

A-Engrossed Senate Bill 297

Ordered by the Senate March 2
Including Senate Amendments dated March 2

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)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Revises qualifications for registration to practice professional engineering, land surveying or photogrammetric mapping. Allows State Board of Examiners for Engineering and Land Surveying to adopt rules establishing alternative to degree requirements. Makes provision for certificate of registration to specify branch of practice for which registrant has qualified. Allows board to waive fundamentals of engineering examination for qualifying person registered or licensed in another jurisdiction.

Allows board to refuse registration if applicant has violated statute, rule or professional or ethical standard in another jurisdiction that would be grounds to refuse, suspend or revoke registration in this state.

Identifies persons considered in responsible charge of photogrammetric mapping. **Revises types of photogrammetric activities for which supervision and control is responsible charge.**

Revises language regarding examination of applicants for registration.

Revises board authority over fees.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to professions regulated by the State Board of Examiners for Engineering and Land Sur-
3 veying; creating new provisions; amending ORS 455.628, 672.002, 672.060, 672.090, 672.151,
4 672.155 and 672.255; repealing ORS 672.095, 672.102, 672.105, 672.115, 672.118, 672.121, 672.123,
5 672.141 and 672.148; and declaring an emergency.

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

7 **SECTION 1. Sections 2 to 8 of this 2015 Act are added to and made a part of ORS 672.002**
8 **to 672.325.**

9 **SECTION 2. As minimum evidence of qualification for registration as a professional en-**
10 **gineer, an applicant must:**

11 (1) **Except as provided in section 5 of this 2015 Act, provide evidence of graduation in a**
12 **college or university engineering program of four years or more approved by the State Board**
13 **of Examiners for Engineering and Land Surveying;**

14 (2) **Except as provided in section 7 of this 2015 Act, pass, or provide evidence of having**
15 **previously passed, a fundamentals of engineering examination approved by the board;**

16 (3) **Pass, or provide evidence of having previously passed, a practical engineer's exam-**
17 **ination approved by the board;**

18 (4) **Have a work record of four years or more of active practice in engineering work**
19 **satisfactory to the board; and**

20 (5) **Meet any additional requirements for registration as a professional engineer adopted**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 by the board under ORS 672.255.

2 **SECTION 3.** As minimum evidence of qualification for registration as a professional land
3 surveyor, an applicant must:

4 (1) Except as provided in section 5 of this 2015 Act, provide evidence of graduation in a
5 college or university land surveying or photogrammetric mapping program of four years or
6 more approved by the State Board of Examiners for Engineering and Land Surveying;

7 (2) Pass, or provide evidence of having previously passed, a fundamentals of land sur-
8 veying examination approved by the board;

9 (3) Pass, or provide evidence of having previously passed, a professional land surveying
10 examination approved by the board;

11 (4) Pass an Oregon-specific land surveying examination approved by the board;

12 (5) Have a work record of four years or more of active practice in land surveying work
13 satisfactory to the board; and

14 (6) Meet any additional requirements for registration as a professional land surveyor
15 adopted by the board under ORS 672.255.

16 **SECTION 4.** As minimum evidence of qualification for registration as a photogram-
17 metrist, an applicant must:

18 (1) Except as provided in section 5 of this 2015 Act, provide evidence of graduation in a
19 college or university land surveying, photogrammetric mapping or other geomatics-based
20 program of four years or more approved by the State Board of Examiners for Engineering
21 and Land Surveying;

22 (2) Pass, or provide evidence of having previously passed, a fundamentals of land sur-
23 veying examination approved by the board;

24 (3) Pass, or provide evidence of having previously passed, a professional photogrammetric
25 mapping examination approved by the board;

26 (4) Have a work record of four years or more of active practice in photogrammetric
27 mapping work satisfactory to the board; and

28 (5) Meet any additional requirements for registration as a photogrammetrist adopted by
29 the board under ORS 672.255.

30 **SECTION 5.** The State Board of Examiners for Engineering and Land Surveying shall
31 adopt rules for the consideration of work experience, education or other relevant matters
32 as an alternative to degree requirements described in section 2, 3 or 4 of this 2015 Act. The
33 rules adopted by the board under this section shall include, but need not be limited to, pro-
34 vision for recognizing military training or experience that is substantially equivalent to ed-
35 ucation received in a degree program described in section 2, 3 or 4 of this 2015 Act.

36 **SECTION 6.** (1) A certificate of registration issued by the State Board of Examiners for
37 Engineering and Land Surveying to practice engineering shall specify the branch or branches
38 of engineering in which the registrant is especially qualified.

39 (2) A certificate of registration issued by the board to practice land surveying or pho-
40 togrammetric mapping may specify the branch of land surveying or photogrammetric map-
41 ping in which the registrant is especially qualified.

