



# Oregon– Statutes, Rules and Ethics for Professional Engineers

Three (3) Continuing Education Hours  
Course #OR101

Approved Continuing Education for Licensed Professional Engineers

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### **Course Description:**

The Oregon Statutes, Rules and Ethics course satisfies 3 of the 30 hours of continuing professional competency (CPC) required for Oregon licensed professional engineers.

The course is designed as a distance learning interactive course that enables the practicing professional engineer to examine the canons of ethics as well as keep up to date on the legal aspects that govern the practice of engineering in the state of Oregon.

### **Objectives:**

The primary objective of this course is to familiarize the student with the canons of ethics and familiarize the student with the laws and rules regulating the practice of engineering in the state of Oregon.

Upon successful completion of the course, the student will have increased understanding of ethical practices and be well versed with the OR state statutes and board rules.

### **Grading:**

Students must achieve a minimum score of 70% on the online quiz to pass this course.

The quiz may be taken as many times as necessary to successful pass and complete the course.

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# OREGON REVISED STATUTES

## Volume 15 Occupations; Ch. 672. Professional Engineers, Land Surveyors, Photogrammetrists, Geologists

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### **672.002 Definitions for ORS 672.002 to 672.325.**

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.

(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.

### **672.005 Additional definitions.**

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

(1) "Practice of engineering" or "practice of professional engineering" means any of the following when done for others:

- (a) Performing a service or creating an original work requiring engineering education, training and experience.

- (b) In connection with utilities, structures, buildings, machines, equipment, processes, works or projects, whether private or public, applying special knowledge of the mathematical, physical and engineering sciences to services or original works such as:

- (A) Consultation;

- (B) Investigation;

- (C) Evaluation;

- (D) Planning;

- (E) Design; and

- (F) Services during construction, manufacture or fabrication for the purpose of ensuring compliance with specifications and design.

- (c) Surveying to determine area or topography.

- (d) Surveying to establish lines, grades or elevations, or to determine or estimate quantities of materials required, removed or in place.

- (e) Surveying required for design and construction layout of engineering and architectural infrastructure.

- (f) Performing photogrammetric mapping.
- (2) "Practice of land surveying" means doing any of the following:
- (a) Providing or offering to provide for others professional services that apply mathematics, geodesy and other sciences and involve:
    - (A) The making of geometric measurements and gathering of related information pertaining to:
      - (i) The physical or legal features of the earth;
      - (ii) Improvements on the earth; or
      - (iii) The space above or below the earth; or
    - (B) The development of measurements and information described in subparagraph (A) of this paragraph into graphics, data, maps, plans, reports, descriptions, projects or other survey products.
  - (b) Performing geodetic surveys for others.
  - (c) Establishing, reestablishing or replacing boundaries or geodetic control monuments or reference points.
  - (d) Locating, relocating, establishing, reestablishing or retracing any property lines or boundaries for any tract of land, road right-of-way or easement.
  - (e) Making any survey for the division or subdivision of a tract of land or for the consolidation of tracts of land.
  - (f) Locating and laying out for others alignments, positions or elevations for the construction of fixed works.
  - (g) Performing or offering to perform for others any investigation, interpretation or evaluation of, or any consultation about, any of the services described in paragraphs (a) to (f) of this subsection.
  - (h) Collecting, preparing, manipulating or modifying data related to activities described in paragraphs (a) to (f) of this subsection for others, other than acting as a scrivener.
  - (i) Performing photogrammetric mapping for others.

(j) Making surveys that involve horizontal or vertical mapping control or geodetic control.

**672.007 Acts constituting practice of engineering, land surveying or photogrammetric mapping. For purposes of ORS 672.002 to 672.325:**

(1) A person is practicing or offering to practice engineering if the person:

(a) By verbal claim, sign, advertisement, letterhead or card or in any other way implies that the person is or purports to be a professional engineer or registered professional engineer;

(b) Through the use of some other title implies that the person is a professional engineer or a registered professional engineer; or

(c) Bids to perform or performs commercial or professional service or work that is defined by ORS 672.005 as the practice of engineering.

(2) A person is practicing or offering to practice land surveying if the person:

(a) By verbal claim, sign, advertisement, letterhead or card or in any other way implies that the person is or purports to be a professional land surveyor or registered professional land surveyor;

(b) Through the use of some other title implies that the person is a professional land surveyor or registered professional land surveyor; or

(c) Bids to perform or performs commercial or professional land surveying service or work or any other service that is defined by ORS 672.005 as the practice of land surveying.

(3) A person is practicing or offering to practice photogrammetric mapping if the person:

(a) By verbal claim, sign, advertisement, letterhead, card or in any other way implies that the person is or purports to be a photogrammetrist, registered photogrammetrist or professional photogrammetrist;

(b) Through the use of some other title implies that the person is a photogrammetrist, registered photogrammetrist or professional photogrammetrist; or

(c) Bids to perform or performs photogrammetric service or work or any other service that is defined by ORS 672.002 as photogrammetric mapping.

### **672.020 Practice of engineering without registration prohibited; seal required.**

(1) In order to safeguard life, health and property, no person shall practice or offer to practice engineering in this state unless the person is registered and has a valid certificate to practice engineering issued under ORS 672.002 to 672.325.

(2) Each registered professional engineer shall, upon registration, obtain a seal of the design authorized by the State Board of Examiners for Engineering and Land Surveying. Every final document including drawings, specifications, designs, reports, narratives, maps and plans issued by a registrant shall be stamped with the seal and signed by the registrant. The signature and stamp of a registrant constitute a certification that the document was prepared by the registrant or under the supervision and control of the registrant

### **672.025 Practice of land surveying without registration prohibited; seal required.**

(1) No person shall practice land surveying in this state unless the person is registered and has a valid certificate to practice land surveying issued under ORS 672.002 to 672.325.

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

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



### **672.028 Practice of photogrammetric mapping without registration prohibited; seal required.**

(1) A person may not practice photogrammetric mapping in this state unless the person is registered and has a valid certificate to practice land surveying, engineering or photogrammetric mapping issued under ORS 672.002 to 672.325.

(2) A photogrammetrist shall, upon registration, obtain a seal of the design authorized by the State Board of Examiners for Engineering and Land Surveying. The registrant shall sign and stamp with the seal of the registrant each final document, including drawings, specifications, designs, reports, narratives and maps issued by the registrant. The signature and stamp of a registrant constitute a certification that the document was prepared by the registrant or under the registrant's supervision and control.

(3) A photogrammetrist may perform services defined as photogrammetric mapping under ORS 672.002. A photogrammetrist may not engage or offer to engage in an act constituting the practice of land surveying other than photogrammetric mapping.

### **672.045 Prohibited activities relating to practices of engineering, land surveying or photogrammetric mapping.**

A person may not:

(1) Engage in the practice of engineering, land surveying or photogrammetric mapping without having a valid certificate or permit to so practice issued in accordance with ORS 672.002 to 672.325.

(2) Falsely represent, by any means, that the person is authorized to practice engineering, land surveying or photogrammetric mapping.

(3) Present or attempt to use the certificate or permit of another or the seal of another.

(4) Attempt to use an expired or revoked certificate or permit.

(5) Falsely impersonate any registrant of like or different name.

(6) Practice engineering, land surveying or photogrammetric mapping when not qualified.

(7) Buy, sell or fraudulently obtain any certificate or permit required by ORS 672.002 to 672.325.

(8) Aid or abet the buying, selling or fraudulently obtaining of any certificate or permit required by ORS 672.002 to 672.325.

(9) Engage in the practice of engineering, land surveying or photogrammetric mapping under cover of a certificate or permit obtained or issued fraudulently or unlawfully or under fraudulent representations or mistake of fact in a material regard.

(10) Give any false or forged evidence of any kind to the State Board of Examiners for Engineering and Land Surveying or to any member of the board in obtaining or attempting to obtain a certificate or permit required by ORS 672.002 to 672.325.

### **672.047 Right of entry by land surveyor; compensation for damages caused; notice; removal of survey markers.**

(1) Subject to subsection (4) of this section, a registered professional land surveyor, or any employee or agent of the land surveyor, may enter on foot, where practicable, upon any land for the purpose of surveying or performing any survey work and may establish permanent survey monuments as allowed by rule of the State Board of Examiners for Engineering and Land Surveying.

(2) Any person exercising the right of entry granted under subsection (1) of this section shall do so with no unnecessary damage to the land entered upon. Damages to trees, shrubs and other vegetation intentionally caused by the land surveyor shall be subject to compensation and penalties as provided in ORS 105.810. The land surveyor shall compensate the landowner for all other actual monetary damages, or \$100, whichever is greater. Actual monetary damages may include but are not limited to all costs in time, labor and materials incurred by the landowner to return the property to the condition it was in prior to the damage.

(3) If land that is entered and surveyed under this section is located outside of an urban growth boundary and the landowner makes a timely request in writing, the registered professional land surveyor shall provide a copy of the survey in a timely manner to the landowner.

(4) A registered professional land surveyor, or any employee or agent of the land surveyor, may not enter upon land for the purpose of surveying, performing other survey work or establishing a permanent survey monument without first providing notice to the landowner by first class mail or by personal notice. If the land is occupied by a person other than the landowner, notice must also be given to the occupant by first class mail or by personal notice. Notice that is given by first class mail must be mailed at least seven days prior to the entry onto the land. Notice that is given by

personal notice must be hand-delivered to the landowner or occupant or be posted in a conspicuous place where the landowner or occupant may reasonably be expected to see the notice. The notice shall give the professional land surveyor's name, address, telephone number, purpose, availability of the survey and the presence of any temporary or permanent monuments or other markers to be left on the land.

(5) A registered professional land surveyor, or any employee or agent of the land surveyor, who enters land as allowed under this section is owed no greater duty of care than that owed by a landowner to a trespasser.

(6) Notwithstanding the provisions of subsection (1) of this section, a registered professional land surveyor, or any employee or agent of the land surveyor, may use a vehicle to enter upon land provided that the vehicle remains on existing roadways where practicable.

(7) The land surveyor shall remove all flagging, stakes and other temporary materials that are above ground if leaving the materials in place creates an unreasonable risk of harm to persons or property. Except for forestland as defined in ORS 527.620, the land surveyor shall remove all temporary above ground materials within 60 days of placement unless written authorization to leave the materials in place is received from the landowner or occupant.

### **672.060 Activities not requiring registration.**

(1) The performance of work as an employee or a subordinate of a registered professional engineer if:

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

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

(c) The person does not by verbal claim, sign, advertisement, letterhead or card or in any other way imply that the person is or purports to be a professional engineer or registered professional engineer.

