

**Enrolled**  
**Senate Bill 297**

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 professions regulated by the State Board of Examiners for Engineering and Land Surveying; creating new provisions; amending ORS 455.628, 672.002, 672.060, 672.090, 672.151, 672.155 and 672.255; repealing ORS 672.095, 672.102, 672.105, 672.115, 672.118, 672.121, 672.123, 672.141 and 672.148; and declaring an emergency.

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

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

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

- (1) Except as provided in section 5 of this 2015 Act, provide evidence of graduation in a college or university engineering program of four years or more approved by the State Board of Examiners for Engineering and Land Surveying;
- (2) Except as provided in section 7 of this 2015 Act, pass, or provide evidence of having previously passed, a fundamentals of engineering examination approved by the board;
- (3) Pass, or provide evidence of having previously passed, a practical engineer's examination approved by the board;
- (4) Have a work record of four years or more of active practice in engineering work satisfactory to the board; and
- (5) Meet any additional requirements for registration as a professional engineer adopted by the board under ORS 672.255.

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

- (1) Except as provided in section 5 of this 2015 Act, provide evidence of graduation in a college or university land surveying or photogrammetric mapping program of four years or more approved by the State Board of Examiners for Engineering and Land Surveying;
- (2) Pass, or provide evidence of having previously passed, a fundamentals of land surveying examination approved by the board;
- (3) Pass, or provide evidence of having previously passed, a professional land surveying examination approved by the board;
- (4) Pass an Oregon-specific land surveying examination approved by the board;

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

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

**SECTION 4.** As minimum evidence of qualification for registration as a photogrammetrist, an applicant must:

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

(2) Pass, or provide evidence of having previously passed, a fundamentals of land surveying examination approved by the board;

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

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

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

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

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

(2) A certificate of registration issued by the board to practice land surveying or photogrammetric mapping may specify the branch of land surveying or photogrammetric mapping in which the registrant is especially qualified.

**SECTION 7.** The State Board of Examiners for Engineering and Land Surveying may waive the fundamentals of engineering examination requirement for an applicant for registration under section 2 of this 2015 Act if the applicant has, for at least 25 years prior to the date of the registration application, held a registration or license to practice professional engineering in another state, a territory or possession of the United States, the District of Columbia or a foreign country.

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

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

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

(1) "Board" means the State Board of Examiners for Engineering and Land Surveying.

(2) "Engineer," "professional engineer" or "registered professional engineer" means an individual who is registered in this state and holds a valid certificate to practice engineering in this state as provided under ORS 672.002 to 672.325.

(3) "Engineering intern" means an individual enrolled by the board as having passed an examination in the fundamental engineering subjects.

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

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

(6) "Land surveying intern" means an individual enrolled by the board as having passed an examination in the fundamental land surveying subjects.

(7) "Photogrammetric mapping" means an evaluating and measuring of land that is limited to the determination of the topography, area, contours and location of planimetric features, by using photogrammetric methods or similar remote sensing technology, including but not limited to using existing ground control points incidental to the photogrammetric or remote sensing mapping process.

(8) "Photogrammetrist" means an individual registered with the board and holding a valid certificate to practice photogrammetric mapping.

(9) "Responsible charge" means to have supervision and control of:

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

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

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

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

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

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

(1) A registered architect practicing architecture.

(2) A registered environmental health specialist or registered environmental health specialist trainee working under the supervision of a registered environmental health specialist practicing environmental sanitation, or a registered waste water specialist or registered waste water specialist trainee working under the supervision of a registered waste water specialist practicing waste water sanitation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) If produced by any electronic or print media, for use as an illustrative guide to the geographic location of any event; or

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

**SECTION 11.** 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 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.]* **If the board administers an examination described in ORS 672.002 to 672.325, the board shall hold the examination at least yearly at times and places determined by the board. 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 computer-based.

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

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

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

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

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

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

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

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

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

*[(6) Any reexamination.]*

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

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

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

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

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

*[(9)]* **(6) Registration or renewal of a certificate of registration to practice** as a photogrammetrist.

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

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

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

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

**SECTION 14.** 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, 672.121, 672.123 and 672.170*] **specified under ORS 672.002 to 672.325.**

(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 15.** ORS 455.628 is amended to read:

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

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

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

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

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

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

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

**Passed by Senate March 4, 2015**

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

**Passed by House June 16, 2015**

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Tina Kotek, Speaker of House

**Received by Governor:**

.....M,....., 2015

**Approved:**

.....M,....., 2015

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Kate Brown, Governor

**Filed in Office of Secretary of State:**

.....M,....., 2015

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Jeanne P. Atkins, Secretary of State