

Senate Bill 55

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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 **as introduced**.

Allows State Board of Examiners for Engineering and Land Surveying to establish branches of land surveying for issuance of certificate of registration. Allows board to issue certificate of registration in newly established branch of land surveying without examination under certain circumstances.

Redefines "practice of land surveying." Makes new definition applicable to services rendered on or after effective date of Act.

Adjusts wording of provision allowing engineer or professional engineer to make certain survey measurements and moves provision to separate section.

Revises language to expressly state that board has authority to establish fees by rule.

A BILL FOR AN ACT

1
2 Relating to professions regulated by State Board of Examiners for Engineering and Land Surveying;
3 creating new provisions; and amending ORS 672.005, 672.025, 672.060, 672.155 and 672.255.

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

5 **SECTION 1. Sections 2 and 3 of this 2005 Act are added to and made a part of ORS 672.002**
6 **to 672.325.**

7 **SECTION 2. (1) If the State Board of Examiners for Engineering and Land Surveying**
8 **adopts a rule establishing a new branch of engineering for purposes of examination and**
9 **registration, the board may issue a certificate of registration in the new branch to an indi-**
10 **vidual without examination if the individual:**

11 (a) **Is registered as a professional engineer;**

12 (b) **Establishes to the satisfaction of the board that the person has at least four years**
13 **of experience acceptable to the board in the new branch of engineering;**

14 (c) **Pays the fee established by the board for issuance of a certificate of registration,**
15 **without examination, based on experience; and**

16 (d) **Submits to the board, within one year after the date the board first gives an exam-**
17 **ination in the new branch, an application for issuance of the certificate of registration in the**
18 **new branch.**

19 (2) **If the board adopts a rule establishing a new branch of land surveying for purposes**
20 **of examination and registration, the board may issue a certificate of registration in the new**
21 **branch to an individual without examination if the individual:**

22 (a) **Establishes to the satisfaction of the board that the person has at least eight years**
23 **of experience acceptable to the board in the new branch of land surveying;**

24 (b) **Meets any additional professional qualifications established by board rule;**

25 (c) **Pays the fee established by the board for issuance of a certificate of registration,**
26 **without examination, based on experience; and**

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 (d) Submits to the board, within two years after the board adopts the rule establishing
 2 the new branch, an application for issuance of the certificate of registration in the new
 3 branch.

4 **SECTION 3.** (1) Except as provided in subsection (2) of this section, the scope of practice
 5 for a person registered under ORS 672.002 to 672.325 as an engineer or professional engineer
 6 includes:

7 (a) Surveying to determine area or topography;

8 (b) Surveying to establish lines, grades or elevations, or to determine or estimate quan-
 9 tities of materials required, removed or in place; and

10 (c) Surveying required for design and construction layout of engineering and architec-
 11 tural infrastructure.

12 (2) Subsection (1) of this section does not authorize an engineer or professional engineer
 13 to establish, reestablish or restore land boundaries, corners or monuments between lands
 14 that are intended for conveyance or that are not held in common ownership.

15 **SECTION 4.** ORS 672.005 is amended to read:

16 672.005. As used in ORS 672.002 to 672.325, unless the context requires otherwise:

17 (1)(a) “Practice of engineering” or “practice of professional engineering” means:

18 [(A)] (a) Any professional service or creative work requiring engineering education, training and
 19 experience; and

20 [(B)] (b) The application of special knowledge of the mathematical, physical and engineering
 21 sciences to such professional services or creative work as consultation, investigation, testimony,
 22 evaluation, planning, design and services during construction, manufacture or fabrication for the
 23 purpose of ensuring compliance with specifications and design, in connection with any public or
 24 private utilities, structures, buildings, machines, equipment, processes, works or projects.

25 [(b) “Practice of engineering” or “practice of professional engineering” may include:]

26 [(A) Surveying to determine area or topography;]

27 [(B) Surveying to establish lines, grades or elevations, or to determine or estimate quantities of
 28 materials required, removed or in place; or]

29 [(C) Surveying required for design and construction layout of engineering and architectural
 30 infrastructure.]

31 [(2) “Practice of land surveying” means that branch of the practice of engineering in which:]

32 [(a) Surveys are made to determine area or topography, to establish or reestablish land boundaries,
 33 corners or monuments or to subdivide or plat land;]

34 [(b) Surveys are made to establish lines, grades or elevations, or to determine or estimate quantities
 35 of materials required, removed or in place;]

36 [(c) Surveys are made for horizontal or vertical mapping control or geodetic control; or]

37 [(d) Consultation, investigation, evaluation or planning relating to land surveying matters is re-
 38 quired.]