(2) The performance of engineering work by an employee, sole proprietorship, firm, partnership or corporation:

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

(b) That affects exclusively the property or interests of the employer, sole proprietorship, firm, partnership or corporation, unless the performance affects the health or safety of the public or an employee.

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

(a) The engineering 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.

(4) An offer by an employee, sole proprietorship, firm, partnership or corporation to perform engineering work if:

(a) The employer, sole proprietorship, firm, partnership or corporation holds a certificate of registration to engage in the practice of professional engineering 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 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 work within this state.

(5) The offering by a construction contractor licensed under ORS chapter 701 of services constituting the performance of engineering work if:

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

(6) The execution of engineering work designed by a professional engineer or the supervision of the construction of engineering work as a foreman or superintendent.

(7) The making of drawings or specifications for, or the supervision of 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.

(8) The making of drawings or specifications for, or the supervision of 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.

(9) The performance of work as a registered architect practicing architecture.

(10) The performance of work as 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.

(11) The performance of land surveying work 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.

(12) The performance of land surveying by a person:

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

(b) That affects exclusively the property or interests of the person, unless the performance affects the health or safety of the public or an employee.

(13) The performance of land surveying work by a landowner within the boundaries of the landowner's land or by the landowner's regular employee as part of the employee's official duties within the boundaries of the land of the employer.

(14) An offer by a person to perform land surveying if:

(a) The person holds a certificate of registration to engage in the practice of land surveying 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 land surveying 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 land surveying work within this state.

(15) An offer by a person to perform photogrammetric mapping if:

(a) The person holds a certificate of registration to engage in the practice of professional 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 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 photogrammetric mapping work within this state.

(16) The transcription of 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.

(17) 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.

(18) The preparation of maps or the compilation of 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.

(19) The preparation by a federal agency or its contractors of military maps, quadrangle topographic maps, satellite imagery or other maps or images that do not define real property boundaries.

(20) The preparation or transcription by a federal agency or its contractors 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.

(21) The preparation by a law enforcement agency or its contractors 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.

(22) Activities of a peace officer, as defined in ORS 161.015, or a fire service professional, as defined in ORS 181A.355, in conducting, reporting on or testifying about or otherwise performing duties regarding an official investigation.

(23) The creation of 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.

## REGISTRATION; CERTIFICATES

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### **672.090 Issuance of certificates by board; examinations.**

(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. 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.

**672.098 Minimum qualifications for registration as professional engineer.** As minimum evidence of qualification for registration as a professional engineer, an applicant must:

(1) Except as provided in ORS 672.146, 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 ORS 672.103, 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.

**672.103 Examination waiver.** The State Board of Examiners for Engineering and Land Surveying may waive the fundamentals of engineering examination requirement for an applicant for registration under ORS 672.098 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.

### **672.107 Structural engineer registration for performing engineering services on significant structures; rules.**

(1) For purposes of this section:

(a) "Essential facility" means Risk Category IV buildings and structures, as defined in "Risk Category of Buildings and Other Structures," Table 1604.5 of the Oregon Structural Specialty Code.

(b) "Hazardous facility" means structures housing, supporting or containing sufficient quantities of toxic or explosive substances to be of danger to the safety of the public if released.

(c)(A) "Significant structure" means:

(i) Hazardous facilities and special occupancy structures;

(ii) Essential facilities that have a ground area of more than 4,000 square feet or are more than 20 feet in height;

(iii) Structures that the Director of the Department of Consumer and Business Services determines to have irregular features; and

(iv) Buildings that are customarily occupied by human beings and are more than four stories or 45 feet above average ground level.

(B) "Significant structure" does not mean:

(i) One-family and two-family dwellings and accompanying accessory structures;

(ii) Agricultural buildings or equine facilities, both as defined in ORS 455.315; or

(iii) Buildings located on lands exempt from Department of Consumer and Business Services enforcement of building code regulations.

(d) "Special occupancy structure" means Risk Category III buildings and structures, as defined in "Risk Category of Buildings and Other Structures," Table 1604.5 of the Oregon Structural Specialty Code.

(2) Consistent with ORS 672.255, the State Board of Examiners for Engineering and Land Surveying shall adopt rules establishing standards of competence in structural engineering analysis and design relating to seismic influence.

(3) An engineer may not provide engineering services for significant structures unless the engineer possesses a valid professional structural engineer certificate of registration issued by the board..

### **672.109 Temporary permit to practice engineering; fee.**

(1) Upon payment of the required fee, the State Board of Examiners for Engineering and Land Surveying may without examination issue a temporary permit to a person to practice engineering in this state for a period not to exceed six months. A temporary permit may only be issued if the person has made application for registration and, in the judgment of the board, has the other necessary qualifications for registration under ORS 672.002 to 672.325.

(2) A temporary permit to practice engineering may be issued only once to a person and may only be issued to a person authorized to practice engineering in another state, territory or possession of the United States, the District of Columbia or a foreign country if the standards for such authorization are equivalent to those in Oregon, as determined by the board

### **672.126 Minimum qualifications for registration as professional**

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

(1) Except as provided in ORS 672.146, 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.

### **672.136 Minimum qualifications for registration as**

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

(1) Except as provided in ORS 672.146, 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.

### **672.143 Temporary permit to practice photogrammetric mapping;**

**fee.** The State Board of Examiners for Engineering and Land Surveying may issue a temporary permit to a person to practice photogrammetric mapping in this state, without an examination, for a period not to exceed six months. The board may not issue a temporary permit to the person more than once. The board may issue the temporary permit only if the person:

(1) Pays the appropriate fee;

(2) Is an applicant for registration under ORS 672.002 to 672.325;

(3) Has, in the judgment of the board, met all qualifications for registration under ORS 672.002 to 672.325 other than passing an examination; and

(4) Is authorized to practice photogrammetric mapping in another jurisdiction in the United States or a foreign country, by a jurisdiction having authorization standards that the board considers equivalent to the standards for practicing photogrammetric mapping in this state.

**672.146 Alternatives to degree requirements; rules.** 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 ORS 672.098, 672.126 or 672.136. 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 ORS 672.098, 672.126 or 672.136.

**672.151 Notice to candidates of examination results.**

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

**672.153 Registration in new branch of profession; fee.**

If the State Board of Examiners for Engineering and Land Surveying specifies a new branch of engineering, land surveying or photogrammetric mapping for examination and registration under ORS 672.002 to 672.325, the board may issue a certificate to an individual in the new branch without examination if the individual:

- (1) Is already registered as an engineer and the new branch is a branch of engineering;
- (2) Is already registered as an engineer or land surveyor and the new branch is a branch of land surveying;
- (3) Is already registered as an engineer, land surveyor or photogrammetrist and the new branch is a branch of photogrammetric mapping;
- (4) Establishes to the satisfaction of the board that the individual has four years' experience in the new branch specified by the board;
- (5) Pays the fee established under ORS 672.155 for certification in a newly established branch, without examination, based on experience; and
- (6) Submits an application to the board for issuance of the certificate in the new branch within one year after the date the board first gives an examination in the new branch.

**672.155 Establishment of fees by rule.**

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) Enrollment as an engineering intern.
- (2) Enrollment as a land surveying intern.
- (3) Examinations administered or approved by the board.
- (4) Registration or renewal of a certificate of registration to practice as a professional engineer.
- (5) Registration or renewal of a certificate of registration to practice as a professional land surveyor.
- (6) Registration or renewal of a certificate of registration to practice as a photogrammetrist.
- (7) Issuance of a temporary permit under ORS 672.109 or 672.143.
- (8) Issuance of a certificate document.
- (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.

### **672.157 Payment of fee required before issuance of certificate.**

Upon receipt of the required fee the State Board of Examiners for Engineering and Land Surveying shall issue to any applicant who has been certified as having passed an examination for registration a certificate. [Formerly 672.120]

### **672.159 Numbering and recording of certificates.**

Each certificate issued by the State Board of Examiners for Engineering and Land Surveying shall be numbered. A record of each certificate issued, and the number, shall be entered in the records of the board.

**672.162 Specification of branch.** (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.

**672.168 Expiration date of certificates.** (1) Except as provided by subsection (2) of this section, all certificates expire one year after the date of their issue or renewal and become invalid on that date unless renewed. The State Board of Examiners for Engineering and Land Surveying may vary the dates of certificate renewal by giving to the applicant written notice of the renewal date being assigned and by making prorated adjustments in the renewal fee.

(2) The board may vary periods of certificate renewal or periods for registration to provide for renewal and payment of fees either every year or every two years. If the board changes the renewal period it will provide written notice to certificate holders and registrants.

**672.170 Renewal of certificate; increased fees for delinquent renewal.**

(1) Renewal of a certificate may be effected at any time prior to the renewal date by paying the required renewal fee to 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.

**672.180 Retiree exemption from registration renewal fees.**

A registered professional engineer, registered professional land surveyor or photogrammetrist who has retired from the active practice of engineering, land surveying or photogrammetric mapping may, upon application and at the discretion of the State Board of Examiners for Engineering and Land Surveying, be exempted from payment of annual registration renewal fees thereafter.

## DISCIPLINE

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**672.195 Grounds for refusal to register applicant.** 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.

**672.200 Grounds for suspension or revocation of certificate or permit or refusal to issue, restore or renew certificate or permit; grounds for reprimand.**

The State Board of Examiners for Engineering and Land Surveying may suspend, revoke or refuse to issue, restore or renew a certificate or permit, or may reprimand an individual enrolled as an intern or holding a certificate or permit:

- (1) For violating any provision of ORS 672.045;
- (2) For gross negligence, negligence or incompetence in the practice of engineering, land surveying or photogrammetric mapping;
- (3) Subject to ORS 670.280, for conviction of a felony;
- (4) For conviction of a misdemeanor involving the practice of engineering, land surveying or photogrammetric mapping;
- (5) For failing to pay a civil penalty or fee in the manner prescribed by a final order of the board, or for failing to meet any other term of a final order of the board; or
- (6) For violating a rule of professional conduct prescribed by the board.

**672.210 Procedure for suspension or revocation of certificate, permit or enrollment; hearing; majority of board members required to take action; reinstatement.**

(1) Proceedings for the suspension or revocation of a certificate, an enrollment or a permit may be initiated by filing with the State Board of Examiners for Engineering and Land Surveying written charges against the accused. The charges may be preferred by any person, or by the board on its own motion.

(2) The board shall fix a time and place for a hearing on the charges and cause notice thereof with a copy of the charges to be delivered to the accused in person or mailed to the last-known address of the accused. The notice shall be so delivered or mailed at least 30 days before the date fixed for the hearing.

(3) At a hearing, the accused shall have the right to appear in person or by counsel, or both, to cross-examine witnesses and to produce evidence and witnesses in a defense. If the accused does not appear, the board may proceed to hear and determine the validity of the charges.