42 **SECTION 7.** The State Board of Examiners for Engineering and Land Surveying may
43 waive the fundamentals of engineering examination requirement for an applicant for regis-
44 tration under section 2 of this 2015 Act if the applicant has, for at least 25 years prior to the
45 date of the registration application, held a registration or license to practice professional

1 **engineering in another state, a territory or possession of the United States, the District of**
2 **Columbia or a foreign country.**

3 **SECTION 8. The State Board of Examiners for Engineering and Land Surveying may re-**
4 **fuse to register an applicant if a court or administrative body in another state has found that**
5 **the applicant violated a statute, rule, ethical standard or professional standard of that state**
6 **through the commission or omission of an act that, if committed or omitted in this state,**
7 **would be grounds for the board to refuse, suspend or revoke a registration under ORS 672.002**
8 **to 672.325.**

9 **SECTION 9.** ORS 672.002 is amended to read:

10 672.002. As used in ORS 672.002 to 672.325, unless the context requires otherwise:

11 (1) “Board” means the State Board of Examiners for Engineering and Land Surveying.

12 (2) “Engineer,” “professional engineer” or “registered professional engineer” means an individ-
13 ual who is registered in this state and holds a valid certificate to practice engineering in this state
14 as provided under ORS 672.002 to 672.325.

15 (3) “Engineering intern” means an individual enrolled by the board as having passed an exam-
16 ination in the fundamental engineering subjects.

17 (4) “Geodetic survey” means a determination of the size and shape of the earth or the position
18 of any point on the earth.

19 (5) “Land surveyor,” “professional land surveyor” or “registered professional land surveyor”
20 means an individual who is registered in this state and holds a valid certificate to practice surveying
21 in this state as provided by ORS 672.002 to 672.325.

22 (6) “Land surveying intern” means an individual enrolled by the board as having passed an ex-
23 amination in the fundamental land surveying subjects.

24 (7) “Photogrammetric mapping” means an evaluating and measuring of land that is limited to the
25 determination of the topography, area, contours and location of planimetric features, by using pho-
26 togrammetric methods or similar remote sensing technology, including but not limited to using ex-
27 isting ground control points incidental to the photogrammetric or remote sensing mapping process.

28 (8) “Photogrammetrist” means an individual registered with the board and holding a valid cer-
29 tificate to practice photogrammetric mapping.

30 (9) “Responsible charge” means to have supervision and control of:

31 (a) The engineering design of works with responsibility for design decisions; [or]

32 (b) Land surveying work for the purpose of ensuring conformance to the relevant requirements
33 of law and sound surveying practice[.]; **or**

34 **(c) Photogrammetric mapping project work, which may include, but need not be limited**
35 **to, work regarding the extent of coverage, location of ground control, aerial photography or**
36 **similarly remotely sensed data, the measurement of features detected by remote sensing**
37 **equipment, quality control for compliance with standards and specifications and the presen-**
38 **tation of findings.**

39 (10) “Supervision and control” means establishing the nature of, directing and guiding the
40 preparation of, and approving the work product and accepting responsibility that the work product
41 is in conformance with standards of professional practice.

42 **SECTION 10.** ORS 672.060 is amended to read:

43 672.060. ORS 672.002 to 672.325 do not apply to the following:

44 (1) A registered architect practicing architecture.

45 (2) A registered environmental health specialist or registered environmental health specialist

1 trainee working under the supervision of a registered environmental health specialist practicing
2 environmental sanitation, or a registered waste water specialist or registered waste water specialist
3 trainee working under the supervision of a registered waste water specialist practicing waste water
4 sanitation.

5 (3) A person working as an employee or a subordinate of a registered professional engineer if:

6 (a) The work of the person does not include final engineering designs or decisions;

7 (b) The work of the person is done under the supervision and control of and is verified by a
8 registered professional engineer; and

9 (c) The person does not purport to be an engineer or registered professional engineer by any
10 verbal claim, sign, advertisement, letterhead, card or title.

11 (4) A person practicing land surveying under the supervision of a registered professional land
12 surveyor or registered professional engineer. The exemption in this subsection does not allow an
13 engineer to supervise a land surveying activity the engineer could not personally perform under
14 ORS 672.025.

15 (5) An individual, firm, partnership or corporation practicing engineering or land surveying:

16 (a) On property owned or leased by the individual, firm, partnership or corporation, or on
17 property in which the individual, firm, partnership or corporation has an interest, estate or
18 possessory right; and

19 (b) That affects exclusively the property or interests of the individual, firm, partnership or cor-
20 poration, unless the safety or health of the public, including employees and visitors, is involved.