39 (2) “Practice of land surveying” means any of the following:

40 (a) Providing, or offering to provide, science based professional services involving:

41 (A) The making of geometric measurements and gathering of related information per-
 42 taining to physical or legal features of the earth, improvements on the earth or the space
 43 above or below the earth; or

44 (B) The development of measurements and information described in subparagraph (A) of
 45 this paragraph into graphics, data, maps, plans, reports, descriptions, projects or other sur-

1 vey products.

2 (b) Investigating, interpreting or evaluating, consulting or testifying about, mapping or
 3 assembling of or developing plans from the measurements made and information gathered
 4 in relation to one or more of the following:

5 (A) The configuration or contour of the surface of the earth or the position of objects
 6 fixed upon the earth.

7 (B) Geodetic surveys.

8 (C) The position for any nonboundary survey control monument or reference point to be
 9 established or replaced.

10 (D) Locating, relocating, establishing, reestablishing or retracing of property lines or
 11 boundaries for any tract of land, road, right of way or easement.

12 (E) Surveys for the division or subdivision of a tract of land or for the consolidation of
 13 tracts of land.

14 (F) Locating or laying out of alignments, positions or elevations for the construction of
 15 fixed works.

16 (c) Collecting, preparing or manipulating data relating to activities described in para-
 17 graph (b) of this subsection, including but not limited to data in electronic or computerized
 18 form, other than as a scrivener.

19 **SECTION 5.** ORS 672.025 is amended to read:

20 672.025. (1) [No] **Except as provided in subsection (3) of this section, a person [shall] may**
 21 **not** practice land surveying in this state unless the person is registered and has a valid certificate
 22 to practice land surveying issued under ORS 672.002 to 672.325.

23 (2) Every registered professional land surveyor shall, upon registration, obtain a seal of the de-
 24 sign authorized by the State Board of Examiners for Engineering and Land Surveying. Every final
 25 document including drawings, specifications, designs, reports, narratives, maps and plans issued by
 26 a registrant shall be stamped with the seal of and signed by the registrant. The signature and stamp
 27 of a registrant constitute a certification that the document was prepared by the registrant or under
 28 the registrant’s supervision and control.

29 *[(3) Notwithstanding the provisions of ORS 672.005 (1), a registered professional engineer not also*
 30 *registered as a professional land surveyor shall not establish, reestablish or restore land boundaries,*
 31 *corners or monuments between lands not held in common ownership or intended for conveyance.]*

32 **(3) Subsection (1) of this section does not apply to an engineer or professional engineer**
 33 **performing surveys authorized under section 3 of this 2005 Act.**

34 **SECTION 6.** ORS 672.060 is amended to read:

35 672.060. ORS 672.002 to 672.325 do not apply to:

36 (1) A registered architect practicing architecture.

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

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

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

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

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

3 (4) A person practicing land surveying under the supervision of a registered professional land
 4 surveyor or registered professional engineer. The exemption in this subsection does not allow an
 5 engineer to supervise a land surveying activity the engineer could not personally perform under
 6 **[ORS 672.025] section 3 of this 2005 Act.**

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

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

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

13 (6) The performance of engineering work by a person, firm or corporation, or by full-time em-
 14 ployees thereof, provided:

15 (a) The work is in connection with or incidental to the operations of the persons, firms or cor-
 16 porations; and

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

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

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

23 (9) An individual, firm, partnership or corporation offering to practice engineering or land sur-
 24 veying if:

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

28 (b) The offer includes a written statement that the offeror is not registered to practice engi-
 29 neering or land surveying in the State of Oregon, but will comply with ORS 672.002 to 672.325 by
 30 having a person holding a valid certificate of registration in this state in responsible charge of the
 31 work prior to performing any engineering or land surveying work within this state.

32 (10) A person making plans or specifications for, or supervising the erection, enlargement or
 33 alteration of, a building, or an appurtenance thereto, if the building is to be used for a single family
 34 residential dwelling or farm building or is a structure used in connection with or auxiliary to a
 35 single family residential dwelling or farm building, including but not limited to a three-car garage,
 36 barn or shed or a shelter used for the housing of domestic animals or livestock. ORS 672.002 to
 37 672.325 do not prevent a person from making plans or specifications for, or supervising the erection,
 38 enlargement or alteration of, a building, or an appurtenance thereto, if the building has a ground
 39 area of 4,000 square feet or less and is not more than 20 feet in height from the top surface of lowest
 40 flooring to the highest interior overhead finish of the structure.