(4) After a hearing, the board may, if a majority of the members of the board agree, reprimand the accused, or suspend, refuse to renew or revoke the permit, enrollment or certificate of the accused.

(5) The power of the board to suspend a certificate, enrollment or permit includes the power to reinstate:

(a) At a time certain; or

(b) When the person subject to suspension fulfills conditions for reinstatement set by the board.

### **672.215 Proceedings to enjoin violations of ORS 672.002 to 672.325.**

If the State Board of Examiners for Engineering and Land Surveying decides that a person has engaged, or is about to engage, in any activity that is or will be a violation of ORS 672.002 to 672.325, the board may institute a proceedings in an appropriate circuit court to restrain the activity or proposed activity. An injunction may be issued without proof of actual damages but if issued, the defendant is not thereby relieved of any criminal liability.

## **STATE BOARD**

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### **672.240 State Board of Examiners for Engineering and Land Surveying; appointment; qualifications; officers.**

(1) The State Board of Examiners for Engineering and Land Surveying shall operate as a semi-independent state agency subject to ORS 182.456 to 182.472 for the purpose of carrying out ORS 672.002 to 672.325. The board shall consist of 11 members appointed by the Governor as follows:



(a) Two members shall be members of the general public.

(b) Two members shall be registered professional land surveyors.

(c) Five members shall be registered professional engineers.

(d) One member shall be registered both as a professional engineer and as a professional land surveyor. However, if a qualified individual is not available, the Governor may appoint either a registered professional engineer or a registered professional land surveyor.

(e) One member shall be a registered photogrammetrist. However, if a qualified individual is not available, the Governor may appoint either a registered professional engineer or a registered professional land surveyor.

(2) The Governor shall appoint members to the board so that there is at least one member of the board from each congressional district in this state.

(3) Each engineer, land surveyor or photogrammetrist member of the board shall have been:

(a) A resident of this state for at least three years immediately preceding appointment; and

(b) Practicing as a registered professional engineer, registered professional land surveyor or registered photogrammetrist for at least five years since the date of the individual's initial registration.

(4) The board shall elect biennially from among its members a president and vice president for the ensuing biennial term.

### **672.250 Term; certificate of appointment; oath; removal; vacancies.**

(1) Upon the expiration of the term of any board member, the Governor shall appoint a person possessing the qualifications prescribed by ORS 672.240 as a member of the State Board of Examiners for Engineering and Land Surveying to serve for a term of four years from July 1.

(2) Every member of the board shall receive a certificate of appointment from the Governor and before beginning the term shall file with the Secretary of State the constitutional oath of office.

(3) The Governor:

(a) May remove any member of the board for misconduct, incapacity or neglect of duty.

(b) By appointment for the unexpired term, shall fill any vacancy caused by death, resignation or removal from office.

**672.255 Rulemaking authority.** (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 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.

### **672.300 Investigation of complaints.**

The State Board of Examiners for Engineering and Land Surveying shall carefully investigate any complaints or information relating to violations of ORS 672.002 to 672.325

### **672.310 Investigation of identity of person claiming to be registered.**

The State Board of Examiners for Engineering and Land Surveying may inquire into the identity of any person claiming to be a registered professional engineer, registered professional land surveyor or photogrammetrist and, after due service of a notice in writing, require the person to prove to the satisfaction of the board that the person is the person authorized to practice engineering, land surveying or photogrammetric mapping under the certificate of registration by virtue of which the person claims to be authorized. When the board finds that a person making such a claim is not in fact the person to whom the certificate of registration was issued, the board shall reduce the findings to writing and file the findings in the office of the board. The findings are prima facie evidence that the person mentioned therein is falsely impersonating another of a like or different name.

## **CIVIL PENALTIES**

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### **672.325 Civil penalties.**

(1) In addition to any other penalty provided by law, any person who violates any provision of ORS 672.002 to 672.325 or any rule adopted thereunder shall forfeit and pay to the State Board of Examiners for Engineering and Land Surveying a civil penalty in an amount determined by the board of not more than \$1,000 for each offense.

(2) Civil penalties under this section shall be imposed as provided in ORS 183.745.

(3) Notwithstanding ORS 670.335, civil penalties recovered under this section shall be deposited into an account established by the board as provided in ORS 182.470. Moneys deposited are appropriated continuously to the board and shall be used only for the administration and enforcement of ORS 182.456 to 182.472 and 672.002 to 672.325.

## GEOLOGISTS

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### **672.505 Definitions for ORS 672.505 to 672.705.**

As used in ORS 672.505 to 672.705, unless the context requires otherwise:

- (1) "Administrator" means the office as established by ORS 672.505 to 672.705.
- (2) "Board" means State Board of Geologist Examiners.
- (3) "Engineering geologist" means a person who applies geologic data, principles and interpretation to naturally occurring materials so that geologic factors affecting planning, design, construction and maintenance of civil engineering works are properly recognized and utilized.
- (4) "Geologist" means a person engaged in the practice of geology.
- (5) "Geologist in training" means a person certified by the board as having passed an examination in the geologic subjects and having adequate academic training.
- (6) "Geology" refers to:
  - (a) That science that treats of the earth in general;
  - (b) Investigation of the earth's crust and the rocks and other materials that compose it; and
  - (c) The applied science of utilizing knowledge of the earth and its constituent rocks, minerals, liquids, gases and other materials for the benefit of humanity.
- (7) "Public practice of geology" means the performance for another of geological service or work, such as consultation, investigation, surveys, evaluation, planning, mapping and inspection of geological work, that is related to public welfare or safeguarding of life, health, property and the environment, except as specifically exempted by ORS 672.505 to 672.705.
- (8) "Qualified nonregistered geologist" means a person who possesses all the qualifications specified in ORS 672.505 to 672.705 for registration except that the person is not registered in this state.
- (9) "Registered certified specialty geologist" means a person who is certified as a specialty geologist under the provisions of ORS 672.505 to 672.705.

(10) "Registered geologist" means a person who is registered as a geologist under the provisions of ORS 672.505 to 672.705.

(11) "Responsible charge of work" means the independent control and direction of geological work by the use of initiative, skill and independent judgment, or the supervision of such work.

(12) "Subordinate" means any person who assists a registered geologist in the practice of geology without assuming the responsible charge of work.

### **672.515 Policy of ORS 672.505 to 672.705.**

ORS 672.505 to 672.705 are enacted in order to introduce qualifying criteria in a presently unregulated professional field. This action is necessary to safeguard the health and welfare and property of the people of Oregon. These safeguards are in the fields of geology as related to engineering, ground water, land use planning, mineral exploration and development, geologic hazards, the further development of the science of geology, and other geologic matters of concern to the people of the state.

### **672.525 Geologist registration; public practice of geology.**

(1) No person, other than a registered geologist, a registered certified specialty geologist or a subordinate under the direction of either, shall provide or prepare for the public practice of geology any geologic maps, plans, reports, or documents except as specifically exempted in ORS 672.535.

(2) No person shall publicly practice or offer to publicly practice geology in this state, and use in connection with the name of the person or otherwise assume or advertise any title or description tending to convey the impression that the person is a registered geologist, unless such person has been registered or exempted under the provisions of ORS 672.505 to 672.705. The right to engage in the public practice of geology is deemed a personal right, based on the qualifications of the individual as evidenced by the certificate of registration, and shall not be transferable.

(3) No person other than a geologist registered under ORS 672.505 to 672.705 shall stamp or seal any plans, plats, reports, or other documents with the seal or stamp of a registered geologist or registered certified specialty geologist, or to use in any manner the title "geologist" or the title of any registered certified specialty geologist while conducting the public practice of geology unless registered or certified under ORS 672.505 to 672.705.

(4) No person shall sign, or stamp or seal any geologic maps, plans, plats, reports, or other geologic documents after the certification of the registrant named thereon has

expired or has been suspended or revoked, unless the certificate has been renewed or reissued.

(5) No person shall attempt to use the certificate of registration or seal of another, or falsely impersonate another registrant.

(6) No person shall give false or forged evidence of any kind to the State Board of Geologist Examiners to obtain a certificate of registration.

(7) No person, including a person registered as a geologist under this section, shall practice or offer to perform any activities of an engineering geologist as defined in ORS 672.505 unless the person is certified as an engineering geologist under ORS 672.565.

(8) A person shall be construed to publicly practice or offer to publicly practice geology if the person:

(a) Publicly practices any branch of the profession of geology;

(b) By verbal claim, sign, advertisement, letterhead or card, or in any other way, purports to be a registered geologist, or through the use of some other title implies that the person is a registered geologist or that the person is registered under ORS 672.505 to 672.705; or

(c) Offers to provide any geological services or work recognized as the public practice of geology for a fee or other compensation.

(9) A person does not publicly practice or offer to publicly practice geology solely because the person testifies or prepares to testify in a public proceeding.

### **672.535 Exemptions from ORS 672.505 to 672.705.**

The following persons are exempt from the provisions of ORS 672.505 to 672.705:

(1) Persons engaged in teaching and conducting research in the science of geology in an accredited college or university, and students acting under their direction, but who are not engaged in the public practice of geology in this state;

(2) Officers and employees of the United States of America, practicing solely as such officers or employees; or

(3) A subordinate to a geologist registered under ORS 672.505 to 672.705 insofar as the subordinate acts solely in such capacity. This exemption, however, does not permit any such subordinate to practice geology for others or use the title "registered geologist."

### **672.545 Practice of geology by proprietorship, partnership or corporation; employment of nonregistered geologist; practice by other professionals; practice by nonresident.**

(1) ORS 672.505 to 672.705 do not prohibit one or more geologists from practicing through the medium of a sole proprietorship, partnership, or corporation. In a partnership or corporation whose primary activity consists of geological services, at least one partner or officer shall be a registered geologist.

(2) ORS 672.505 to 672.705 do not prevent or prohibit an individual, firm, company, association, or corporation whose principal business is other than the public practice of geology from employing a nonregistered geologist to perform nonpublic geological services necessary to the conduct of their business.

(3) ORS 672.505 to 672.705 shall not be construed to prevent or to affect:

(a) The practice of any licensed profession or trade by limiting its appropriate and current custom or practice including the practice of any profession or trade for which a license or registration is required under any other law of this state including the practice of registered civil and mining engineers lawfully practicing civil and mining engineering in its various specialized branches; or

(b) The practice of geology by a person not a resident of and having no established place of business in this state, when the practice is limited to a specific project and does not exceed one period of 60 consecutive days in any calendar year, and provided the person is licensed or registered to practice such profession in another state where the requirements for certification, registration or licensing are not lower than those specified in ORS 672.505 to 672.705 and provided further that such nonresident shall file with the State Board of Geologist Examiners, on or before entering the state for commencing such work, a statement giving name, residence, the number of the license or certificate of registration of the nonresident, and by what authority issued, and upon the completion of the work, a statement of the time engaged in such work within the state.