21 (6) The performance of engineering work by a person, or by full-time employees of the person,
22 provided:

23 (a) The work is in connection with or incidental to the operations of the person; and

24 (b) The engineering work is not offered directly to the public.

25 (7) A person executing engineering work designed by a professional engineer or supervising the
26 construction of engineering work as a foreman or superintendent.

27 (8) A landowner performing land surveying within the boundaries of the landowner's land or the
28 landowner's regular employee performing land surveying services as part of the employee's official
29 duties within the boundaries of the land of the employer.

30 (9) An individual, firm, partnership or corporation offering to practice engineering, [or] land
31 surveying **or photogrammetric mapping** if:

32 (a) The individual, firm, partnership or corporation holds a certificate of registration to engage
33 in the practice of professional engineering, [or] land surveying **or photogrammetric mapping** is-
34 sued by the proper authority of any other state, a territory or possession of the United States, or
35 a foreign country; and

36 (b) The offer includes a written statement that the offeror is not registered to practice engi-
37 neering, [or] land surveying **or photogrammetric mapping** in the State of Oregon, but will comply
38 with ORS 672.002 to 672.325 by having an individual holding a valid certificate of registration in this
39 state in responsible charge of the work prior to performing any engineering, [or] land surveying **or**
40 **photogrammetric mapping** work within this state.

41 (10) A person making plans or specifications for, or supervising the erection, enlargement or
42 alteration of, a building, or an appurtenance thereto, if the building is to be used for a single family
43 residential dwelling or farm building or is a structure used in connection with or auxiliary to a
44 single family residential dwelling or farm building, including but not limited to a three-car garage,
45 barn or shed or a shelter used for the housing of domestic animals or livestock. The exemption in

1 this subsection does not apply to a registered professional engineer.

2 (11) A person making plans or specifications for, or supervising the erection, enlargement or
3 alteration of, a building, or an appurtenance thereto, if the building has a ground area of 4,000
4 square feet or less and is not more than 20 feet in height from the top surface of lowest flooring to
5 the highest interior overhead finish of the structure. The exemption in this subsection does not apply
6 to a registered professional engineer.

7 (12) A construction contractor licensed under ORS chapter 701 that offers services constituting
8 the practice of engineering if:

9 (a) The services are appurtenant to construction services to be provided by the contractor;

10 (b) The services constituting the practice of engineering are performed by an engineer or engi-
11 neers registered under ORS 672.002 to 672.325; and

12 (c) The offer by the construction contractor discloses in writing that the contractor is not an
13 engineer and identifies the engineer or engineers that will perform the services constituting the
14 practice of engineering.

15 (13) A person transcribing existing georeferenced data into a Geographic Information System
16 or Land Information System format by manual or electronic means, and the maintenance of that
17 data, if the data are clearly not intended to indicate the authoritative location of property bounda-
18 ries, the precise shape or contour of the earth or the precise location of fixed works of humans.

19 (14) A person carrying out activities under ORS 306.125 or 308.245. This exemption applies to
20 the transcription of tax maps, zoning maps and other public data records into Geographic Informa-
21 tion System or Land Information System formatted cadastre and the maintenance of those cadastre,
22 if:

23 (a) The data are not modified for other than graphical purposes; and

24 (b) The data are clearly not intended to authoritatively represent property boundaries.

25 (15) A person preparing maps or compiling databases depicting the distribution of natural or
26 cultural resources, features or phenomena, if the maps or data are not intended to indicate the au-
27 thoritative location of property boundaries, the precise shape or contour of the earth or the precise
28 location of fixed works by humans.

29 (16) A federal agency or its contractors, in the preparation of military maps, quadrangle
30 topographic maps, satellite imagery or other maps or images that do not define real property
31 boundaries.

32 (17) A federal agency or its contractors, in the preparation or transcription of documents or
33 databases into a Geographical Information System or Land Information System format, including but
34 not limited to the preparation or transcription of federal census and other demographic data.

35 (18) A law enforcement agency or its contractors, in the preparation of documents or maps for
36 traffic accidents, crime scenes or similar purposes depicting physical features or events or generat-
37 ing or using georeferenced data involving crime statistics or criminal activities.

38 (19) A peace officer, as defined in ORS 161.015, or a fire service professional, as defined in ORS
39 181.610, conducting, reporting on or testifying about or otherwise performing duties regarding an
40 official investigation.

41 (20) A person creating general maps prepared for private firms or governmental agencies:

42 (a) For use as guides to motorists, boaters, aviators or pedestrians;

43 (b) For publication in a gazetteer or an atlas as an educational tool or reference publication;

44 (c) For use in the curriculum of any course of study;

45 (d) If produced by any electronic or print media, for use as an illustrative guide to the ge-

1 ographic location of any event; or

2 (e) If prepared for conversational or illustrative purposes, including but not limited to for use
3 as advertising material or user guides.

