pays the required fee; and

(c) Meets any other requirements established under ORS 672.002 to 672.325 or board rules for registration as a land surveyor.

(3) Notwithstanding ORS 672.123, the board may issue a certificate of registration as a photogrammetrist to an applicant who:

(a) Provides proof satisfactory to the board that the applicant:

(A) Meets the minimum qualifications established under ORS 672.118 for taking the fundamentals *[in]* of land surveying examination;

(B) Within five years prior to the application date, has taken a standardized fundamentals of land surveying examination and a professional photogrammetric mapping examination that were administered by a national organization recognized by the board;

(C) Satisfactorily passed the standardized fundamentals of land surveying examination and the professional photogrammetric mapping examination in all subjects required by law or board rule; and

(D) Has four or more years of experience acceptable to the board as an active practitioner of photogrammetric mapping;

(b) Pays the required fee; and

(c) Meets any other requirements established under ORS 672.002 to 672.325 or board rules for registration as a photogrammetrist.

(4) The board may refuse to issue a registration under this section to an applicant who has been found to have violated ethical or professional standards by a court or administrative body in another state for committing or omitting acts that, if committed or omitted in this state, would be a violation of ethical or professional standards established under ORS 672.002 to 672.325.

SECTION 9. ORS 672.151 is amended to read:

672.151. As soon as practicable after the close of each examination, the *[secretary]* **administrator** of the State Board of Examiners for Engineering and Land Surveying shall notify each candidate of the result of the candidate's examination.

SECTION 10. ORS 672.170 is amended to read:

672.170. (1) Renewal of a certificate may be effected at any time prior to the renewal date by paying the required renewal fee to [*the secretary of*] the State Board of Examiners for Engineering and Land Surveying.

(2) Subject to subsection (4) of this section, the failure of a registrant to renew the certificate before the renewal date does not deprive the registrant of the right of renewal thereafter.

(3) The amount to be paid for the renewal of a certificate after the renewal date shall be the renewal fee plus a late-payment charge determined by the board.

(4) A certificate may not be renewed if the certificate has been retired for more than five years or delinquent for more than five years.

SECTION 11. ORS 672.255 is amended to read:

672.255. (1) The State Board of Examiners for Engineering and Land Surveying shall adopt rules:

(a) Establishing fees as provided in ORS 672.155 and late-payment charges under ORS 672.170.

(b) Providing a procedure for the issuance, denial, suspension or revocation of certificates, enrollments and permits.

(c) Prescribing standards of professional conduct for professional engineers, professional land surveyors, photogrammetrists, engineering interns and land surveying interns.

(d) Specifying branches of engineering, land surveying and photogrammetric mapping in which examinations are offered.

(e) For registering individuals and issuing certificates of registration and temporary permits to individuals under ORS 672.002 to 672.325.

(f) Prescribing standards and intellectual, educational and technical qualifications for examination, registration and renewal in addition to the qualifications and conditions prescribed in ORS 672.105, 672.118, 672.123 and 672.170 **and section 2 of this 2013 Act.**

(g) Prescribing standards and guidelines for retired or inactive status of registrants, including provisions to allow the return to active status.

(h) Defining the scope of practice for individuals holding a certificate issued by the board to practice engineering, land surveying or photogrammetric mapping or a temporary permit issued by the board to perform engineering or photogrammetric mapping.

(2) In adopting rules under subsection (1)(c) to (h) of this section, the board shall give consideration to national practices as well as to local practices. Adoption of rules shall be in accordance with ORS chapter 183.

SECTION 12. Section 2 of this 2013 Act applies to applications pending or filed with the State Board of Examiners for Engineering and Land Surveying on or after the effective date of this 2013 Act.

Passed by Senate February 14, 2013

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Robert Taylor, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House April 29, 2013

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Tina Kotek, Speaker of House

Received by Governor:

.....M,....., 2013

Approved:

.....M,....., 2013

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M,....., 2013

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Kate Brown, Secretary of State