### **672.555 Application; qualifications for certificates of registration; rules.**

(1) An application for registration as a geologist shall show the applicant's education and a detailed summary of the geological work performed by the applicant.

(2) To be eligible for a certificate of registration, an applicant shall meet each of the following minimum qualifications:

(a) Have either:

(A) Graduated from an accredited college or university with a major in geology, engineering geology, geological engineering or related geological science approved by the State Board of Geologist Examiners; or

(B) Completed and passed 45 quarter hours or the equivalent in geological science courses.

(b) Have at least seven years of geological work that includes a minimum of three years of geological work under the supervision of a registered geologist or a minimum of five accumulative years' experience in responsible charge of geological work. The applicant may demonstrate or receive credit for the required seven years of professional geological work in the following ways:

(A) Each year of completed undergraduate study in the geological sciences shall count as one year of training up to a maximum of two years, and each year of completed graduate study shall count as one year of training up to a maximum of three years.

(B) Total credit for undergraduate and graduate study may not exceed a total of four years toward meeting the requirement for at least seven years of geological work.

(C) The board may consider in lieu of geological work required, the cumulative total of geological work or geological research completed by persons teaching at the college or university level, provided such work or research is equivalent to the professional requirements specified in this subsection.

(D) The board shall determine the applicability of geological work by reviewing the applicant's documented and referenced geological work history in a responsible position. The board shall determine the adequacy of the required supervision and experience in accordance with standards adopted by rule by the board.

(c) Have successfully fulfilled the examination requirements, established by the board, designed to demonstrate that the applicant has the necessary



knowledge and skill to exercise the responsibilities of the public practice of geology.

(3) A certificate of registration as a “geologist in training” may be granted to a person who has fulfilled the requirements described in subsection (2)(a) and (c) of this section.

(4) The board shall, by rule, adopt the minimum coursework requirements that an applicant must meet in order to satisfy subsection (2)(a) of this section.

### **672.565 Certification in specialty; rules; professional affairs committees.**

(1) In addition to registering as a geologist, qualified persons also may be eligible for certification in a specialty. A specialty may be created by the State Board of Geologist Examiners by rule, with the rules to contain any required additional qualifications. Only a registered geologist is eligible for certification in a specialty. Application may be submitted for both registration as a geologist and for certification in a specialty at the same time, but the applicant must be approved for registration as a geologist before being considered for certification in a specialty.

(2) An applicant for certification in a specialty shall meet all of the requirements of a registered geologist and any special requirements as the board may establish by rule, including a written examination.

(3) The board may establish professional affairs committees, as needed, to represent each of the specialties into which the board determines certification of registration may be divided. Membership of each committee shall include geologists certified or qualified in the particular specialty involved. Each committee may:

(a) Establish qualifications for certification in its specialty;

(b) Establish a description of the practice of that specialty, subject to approval of the board; and

(c) Advise the board on professional affairs in which the committee is concerned.

(4) Engineering geology shall be one of the specialties requiring certification.

(5) The board may establish by rule criteria for exempting persons applying for a certification in a specialty from a written examination requirement.

### **672.575 Examination.**

The State Board of Geologist Examiners shall determine the scope, form and content of the examinations, provided for under ORS 672.505 to 672.705.

### **672.585 Certificate of registration; renewal; fee; replacement.**

(1) The State Board of Geologist Examiners shall issue a certificate of registration, upon payment of the registration fee, to any applicant who, in the opinion of the board, has satisfactorily met all the requirements of ORS 672.505 to 672.705. The issuance of a certificate of registration by the board shall be prima facie evidence that the person named therein is entitled to all the rights and privileges of a registered geologist, or certified specialty geologist, while the certificate remains unrevoked or unexpired.

(2) All certificates shall be renewed annually at such time as will be designated by the board. All applications for renewal shall be filed with the administrator before the expiration date, accompanied by the annual renewal fee. A license which has expired for failure to renew may only be restored after application and payment of the prescribed restoration fee.

(3) Reduced annual renewal fees for registrants reaching the age of 70 may be established by action of the board.

(4) A new certificate of registration to replace any certificate lost, destroyed, or mutilated, may be issued subject to the rules of the board and payment of the fee.

### **672.588 Continuing education programs; fee; rules.**

(1) The State Board of Geologist Examiners may establish or approve programs of continuing education that contribute to the competency of geologists. The board may charge a fee for the programs of continuing education established by the board.

(2) The board may require completion of a program of continuing education established or approved under this section as a condition for the renewal, restoration or reissuance of a certificate of registration as a geologist issued under ORS 672.585 or 672.685.

(3) The number of hours of continuing education required shall be determined by the board, but may not exceed eight hours per year.

(4) The board may adopt rules to carry out the provisions of this section.

### **672.595 Registration of persons licensed in other jurisdictions.**

A person who holds a certificate of registration to engage in the practice of geology, or a certificate of specialization, issued to the person by a proper authority of a state, territory, or possession of the United States or the District of Columbia having licensing requirements comparable to Oregon, and who, in the opinion of the State Board of Geologist Examiners otherwise meets the requirements of ORS 672.505 to 672.705 may, upon application, be registered without further examination.

### **672.605 Seal of geologist.**

Each registrant, upon issuance of a certificate, shall obtain a seal of the design authorized by the State Board of Geologist Examiners, bearing the registrant's name and the legend "registered geologist" or "certified specialty geologist." All drawings, reports or other geologic papers or documents involving geologic work as defined in ORS 672.505 to 672.705 that have been prepared or approved by a registered geologist or a subordinate employee under the direction of a registered geologist for the use of or for delivery to any person or for public record within this state shall be signed by the registered geologist and impressed with the seal or the seal of a nonresident practicing under the provisions of ORS 672.505 to 672.705, either of which shall indicate responsibility for them.

### **672.615 State Board of Geologist Examiners; qualifications and appointment; term.**

(1) The State Board of Geologist Examiners shall operate as a semi-independent state agency subject to ORS 182.456 to 182.472 for the purpose of carrying out ORS 672.505 to 672.705. The board shall consist of four geologists and one public member, appointed by the Governor.

(2) Each member of the board shall be a citizen of the United States, and shall have been a resident of this state for one year preceding appointment. Each of the appointed geologist members of the board shall be a geologist registered under ORS 672.505 to 672.705. The State Geologist shall be an ex officio member of the board. Insofar as possible the board shall be composed of members having diverse geological specialties including at least one engineering geologist.

(3) Members of the board shall hold office until the expiration of the term for which they were appointed and until their successors have been appointed and qualified. On the expiration of the term of any member, the successor of the member shall be appointed in like manner for a term of three years.

(4) A person may not serve as a member of the board for more than two consecutive three-year terms.

(5) The Governor may remove any member of the board for misconduct, incompetency, neglect of duty or other sufficient cause. Vacancies in the membership of the board shall be filled for the unexpired term by appointment as provided for in this section.

(6) The board shall hold at least two regular meetings each year.

(7) The board shall fix the qualifications of an administrator.

(8) The board may:

(a) In accordance with ORS 182.468 (1), select and appoint an administrator; or

(b) Notwithstanding ORS 182.468 (1), enter into an interagency agreement with another state agency to provide for the sharing of an administrator.

(9) The administrator may not be a member of the board.

(10) The board shall fix the compensation of the administrator, who shall be in the unclassified service.

(11) The board shall have the authority to appoint committees as required or as considered advisable to perform such duties as the board may direct. Such committees shall be composed of registered geologists. Membership on all such committees is at the pleasure of the board.

### **672.635 Record of board proceedings; roster.**

(1) The State Board of Geologist Examiners shall keep a public record of its proceedings.

(2) All official records of the board, or affidavits by the administrator as to the content of such records, shall be prima facie evidence of all matters required to be kept therein.

(3) The administrator shall make available, upon request and payment of actual cost, an annual roster showing the names and addresses of all registered geologists and certified specialists.

### **672.645 Appeals filed with board; service on administrator.**

All appeals from a decision of the State Board of Geologist Examiners, all documents or applications required by law to be filed with the board, and any notice or legal process to be served upon the board shall be filed with or served upon the administrator of the board

### **672.655 Code of professional conduct.**

The State Board of Geologist Examiners shall cause to be prepared and shall adopt a code of professional conduct which shall be made known in writing to every registrant and applicant for registration under ORS 672.505 to 672.705. A copy of the code shall be provided to each successful applicant at the time of registration under ORS 672.585. The board may revise and amend this code of ethics from time to time and shall forthwith notify each registrant in writing of such revisions or amendments.

### **672.665 Charges against geologist.**

Any person may prefer charges of fraud, deceit, negligence, gross negligence, incompetence or misconduct against any registrant. Such charges shall be in writing and shall be sworn to by the person or persons making them and shall be filed with the administrator of the State Board of Geologist Examiners.

### **672.675 Grounds for reprimand, suspension, revocation or refusal to renew certificate.**

The State Board of Geologist Examiners has the power to suspend, revoke or refuse to renew the certificate of registration of any registrant or reprimand any registrant who is found to have been involved in:

- (1) The practice of any fraud or deceit in obtaining a certificate of registration;
- (2) Any negligence, gross negligence, incompetence or misconduct in the practice of geology as a registered geologist;
- (3) Any felony; or
- (4) The commission of any unlawful act as set forth in ORS 672.505 to 672.705.

### **672.685 Reissuance of revoked certificate.**

The State Board of Geologist Examiners may reissue a certificate of registration to any person whose certificate has been revoked if the person:

- (1) Submits a written application to the board showing good cause to justify the reissuance; and
- (2) Demonstrates compliance with the continuing education requirements established under ORS 672.588..

### **672.690 Civil penalties.**

(1) In addition to any other penalty provided by law, a person who violates any provision of ORS 672.515 to 672.705 or any rule adopted thereunder is subject to payment of a civil penalty to the State Board of Geologist Examiners in an amount of not more than \$1,000 for each offense.

(2) Civil penalties under this section shall be imposed as provided in ORS 183.745.

(3) Notwithstanding ORS 670.335, all penalties recovered shall be deposited into an account established as provided under ORS 182.470. Moneys deposited are continuously appropriated to the board and shall be used only for the administration and enforcement of ORS 182.456 to 182.472 and 672.505 to 672.705.

### **672.695 Public agencies required to contract with or for registered geologist.**

This state and its political subdivisions, such as a county, city or a legally constituted board, district, commission or authority, shall contract for geological services only with persons registered under ORS 672.505 to 672.705 or a firm employing a registered geologist.