4 **SECTION 11.** ORS 672.090 is amended to read:

5 672.090. (1) The State Board of Examiners for Engineering and Land Surveying shall issue cer-
6 tificates of registration as provided by ORS 672.002 to 672.325. All certificates shall be signed by the
7 president and the administrator of the board and issued under the seal of the board. The board shall
8 prescribe and furnish forms for applications for examinations and for certificates and permits.

9 (2) *[Examinations shall be held at such times and at such places in each year as the board shall*
10 *determine.]* **If the board administers an examination described in ORS 672.002 to 672.325, the**
11 **board shall hold the examination at least yearly at times and places determined by the board.**
12 **The board shall determine** the scope of the examinations and the methods of procedure *[shall be*
13 *prescribed by the board]*. Examinations for registration may be written or computer-based.

14 **SECTION 12.** ORS 672.151 is amended to read:

15 672.151. As soon as practicable after the close of each examination~~], the administrator of]~~ **ad-**
16 **ministered by** the State Board of Examiners for Engineering and Land Surveying, **the board ad-**
17 **ministrator** shall notify each candidate of the result of the candidate's examination.

18 **SECTION 13.** ORS 672.155 is amended to read:

19 672.155. The State Board of Examiners for Engineering and Land Surveying shall establish fees
20 by rule, including but not limited to fees for the following:

21 *[(1) Examination in the fundamentals of engineering.]*

22 *[(2) Examination for registration as a professional engineer.]*

23 *[(3) Examination in the fundamentals of land surveying.]*

24 *[(4) Examination for registration as a professional land surveyor.]*

25 *[(5) Examination for registration as a photogrammetrist.]*

26 *[(6) Any reexamination.]*

27 **(1) Enrollment as an engineering intern.**

28 **(2) Enrollment as a land surveying intern.**

29 **(3) Examinations administered or approved by the board.**

30 *[(7)]* **(4) Registration or renewal of a certificate of registration to practice** as a professional
31 engineer.

32 *[(8)]* **(5) Registration or renewal of a certificate of registration to practice** as a professional land
33 surveyor.

34 *[(9)]* **(6) Registration or renewal of a certificate of registration to practice** as a photogram-
35 metrist.

36 *[(10) Registration under ORS 672.148.]*

37 *[(11)]* **(7) Issuance of a temporary permit under ORS 672.109 or 672.127.**

38 *[(12)]* **(8) Issuance of a certificate document.**

39 *[(13)]* **(9) Issuance of a certificate of registration under ORS 672.153, without examination, based**
40 **on experience in a branch of engineering, land surveying or photogrammetric mapping newly es-**
41 **tablished by the board.**

42 **SECTION 14.** ORS 672.255 is amended to read:

43 672.255. (1) The State Board of Examiners for Engineering and Land Surveying shall adopt rules:

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

45 (b) Providing a procedure for the issuance, denial, suspension or revocation of certificates, en-

1 rollments and permits.

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

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

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

8 (f) Prescribing standards and intellectual, educational and technical qualifications for examina-
9 tion, registration and renewal in addition to the qualifications and conditions [*prescribed in ORS*
10 *672.105, 672.118, 672.121, 672.123 and 672.170*] **specified under ORS 672.002 to 672.325.**

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

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

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

19 **SECTION 15.** ORS 455.628 is amended to read:

20 455.628. (1) The Department of Consumer and Business Services or a municipality administering
21 and enforcing a building inspection program under ORS 455.148 or 455.150 may not require a plan
22 review for one and two family dwellings that are of conventional light frame construction, as defined
23 by the department by rule, if:

24 (a) The plans for the dwelling are designed and stamped by a professional engineer registered
25 under ORS [672.102] **672.002 to 672.325** or an architect registered under ORS 671.060; and

26 (b) The engineer or architect is certified by the Director of the Department of Consumer and
27 Business Services under ORS 455.720 as being qualified to examine one and two family dwelling
28 plans.

29 (2) The department or municipality is exempt from liability for any damages arising from the
30 nonperformance of a plan review pursuant to this section.

31 **SECTION 16.** (1) **ORS 672.095, 672.102, 672.105, 672.115, 672.118, 672.121, 672.123, 672.141 and**
32 **672.148 are repealed.**

33 **(2) The repeal of ORS 672.095, 672.102, 672.105, 672.115, 672.118, 672.121, 672.123, 672.141 and**
34 **672.148 by this section does not invalidate, terminate or otherwise affect any action taken**
35 **by the State Board of Examiners for Engineering and Land Surveying prior to the effective**
36 **date of this 2015 Act.**

37 **SECTION 17.** **This 2015 Act being necessary for the immediate preservation of the public**
38 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**
39 **on its passage.**

40