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

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

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

1 (c) The offer by the construction contractor discloses in writing that the contractor is not an
 2 engineer and identifies the registered engineer or engineers that will perform the services consti-
 3 tuting the practice of engineering.

4 **SECTION 7.** ORS 672.155 is amended to read:

5 672.155. *[In addition to any fees established by rule, fees required to be paid to]* The State Board
 6 of Examiners for Engineering and Land Surveying shall *[be]* **establish fees by rule, including but**
 7 **not limited to fees** for the following:

- 8 (1) Examination in the fundamentals of engineering.
- 9 (2) Examination for registration as a registered professional engineer.
- 10 (3) Examination in the fundamentals of land surveying.
- 11 (4) Reexamination *[of]* **in** any portion of the land *[surveyor's]* **surveyor** examination, *if*
 12 *required*.
- 13 (5) Examination for registration as a registered professional land surveyor.
- 14 (6) *[Initial]* **Issuance or renewal of a** registered professional land surveyor certificate *[and re-*
 15 *newal]*.
- 16 (7) *[Initial]* **Issuance or renewal of a** registered professional engineer certificate *[and*
 17 *renewal]*.
- 18 (8) Registration of a nonresident engineer without examination under ORS 672.125.
- 19 (9) Registration of a nonresident land surveyor under ORS 672.125.
- 20 (10) **Issuance of a** temporary permit *[issued]* under ORS 672.135.
- 21 (11) Reissuance of a lost or mutilated certificate.
- 22 (12) Issuance of a certificate **of registration**, without examination, based on experience in a
 23 branch of engineering **or land surveying** newly established by the board under *[ORS 672.255]* **sec-**
 24 **tion 2 of this 2005 Act.**

25 **SECTION 8.** ORS 672.255 is amended to read:

26 672.255. (1) The State Board of Examiners for Engineering and Land Surveying shall adopt rules:

- 27 (a) Establishing fees as provided in ORS 672.155 *[for certificates, enrollments and permits issued*
 28 *by the board]*.
- 29 (b) Providing a procedure for the issuance, denial, suspension or revocation of certificates, en-
 30 rollments and permits.
- 31 (c) Prescribing standards of professional conduct for professional engineers, professional land
 32 surveyors, engineering interns and land surveying interns.
- 33 (d) Specifying branches in which examinations are offered. *[and]*
- 34 (e) For *[registration of]* **registering** individuals and for *[issuance of]* **issuing** certificates **of**
 35 **registration** and temporary permits to individuals under ORS 672.002 to 672.325. *[If the board*
 36 *specifies a new branch for examination and registration under this paragraph, the board may issue a*
 37 *certificate to an individual in the new branch without examination if the individual:]*
 38 *[(A) Is a registered professional engineer;]*
 39 *[(B) Establishes to the satisfaction of the board that the person has four years' experience in the*
 40 *new branch of engineering specified by the board;]*
 41 *[(C) Pays the fee established under ORS 672.155 for certification in a newly established branch of*
 42 *engineering, without examination, based on experience; and]*
 43 *[(D) Submits an application to the board for issuance of the certificate in the new branch within*
 44 *one year after the date the board first gives an examination in the new branch.]*
 45 *[(e)]* (f) Prescribing standards and intellectual, educational and technical qualifications for ex-

1 amination and certificate renewal in addition to *[those]* **the qualifications and conditions** pre-
2 scribed in ORS 672.097, 672.099 and 672.170.

3 *[(f)]* **(g)** Prescribing standards and guidelines for retired or inactive status of registrants, in-
4 cluding provisions to allow the return to active status.

5 **(h) Defining the scope of practice for persons holding a certificate or permit issued by**
6 **the board in engineering, land surveying or a branch of engineering or land surveying.**

7 (2) In adopting rules under subsection (1)(c) *[and (d)]* **to (e)** of this section, the board shall give
8 consideration to national practices as well as local practices. Adoption of rules shall be in accord-
9 ance with ORS chapter 183.

10 **SECTION 9. The amendments to ORS 672.005 by section 4 of this 2005 Act apply to ser-**
11 **vices rendered on or after the effective date of this 2005 Act.**

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