### **672.705 Fees. In addition to any fees established by rule, the State Board of Geologist Examiners shall establish fees:**

- (1) For examination.
- (2) For initial or renewal license.
- (3) For initial or renewal certification in a specialty.
- (4) For restoration of a license or certificate.
- (5) For replacing a lost, destroyed or mutilated license or certificate.
- (6) For initial or renewal certification as a geologist in training

## CRIMINAL PENALTIES

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### **672.991 Penalties.**

(1) Violation of any provision of ORS 672.045 is a Class A misdemeanor.

(2) Notwithstanding ORS 131.105 to 131.155, prosecution for violation of ORS 672.045 may be commenced within two years after discovery of the offense, but in no case shall the period of limitation otherwise applicable be extended by more than 10 years.

(3) Violation of any provision of ORS 672.525 is a Class A misdemeanor.

# OREGON ADMINISTRATIVE RULES

## Ch. 820 Board of Examiners for Engineering and Land Surveying

### Division 1 Procedural Rules

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#### **820-001-0000 Rule Changes**

Before permanently adopting, amending, or repealing any rule, the Oregon Board of Examiners for Engineering and Land Surveying will give notice of the intended action:

- (1) In the Secretary of State's Bulletin referred to in ORS 183.360 at least twenty-one (21) days prior to the effective date.
- (2) By mailing or electronic mailing a copy of the notice to persons on the agency's mailing list established pursuant to ORS 183.335(8) at least twenty-eight (28) days before the effective date of the rule.
- (3) By mailing or electronic mailing a copy of the notice to the legislators specified in ORS 183.335(15) at least forty-nine (49) days before the effective date of the rule; and
- (4) By mailing, electronic mailing, or furnishing a copy of the notice to:
  - (a) Publications:
    - (A) The Associated Press; and
    - (B) Portland Business Today.
  - (b) State Societies:
    - (A) American Council of Engineering Companies of Oregon;
    - (B) Professional Engineers of Oregon;
    - (C) Professional Land Surveyors of Oregon;
    - (D) Structural Engineers Association of Oregon; and
    - (E) Oregon Association of County Engineers and Surveyors.
  - (c) Local branches and chapters of the national societies listed below:



(A) American Society of Heating, Refrigeration, and Air Conditioning Engineers;

(B) American Institute of Industrial Engineers;

(C) American Society of Civil Engineers;

(D) American Society of Mechanical Engineers;

(E) Institute of Electrical and Electronic Engineers;

(F) Illuminating Engineers Society;

(G) American Institute of Chemical Engineers; and

(H) International Society of Automation

(d) Colleges, universities and community colleges within the State with an engineering and/or land surveying degree program.

(e) Capitol Press Room.

(5) The agency may update the mailing list described in section (2) of this rule annually by requesting persons to confirm that they wish to remain on the mailing list. If a person does not respond to a request for confirmation within twenty-eight (28) days of the date that the agency sends the request, the agency will remove the person from the mailing list. Any person removed from the mailing list will be immediately returned to the mailing list upon request, provided that the person provides a mailing address or electronic mailing address to which notice may be sent.

### **820-001-0005 Contested Cases**

Pursuant to ORS 183.341, the Board of Examiners for Engineering and Land Surveying adopts the current version of the Attorney General's Model Rules of Procedure under the Administrative Procedure Act.

### **820-001-0010 Requiring an Answer to Charges as Part of Notices to Parties in Contested Cases**

In addition to the notice requirements under the Attorney General's Model Rules of Procedure under OAR 820-001-0005, the Notice to Parties in Contested Cases may include the statement that an answer to the assertions or charges will be required, and if so, the consequence of failure to answer. A statement of the consequences of failure to answer may be satisfied by enclosing a copy of 820-001-0015 with the notice.

## **820-001-0015 Hearing Request and Answers: Consequences of Failure to Answer**

(1) A hearing request, and answer when required, shall be made in writing to the Board by the party or the party's attorney.

(2) An answer shall be made in writing to the Board with any request for a hearing on a matter related to the following categories of cases where the proposed violation(s) involves allegations of:

- (a) Examination subversion or irregularities;
- (b) Denials of enrollments, certificates or registrations due to lack of education or experience;
- (c) Right of entry violations under ORS 672.047;
- (d) Violations of rules and statutes relating to professional conduct;
- (e) Negligence, gross negligence or incompetence;
- (f) Stamping or signing work that was not performed under the Registrant's supervision and control; or
- (g) Unlicensed practice of engineering, land surveying, photogrammetry, or water right examination.

(3) The answer shall include the following:

- (a) An admission or denial of each factual matter alleged in the notice; and
- (b) A short, concise statement of each relevant affirmative defense the party may have.

(4) When an answer is required:

- (a) Factual matters alleged in the notice and not denied in the answer shall be presumed admitted;
- (b) Failure to raise a particular defense in the answer will be considered a waiver of such defense;
- (c) New matters alleged in the answer (affirmative defenses) shall be presumed to be denied by the agency; and

(d) Evidence shall not be taken on any issue not raised in the notice and the answer.

(5) When an answer is required, the party or party's attorney may amend the response and answer, but no later than 10 days before the scheduled contested case hearing.

### **820-001-0020 Fees for Public Records and Publications**

(1) All requests for copies of public records pertaining to the Oregon State Board of Examiners for Engineering and Land Surveying, shall be submitted in writing, electronic mail, or by completion of the Public Records Request form provided by the Board. Requests are subject to disclosure according to the Public Records Law, ORS Chapter 192.

(2) The Board may charge a fee reasonably calculated for costs of providing and conveying copies of public records. Fees shall not exceed the cost of locating, compiling, making available for inspection, preparing copy in paper, audio, computer disk, and delivering public records. All estimated fees and charges must be paid before public records will be made available for inspection or copies provided.

(3) The Board shall notify a requestor of the estimated costs of making records available for inspection or providing copies of records to the requestor. If the estimated costs exceed \$25, the Board shall provide written notice and shall not act further to respond to the request unless and until the requestor confirms that the requestor wants the Board to proceed with making the public records available.

(4) The Board shall charge 25¢ per page for the first 20 pages and 15¢ per page thereafter to cover the costs of photocopying or scanning and normal and reasonable staff time to locate, separate, photocopy, or scan and return document(s) to file and to prepare and transmit public record(s) to requestors. If, for operational or other reasons, the Board uses the services of an outside facility to photocopy or scan requested records, the Board shall charge the actual costs incurred.

(5) "Page" refers to the number of copies produced. Staff will not reduce the copy size or otherwise manipulate records in order to fit additional records on a page, unless staff concludes that it would be the most effective use of their time. Consistent with ORS 192.240, all copies will be double-sided. A double-sided copy will be charged as two single pages.

(6) Additional charges for staff time may be made when responding to record requests that staff determines to require more than the normal and reasonable time for

responding to routine record requests. Staff time shall be charged at \$30 per hour, with a \$7.50 minimum. The first 30 minutes of staff time are free.

(7) Actual costs for delivery of records such as first class postage and courier fees.

(8) The Board shall charge \$20 for certified copies.

(9) The Board shall charge \$10 for compact discs containing requests.

(10) The Board shall charge \$5 for each audio record transmitted by email.

(11) The Board shall charge actual attorney fees for the cost of time spent by the attorney in reviewing the public records request for compliance with disclosure exemptions contained in ORS Chapter 192..

### **820-001-0030 Purchasing and Contracting**

(1) The Agency may award a procurement of goods or services, including personal services of persons who are not registrants of the Board, in any manner the Agency deems practical or convenient, including by direct selection or award if:

(a) The amount of the procurement does not exceed \$15,000; or

(b) The amount of the procurement does not exceed \$35,000 and corresponds to an appropriate line item in the approved biennial budget.

(2) The Agency may, with Board approval, award a procurement of goods or services, including personal services of persons who are not registrants of the Board, that exceeds the provisions in section (1) of this rule, but does not exceed \$150,000 after seeking at least three informally solicited competitive price quotes or competitive proposals from prospective contractors, if three quotes or proposals are reasonably available. The Agency shall keep a written record of the quotes or proposals received, and of the Agency's effort to obtain quotes or proposals when three quotes or proposals are not reasonably available.

(3) The Agency shall solicit and may award a contract by requesting and evaluating competitive proposals for procurement of goods or services that exceed \$150,000, including personal services of persons who are not registrants of the Agency, only with Board approval.

(4) Any request for proposals issued under subsection (3) of this rule shall:

- (a) Specify a time and date by which proposals must be received, the Agency contact person for the proposals, and a place at which the proposals must be submitted, which may include an Agency electronic mail address;
  - (b) Describe the procurement, including a statement of work for the procurement and any prerequisites the contractor must meet;
  - (c) Include all contractual terms;
  - (d) State that the Agency may cancel the procurement or reject all proposals;  
and
  - (e) Announce the method the Agency will use to select the contractor and describe the manner in which the Agency will evaluate the proposals, which may include an award based solely on the ranking of proposals, discussions leading to best and final offers, serial negotiations, and competitive simultaneous negotiations.
- (5) The Board shall give public notice of any request for proposal issued under subsection (3) of this rule. A public notice must be published electronically on the Board's website, and may be published in additional venues at the discretion of the Board or Administrator.
- (6) The Agency shall keep a written record of the proposals received under subsection (3) of this rule.
- (7) Notwithstanding sections (2) to (6) of this rule, the Agency may, with Board approval, solicit and award any contract for information technology personal services or information technology goods requiring professional services to install or use, regardless of the amount of the award:
- (a) In consultation with and under the oversight of the office of the Oregon State Chief Information Officer (CIO);
  - (b) In compliance with the CIO's rules, policies, and standards for budgeting, planning, acquiring, installing, operating and overseeing information technology;  
and
  - (c) With the CIO's oversight of information technology procurements, as set forth in ORS 279A.050(7).

(8) For personal services consultant contracts with registered professional engineers, registered professional land surveyors, registered professional photogrammetrists, and certified water right examiners, the Agency may:

(a) Award a procurement of services that does not exceed \$25,000 in any manner the Agency deems practical or convenient, including by direct selection or award, so long as subsections (8)(b) and (c) of this rule are followed.

(b) Select consultants to provide engineering, land surveying, photogrammetric mapping, or water right examination services on the basis of the consultants' qualifications for the type of professional service required;

(c) Solicit or use pricing policies and proposals or other pricing information, including the number of hours proposed for the service required, expenses, hourly rates and overhead, to determine consultant compensation only after the Agency has selected a candidate pursuant to subsection (8)(b) of this rule.

### **820-001-0035 Notice of Intent to Award**

At least 10 business days before the award of a contract under OAR 820-001-0030(3), the Board shall provide to each proposer notice of the Board's intent to award a contract.

### **820-001-0040 Protests of Contract Award**

(1) A proposer may protest the notice of intent to award a contract if:

(a) The proposer is adversely affected because the proposer would be eligible to be awarded the contract in the event that the protest was successful; and

(b) The grounds for the protest are:

(A) All lower bids or higher ranked proposals are nonresponsive; or,

(B) The Board has failed to conduct the evaluation of proposals in accordance with the criteria or processes described in the request for proposals.

(2) The proposer shall submit the protest to the Board in writing, before the contract is awarded, and shall specify the grounds for the protest to be considered by the Board.

(3) The Board shall consider and respond in writing to a protest before awarding a contract.

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### **820-001-0100 Request to Add New Branch**

Persons desiring to be registered as a professional engineer, professional land surveyor, or professional photogrammetrist naming a branch other than one listed under OAR 820-010-1000, 820-010-2000, or 820-010-3000 as one in which the individual is especially qualified may petition the Board to amend the list. Procedures are designated in the Model Rules of Procedure under the Administrative Procedure Act, OAR 137-001-0070. Information in the petition shall include:

- (1) The public need for recognition of the new discipline;
- (2) The number of potential registrants that would be affected;
- (3) Whether the new branch is a specialty under an already recognized profession; and
- (4) Recommendations for examination sources in that discipline.

### **820-001-0200 Qualifications of Administrative Officer (Administrator)**

The administrative officer of the Oregon State Board of Examiners for Engineering and Land Surveying authorized by ORS 670.306 shall:

- (1) Not be a member of the Board.
- (2) Serve at the pleasure of the Board.
- (3) Receive such compensation as the Board may determine.
- (4) Perform such duties as assigned by the Board.

## **Division 5 - DEFINITIONS**

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### **820-005-0001 Definitions**

The following definitions have been adopted by the Board to assist registrants and the general public in their interpretation of specific portions of OAR Chapter 820 and ORS 672.002 to 672.325.

### **820-005-0005 Board**

"Board" means the Oregon State Board of Examiners for Engineering and Land Surveying provided by ORS 672.240.

### **820-005-0015 Certificate Authority**

"Certificate Authority" is the third party that issues and manages digital certificates (private and public keys) for digital signatures.

### **820-005-0020 Digital Certificate**

"Digital certificate" is required to affix a digital signature, for the recipient to verify the identity of the signor, and for the recipient to verify that the contents of the document have not been altered since the signature was affixed.

### **820-005-0025 Digital Signature**

"Digital signature" means a type of electronic signature that transforms a message through the use of an algorithm or series of algorithms that provide a key pair, private and public, for signor verification, document security and authentication.

### **820-005-0030 Engineering — Practice**

"Practice of engineering" refers to ORS 672.005 and 672.007.

### **820-005-0036 Engineering — Work**

"Engineering work," is work performed after a person is 18 years old and involves work of a higher grade and responsibility than that defined as "technician work." Credit for engineering work will only be given for time worked such that persons performing work for more than one entity during a given period of time will not receive multiple credit for dates worked. Work performed in conjunction with a course of study provided by a community college, college, university, or any other educational program, for which tuition or similar payment is made, credit is earned, or as a requirement of the program, will not be considered "engineering work."

### **820-005-0040 Examination Subversion**

"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.

### **820-005-0045 Land Surveying — Practice**

"Practice of land surveying" refers to ORS 672.005 and 672.007.

### **820-005-0051 Land Surveying — Work**

"Land surveying work" is work performed or education gained as provided in OAR 820-010-2020 after a person is 18 years old and involves work of a higher grade and responsibility than that defined as "technician work." Engineering work, not related to the practice of land surveying, is not land surveying work. Credit for land surveying work will only be given for time worked such that persons performing work for more



than one entity during a given period of time will not receive multiple credit for dates worked.

### **820-005-0055 Multiple Registrant**

"Multiple registrant" means a person who is registered as both a land surveyor and an engineer or is registered as an engineer in two or more disciplines.

### **820-005-0056 Person**

"Person" as used in ORS 672.007(1)(c), (2)(c), and (3)(c) and ORS 672.045 subsections (1), (2), (4), (7), and (8), means individuals, corporations, associations, firms, partnerships, limited liability companies, and joint stock companies.

### **820-005-0057 NCEES Record**

An NCEES Record is a verified compilation of information, for which NCEES is the repository, that an applicant may submit to a state licensing board as part of the licensure application process.

### **820-005-0060 Photogrammetric Mapping — Practice**

"Practice of photogrammetric mapping" or "practice of photogrammetry" refers to ORS 672.002 and 672.007.

### **820-005-0066 Photogrammetric — Work**

"Photogrammetric work" is work performed after a person is 18 years old and involves work of a higher grade and responsibility than that defined as "technician work." Credit for photogrammetric work will only be given for time worked such that persons performing work for more than one entity during a given period of time will not receive multiple credit for dates worked. Time spent teaching photogrammetric mapping after graduation is "photogrammetric work." Work performed in conjunction with a course of study provided by a community college, college, university, or any other educational program, for which tuition or similar payment is made, credit is earned, or as a requirement of the program, will not be considered "photogrammetric work."

### **820-005-0070 Professional Development Hour**

Professional Development Hour (PDH) is a contact hour (nominal) of instruction or presentation. The common denominator for other units of credit.

- (1) 1 college semester hour equals 45 PDH.
- (2) 1 college quarter hour equals 30 PDH.
- (3) 1 continuing education unit equals 10 PDH.

## **820-005-0075 Responsible Charge**

(1) "Responsible charge," as used in ORS 672.002(9), means to have supervision and control over engineering work, land surveying work, and photogrammetric mapping work, as evidenced by performing substantially the following:

- (a) Establishing the manner or method by which services are rendered;
- (b) Establishing quality controls for the services rendered;
- (c) Communicating with clients;
- (d) Reviewing designs, calculations, plans, surveys or maps;
- (e) Supplying deficiencies found in or correcting errors contained in designs, calculations, plans, surveys or maps;
- (f) Making changes to documents, including but not limited to, designs, plans, plats, surveys or maps; and
- (g) With respect to land surveying, reviewing field evidence and making final decisions concerning the placement of survey monuments and surveyed lines.

## **820-005-0080 Supervision and Control**

(1) "Supervision and control," as used in ORS 672.002(10), means establishing the nature of, directing and guiding the preparation of, and approving the work product and accepting responsibility for the work product, as evidenced by performing the following:

- (a) Spending time directly supervising the work to assure that the person working under the licensee is familiar with the significant details of the work;
- (b) Providing oversight, inspection, observation and direction regarding the work being performed;
- (c) Providing adequate training for persons rendering services and working on projects under the licensee;
- (d) Maintaining readily accessible contact with the person providing services or performing work by direct proximity or by frequent communication about the services provided or the work performed. Communications between the licensee and persons under the licensee's supervision and control include face-to-face communications, electronic mail, and telephone communications and similar, other communications that are immediate and responsive; and

- (e) Applying the licensee's seal and signature to a document.

### **820-005-0085 Technician Work**

"Technician work" means the time spent on work where the personal responsibility and technical knowledge required are small; that is, where the individual performance of a task, set and supervised by others, is all that is required. It shall also include all time spent in work before an applicant is 18 years old. "Technician work" does not include engineering work as described in OAR 820-005-0036, land surveying work as described in OAR 820-005-0051, or photogrammetric work as described in OAR 820-005-0066. Engineering "technician work" includes, but is not limited to, work as an inspector, a laboratory assistant, a design assistant, a survey technician, or a draftsman. Land Surveying "technician work" includes, but is not limited to, work as a survey technician, a draftsman, an instrument plotter, or computation work under close supervision and not requiring the exercise of judgment in survey or map design, or decisions on boundary location. Photogrammetric mapping "technician work" includes but is not limited to, work as a photogrammetric mapping technician to perform technical photogrammetric or remote sensing tasks to extract spatial data from photographic imagery, digital imagery or other remotely-sensed data under close supervision and not requiring the exercise of judgment in project design or decisions related to authoritative photogrammetric measurements.

### **820-005-1000 Acronyms**

- (1) ACCE — American Council for Construction Education;
- (2) ANSAC — Applied and Natural Science Accreditation Commission of ABET;
- (3) EAC — Engineering Accreditation Commission of ABET;
- (4) EI — Engineering Intern;
- (5) FE — Fundamentals of Engineering;
- (6) FLS — Fundamentals of Land Surveying;
- (7) LSI — Land Surveying Intern;
- (8) NCEES — National Council of Examiners for Engineering and Surveying;
- (9) ETAC — Engineering Technology Accreditation Commission of ABET;
- (10) PE — Professional Engineer;
- (11) PLS — Professional Land Surveyor;

(12) RPP — Registered Professional Photogrammetrist;

(13) CWRE — Certified Water Right Examiner.

## DIVISION 10 LICENSING

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### **820-010-0505 Biennial Renewal of Registration or Certification**

(1) Registration with the Board as a professional engineer, professional land surveyor, or professional photogrammetrist is on a biennial renewal schedule. As a condition of registration renewal, registrants must demonstrate compliance with the continuing professional development requirements in OAR 820-010-0635. Verification of completing the required professional development requirements in the renewal application and fee must be received by 11:59 p.m. Pacific Time (PT) on the day of the expiration date of the registration. The biennial fee to renew a registration is described below:

(a) Professional Engineer — \$230.00;

(b) Professional Land Surveyor — \$230.00;

(c) Professional Photogrammetrist — \$230.00.

(2) Certification as a certified water right examiner is on a biennial renewal schedule. The fee must be received by 11:59 p.m. Pacific Time (PT) on the day of the expiration date of the certification. The biennial fee to renew a certification as a water right examiner is \$80.00.

(3) A delinquent fee of \$80.00 will be assessed on the first day following the expiration date of each registration or certification for each biennial renewal period in which renewal fee payment or verification of having timely completed the required continuing professional development hours has not been submitted.

(a) A registration or certification that is delinquent for failure to pay the renewal fee will remain in "delinquent" status until all delinquent fees that are due, and the required renewal fee, are paid.

(b) A registration or certification that is delinquent for failure to submit verification of having timely completed the required continuing professional development hours, when such hours have been completed, will remain in

“delinquent” status until the delinquent fee is paid and the verification is submitted.

(c) A registration or certification that is suspended or for which renewal is refused because of failure to complete the required continuing professional development hours cannot be returned to active status or renewed until any delinquent fees and any biennial renewal fees due are paid, in addition to any conditions imposed by the Board for renewal or lifting of the suspension.

(4) Registrations in the delinquent status for a period of 5 years or more due to suspension or a refusal to renew shall not be renewed. After a registration has been delinquent for 5 years or more due to suspension or a refusal to renew, the delinquent registrant must apply for a new certificate of registration. The branches of engineering recognized by the board for a registrant who has been delinquent for 5 years or more due to suspension or a refusal to renew are those in OAR 820-010-1010(1) to (3) when the applicant has passed the examination no more than one year before applying for a new registration.

(5) Registrations in the delinquent or retired status for reasons other than due to suspension or a refusal to renew for a period of 5 years or more may not be renewed (See ORS 672.170(4)). After a registration has been delinquent or retired for five years or more, the delinquent or retired registrants must apply for a new certificate of registration, under the qualification laws and rules that are in place at the time the new application is submitted.

## **820-010-0510 Registrants or Certificate Holders Qualified to Practice**

(1) Active registrants or certificate holders authorized to engage in the professional practice of engineering, land surveying, photogrammetric mapping, or the professional activities of a certified water right examiner as defined in ORS Chapter 537 and OAR chapter 690, and who are current with regards to payment of application and biennial renewal fees and continuing Professional Development Hour (PDH) requirements, if applicable, may practice in their respective professions. These registrants maintain an “active status.”

(2) Registrants or certificate holders with a “pending” status are authorized to engage in the professional practice of engineering, land surveying, photogrammetric mapping, or the professional activities of a certified water right examiner as defined in ORS Chapter 537 and OAR chapter 690.

## 820-010-0520 Registrants or Certificate Holders Not Qualified to Practice

Registrants or certificate holders who are delinquent, retired, inactive, suspended or revoked by the Board, are not authorized to engage in the professional practice of engineering, land surveying, photogrammetric mapping, or the professional activities of a certified water right examiner as defined in ORS Chapter 537 and OAR chapter 690. Except as provided in section (2), registrants or certificate holders who are delinquent, retired, inactive, suspended or revoked may not hold out as professional engineers, professional land surveyors, professional photogrammetrists, or certified water right examiners.

(1) Delinquent registrants or certificate holders. Registrants or certificate holders become delinquent because they fail, within a period of five years from the renewal date, to renew their certificate of registration or to pay their renewal or delinquent fees, or satisfy the required PDH units. A delinquent registrant or certificate holder, who is not subject to suspension or revocation of registration, or PDH audit may return to active status:

- (a) Upon application to the Board;
- (b) By paying any delinquent renewal fee required by OAR 820-080-0010;
- (c) By paying any biennial renewal fee required by OAR 820-010-0505;  
and
- (d) By completing and submitting proof of completion on a form approved by the Board of all delinquent PDH units, at a rate of 15 PDH units per year delinquent.

(2) Delinquent registrants who are subject to suspension of registration must comply with all terms of the Final Order of Suspension of Registration issued against them and, if suspension of registration was not related to registration delinquency, must also comply with subsection (1) of this rule, in order to return to active status.

(3) Delinquent registrants who are subject to revocation of registration must reapply for registration and have complied with subsection (1) of this rule, in order for their registration applications to be considered.

(4) Retired registrants or certificate holders. Registrants or certificate holders may retire once they notify the Board that they are not providing engineering,

land surveying, photogrammetric mapping services, or professional activities of a certified water right examiner to the public and they request retired status.

Registrants or certificate holders who are retired may not use their seal.

However, retired registrants may sign documents, listing after their name the designation "PE (Retired)," "SE (Retired)," "PLS (Retired)," "Photogrammetrist (Retired)," or "CWRE (Retired)," as appropriate. A retired registrant or certificate holder may, within a period of 5 years from retirement, return to active status:

- (a) Upon application to the Board,
- (b) By paying the reinstatement fee required by OAR 820-080-0010;
- (c) By paying the biennial renewal fee required by OAR 820-010-0505;  
and
- (d) By satisfying and submitting proof of completion on a form approved by the Board of 15 PDH units per year for each year (or part of a year) retired.

(5) Inactive registrants or certificate holders. Registrants or certificate holders may place their license or certification on inactive status, upon application to the Board, if the registrant or certificate holder maintains a current registration or certification in another jurisdiction. An inactive registrant or certificate holder may return to active status at any time:

- (a) Upon application to the Board;
- (b) By demonstrating to the satisfaction of the Board that the registrant or certificate holder has maintained active status in good standing of the same registration or certification in another U.S. jurisdiction throughout the period the registrant or certificate holder has been in inactive status in Oregon;
- (c) By paying the reinstatement fee required by OAR 820-080-0010;
- (d) By paying the biennial renewal fee required by OAR 820-010-0505;  
and
- (e) By satisfying and submitting proof of completion on a form approved by the Board of 30 PDH units within two years preceding application, except for certificate holders, who must satisfy and submit proof of completing 10 PDH units within two years preceding application.

## **820-010-0530 United States Military Registrants**

(1) Upon written request, biennial renewal fees and continuing professional development units may be waived while a registrant holding a registration to practice engineering, land surveying, or photogrammetry in Oregon is on active duty with the Armed Forces of the United States.

(2) An active duty registrant with the Armed Forces of the United States may return a registration to its former status upon written notification to the Board within 60 days of the date of honorable discharge. Former status will be restored by satisfying and submitting proof of completion of 15 PDH units per year for each year (or part of a year) in active military status on the Continuing Professional Development Organizational Form. Biennial renewal fees will not be required until the biennial renewal period following the date of honorable discharge.

(3) If a registrant fails to notify the Board in writing within 60 days from the date of honorable discharge, or within the registration biennial renewal period in which the honorable discharge becomes effective, whichever is the longer period of time, that person may be subject to fees, including late-payment fees, assessed by the Board or other registration requirements in accordance with ORS Chapter 672.

## **820-010-0600 Records**

The Board will maintain and store records pursuant to OAR 166 division 350, on professional registrants registered by the Board, EIs and LSIs enrolled by the Board, and certification of water right examiners by the Board.

## **820-010-0605 Address Changes; Service of Notice; and Name Changes**

(1) It is the registrant's responsibility to inform the Board in writing, within 30-days, of any address change, including any change of an e-mail address. Notice by registered or certified mail to the registrant's last address on file with the Board shall constitute service.

(2) It is the registrant's responsibility to inform the Board in writing, within 30-days, of any name change. Documentation showing current legal name must be submitted.

## **820-010-0610 Certificates**

Certificates shall be of a design approved by the Board. These shall bear on their face a notation stating that the registrant is qualified to practice land surveying, photogrammetry, engineering, especially qualified in a particular branch, or to engage in the professional activities of a certified water right examiner as defined in ORS



Chapter 537 and OAR chapter 690; this qualification having been determined by a written examination.

### **820-010-0615 Posting of Certificates**

Registrants doing business with the public on their own account, or as consultants, or otherwise where appropriate shall keep their certificates of registration issued by the Board posted conspicuously in their places of business, where the public can readily examine said certificates. It is the registrants' responsibility to ensure that their certificate is valid.

### **820-010-0617 Civil Penalty Factors**

(1) In establishing the amount of a civil penalty to be assessed pursuant ORS 672.325, the Board may consider the following factors:

- (a) The nature, gravity and magnitude of the violation;
- (b) Prior violations, including administrative, civil or criminal proceedings in any state;
- (c) Whether the violation was repeated or continuous;
- (d) Whether the violation was an inadvertent act or an intentional act;
- (e) The history of the respondent in taking steps necessary or appropriate to correct any violation;
- (f) The opportunity for and the difficulty in correcting the violation at issue.

(2) In considering the factors set forth in section (1) of this rule, the applicable factors may be given varying weight depending upon the circumstances of the violation.

### **820-010-0619 Civil Penalties for Violations of ORS 92.040 to 92.080, 209.250, and County Ordinances**

Pursuant to ORS 209.250(11), the Board may impose civil penalties against a registrant for any violation of ORS 92.040 to 92.080, 209.250(1) to (9), or of any county ordinance that establishes standards or plats, in an amount not to exceed \$1,000 per offense.

### **820-010-0620 Official Seal**

(1) Seals, as referenced by ORS 672.020(2) and 672.025(2), must contain the printed name of the registrant, the date of registration, the number of the registrant's certificate of registration, and the registrant's professional title. The registrant's printed

name on the seal will be exactly the same as the name printed on registrant's certificate of registration.

(2) The size, design and content of the seal will be an exact replica, in style, of the examples shown in Exhibit 1 (Official Seals) for the profession or branch of the profession in which the registrant is licensed. (A tolerance of 1/4" is permitted as to the size of the seal). The expiration or renewal date may be made part of the seal. If the expiration or renewal date is not made part of the seal, it must be handwritten, in permanent ink, after the word "Expires" or "Renews." Reduced or enlarged seals are not permitted on final documents. In addition to these requirements, registrants will use the following seals:

(a) Professional engineers holding a structural engineering certificate will use the seal with the designation "Structural" above the words "Registered Professional Engineer," as shown in Exhibit 1-b. Other registered professional engineers will use the seal shown in Exhibit 1-a; [Exhibit not included. See ED. NOTE.]

(b) Registered professional traffic engineer, who may practice only traffic engineering will use the seal shown in Exhibit 1-f; [Exhibit not included. See ED. NOTE.]

(c) Registered professional land surveyors will use the seal shown in Exhibit 1-c; [Exhibit not included. See ED. NOTE.]

(d) Registered professional photogrammetrists will use the seal shown in Exhibit 1-d; [Exhibit not included. See ED. NOTE.]

(e) Registered water rights examiners will use the seal shown in Exhibit 1-e. [Exhibit not included. See ED. NOTE.]

(3) The seal may be applied to a document by rubber stamp or it may be computer-generated onto the document.

(4) The registrant will sign through the middle of the seal or in the place on the seal as indicated for signature, in handwriting, and in permanent ink.

(5) A digital signature, for final documents is acceptable as an alternative to a handwritten signature in permanent ink if the digital signature:

(a) Is unique to the registrant using it;

(b) Is independently verifiable by a Certificate Authority (3rd Party);

- (c) Is under the sole control of the registrant using it;
- (d) Is linked to the document in such a manner that the digital signature is invalidated if any data in the document is changed; and
- (e) Bears the phrase "digital signature" in place of a handwritten signature.

(6) Only individuals registered as professional engineers, professional traffic engineers, professional land surveyors, professional photogrammetrists, or certified water rights examiners may use a seal with a shape, form or wording similar to those shown in Exhibit 1. Using such a seal without registration constitutes falsely representing that the person is authorized to practice the profession.

### **820-010-0621 Final Documents**

(1) In addition to the final documents identified in ORS 672.020(2), 672.025(2), and 672.028(2), final documents include plats, design information, and calculations. All final documents must bear the seal and signature of the registrant under whose supervision and control they were prepared.

(2) Documents that are not final documents must be marked as "preliminary", "not for construction", "review copy", "draft copy, subject to change", or with some similar wording to indicate that the documents are not intended to represent the final work product of the registrant.

### **820-010-0622 Modifying Designs or Documents**

(1) Documents prepared and sealed by a Professional Engineer may be modified only when all of the following requirements are met:

- (a) Only a Professional Engineer or Registered Architect if within the scope of practice of architecture and if competent by education or experience, can modify designs or documents prepared and sealed by a Professional Engineer.
- (b) A Professional Engineer shall only modify another Professional Engineer's design or document if they are competent by education or experience.
- (c) The Professional Engineer modifying another Professional Engineer's design or document shall cloud, encircle, or in some other way clearly indicate the portion of the design or document they are revising and refer the viewer to a separate design or document.
- (d) The Professional Engineer making the design revisions shall seal and sign the separate design or document.

- (e) A Professional Engineer modifying designs or documents not sealed must provide all the engineering services that would have been required had they started the work from its origin.
- (2) Professional Engineers modifying designs or documents prepared by an unlicensed person for an exempt structure must do the following:
- (a) The Professional Engineer modifying the design or document shall cloud, encircle, or in some other way clearly indicate the portion of the design or document they are revising and refer the viewer to a separate design or document.
  - (b) The Professional Engineer making the design revision shall seal and sign the separate design or document.
- (3) A Professional Engineer may modify a Registered Architect's documents as follows:
- (a) The Professional Engineer shall only modify a Registered Architect's documents if within the scope of practice of engineering and if competent by education and experience.
  - (b) The Professional Engineer modifying a Registered Architect's documents shall make modifications on separate documents that clearly indicate the portion of the Registered Architect's documents being modified.
  - (c) The Professional Engineer modifying a Registered Architect's documents shall seal and sign the separate documents that provide the modifications.

### **820-010-0623 Dual Stamping Documents**

No more than one registrant will seal documents unless it is clearly explained and denoted on the document by all registrants which portion of the work each registrant prepared and for which each registrant is responsible.

### **820-010-0625 Registration and Certificate Number**

Professional engineer, professional land surveyor, and professional photogrammetrist registration numbers; EI and LSI enrollment numbers; and water right examiner certificate numbers will be issued by the Board consecutively in the order in which applicants make application to and qualify before the Board. No discrimination or preference will be permitted in issuing numbers.

## 820-010-0635 Continuing Professional Development

The purpose of professional development requirements is to demonstrate a continuing level of competency of professional engineers, land surveyors, and photogrammetrists.

(1) Requirements:

(a) Every registrant is required to obtain 30 professional development hour (PDH) units during each biennial registration period and in order to renew for the next biennial registration period.

(b) Registrants who are licensed for part of a registration period of six months or greater shall obtain a prorated amount of required PDH.

(c) Registrants who are licensed for part of a registration period of less than six months, and not under registration discipline, are not required to obtain PDH for that registration period.

(d) Every registrant shall report PDH units on the Continuing Professional Development (CPD) Organizational form provided by the Board and submit it to the Board office with the renewal form and fee. The CPD Organizational form must be completed in its entirety.

(e) Supporting documentation to verify the PDH units recorded on the CPD Organizational form must be submitted to the Board office when requested to participate in an audit. Supporting documentation may include, but is not limited to:

(A) Completion certificate(s);

(B) Paid receipt(s);

(C) Attendance log(s);

(D) Other documents supporting evidence of attendance.

(f) The CPD Organizational form and supporting documentation must be submitted to the Board in English or translated to English.

(g) Records must be retained for five (5) years.

(2) PDH units must be obtained in qualifying activities related to the individual's registration. A qualifying activity is any course or activity with a clear purpose and objective which improves, or expands the skills and knowledge relevant to the registrant's field of practice or practices.

(3) Non-qualifying activities may include, but are not limited to:

- (a) Regular employment;
- (b) Real estate licensing courses;
- (c) Personal, estate, or financial planning;
- (d) Personal self improvement;
- (e) Service club meetings or activities;
- (f) Equipment demonstrations or trade show displays;
- (g) Topics not relevant to engineering, land surveying, or photogrammetry professions;
- (h) Enrollment without attendance at courses, seminars, etc.
- (i) Repetitive attendance at the same course;
- (j) Repetitive teaching of the same course;
- (k) Attending committee meetings or general business meetings of any organization;
- (l) Taking professional or required examinations.

(4) Units — The conversion of other units of credit to PDH units is as follows:

- (a) 1 College Semester hour equals 45 PDH;
- (b) 1 College Quarter hour equals 30 PDH;
- (c) 1 Continuing Education unit equals 10 PDH.

(5) Sources of PDH units — One (1) PDH unit may be obtained for each contact hour of instruction or presentation. Unless otherwise noted, there is no maximum amount of PDH units a registrant may earn per biennial registration period. Sources of PDH units include, but are not limited to the following:

- (a) Successful completion of college courses;
- (b) Successful completion of short courses, tutorials, correspondence, web based courses, televised and videotaped courses;

- (c) Active participation in seminars, in-house courses, workshops, and professional conventions;
  - (d) Teaching or instructing a course, seminar, or workshop one time only. (This does not apply to full-time faculty teaching college courses);
  - (e) Authoring or co-authoring published papers, articles or books. Maximum of 10 PDH units per biennial registration period;
  - (f) Active participation in professional or technical society, committee, or board. Maximum of 8 PDH units per biennial registration period;
  - (g) Self study. Maximum of 6 PDH units per biennial registration period;
  - (h) Mentoring of engineering, land surveying, or photogrammetry topics to a nonregistered individual not under your supervision. Maximum of 10 PDH units per biennial registration period;
  - (i) Non-technical educational activities related to the registrant's employment;
  - (j) Developing, writing, or scoring an engineering, land surveying, or photogrammetric mapping examination for licensure or certification. Maximum of 15 PDH units per biennial registration period.
  - (k) Participation in a student engineering, land surveying, or photogrammetric mapping competition. Maximum of 10 PDH units per biennial registration period.
- (6) Determination of Credit — The Board has final authority with respect to approval of courses, credit, PDH units for courses and other methods of earning credit.
- (a) The Board will approve without listing courses which are sponsored by nationally recognized technical societies and those technical societies listed in 820-001-0000(4)(b)(A) through (E) and (4)(c)(A) through (H).
  - (b) Credit determination for activities is the responsibility of the registrant and is subject to review by the Board.
- (7) If a registrant exceeds the requirement in any registration period, a maximum of 15 PDH units in courses/activities may be carried forward into the next registration period.
- (8) In the event a registrant holds a license in another state that has a lesser PDH requirement than Oregon or no PDH requirement, the registrant will need to satisfy Oregon's 30 PDH requirement to renew the Oregon license.

(9) Multiple Registrants. The number of PDH units required shall remain a total of 30 PDH per registration period for persons who hold registration as an engineer, land surveyor, and/or photogrammetrist.

## **820-010-0715 Construction Contractors Offering Engineering**

(1) For the purpose of this rule, the following definitions apply:

(a) "Offering services" means manifesting a willingness to provide services, either orally or in writing, such that another person may reasonably believe that their assent to the services is invited and will establish an agreement.

(b) "Appurtenant" services are those services that relate to the construction trade, which include constructing, altering, repairing, or improving real estate.

(2) The engineer registration requirements of ORS 672.002 to 672.325 do not prevent a construction contractor from offering services constituting the practice of engineering when all of the following conditions are met:

(a) The construction contractor holds an active license under ORS 701;

(b) The services offered by the construction contractor, constituting the practice of engineering, are appurtenant to construction services to be provided by the contractor;

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

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

(3) An engineer performing or identified as an engineer that will perform the services constituting the practice of engineering as provided in subsection (2) of this rule must notify the Board in writing, within thirty (30) days if, after the contractor is retained by the owner, the engineer ceases to provide engineering services identified in the offer by the construction contractor.

(4) Construction contractors who violate any provision of this rule may be practicing engineering or using an engineer title in violation of ORS 672.020 and 672.045. As such, the contractor may be subject, under 672.325, to sanctions and civil penalties of up to \$1,000 per violation.



## **820-010-0720 Advertising for or Offering to Perform Services without Employing a Licensee or Certificate Holder; Engineering, Land Surveying and Photogrammetry Offices**

(1) A licensee or firm, partnership, corporation, limited liability company, joint stock company, or other organization shall not advertise for or offer to perform or perform professional services for which a license or certificate is required unless the licensee or organization has a full-time partner, manager, officer or employee licensed and certified to practice in the discipline for which a license is required or certificate to practice in accordance with Oregon Revised Statute Chapter 537.

(2) Licensees and organizations shall not advertise for or offer to perform or perform professional services for which a license is required but for which they do not hold, or have a qualified person who holds, a license and thereafter seek to employ persons who hold a qualifying license.

(3) As used in this rule, a “full-time partner, manager, officer or employee” refers to a person who:

(a) Is physically present at least one half of the person’s working time in the offices of the licensee or organization during normal business hours unless the full-time partner’s, manager’s, officer’s or employee’s professional duties require that the person be elsewhere; and

(b) Is not working for the licensee or organization under a contract or as a consultant for specific projects.

(4) A licensee or person employing or having a licensee as its partner, manager, or officer, may operate a project office for which no licensed professional engineer, land surveyor or photogrammetrist is physically present at least one half of the person’s working time, provided that the project office qualifies under this section and that no services are advertised or offered making reference to or in connection with the project office, its address or phone number. For purposes of this section, a project office is a workstation for a specific project, the use of which will not extend beyond the scope or duration of the specific project.

## **820-010-0730 Use of Title if Registered in Other Jurisdiction**

(1) The Agency may award a procurement of goods or services, including personal services of persons who are not registrants of the Board, in any manner the Agency deems practical or convenient, including by direct selection or award if:

- (a) The amount of the procurement does not exceed \$15,000; or
  - (b) The amount of the procurement does not exceed \$35,000 and corresponds to an appropriate line item in the approved biennial budget.
- (2) The Agency may, with Board approval, award a procurement of goods or services, including personal services of persons who are not registrants of the Board, that exceeds the provisions in section (1) of this rule, but does not exceed \$150,000 after seeking at least three informally solicited competitive price quotes or competitive proposals from prospective contractors, if three quotes or proposals are reasonably available. The Agency shall keep a written record of the quotes or proposals received, and of the Agency's effort to obtain quotes or proposals when three quotes or proposals are not reasonably available.
- (3) The Agency shall solicit and may award a contract by requesting and evaluating competitive proposals for procurement of goods or services that exceed \$150,000, including personal services of persons who are not registrants of the Agency, only with Board approval.
- (4) Any request for proposals issued under subsection (3) of this rule shall:
- (a) Specify a time and date by which proposals must be received, the Agency contact person for the proposals, and a place at which the proposals must be submitted, which may include an Agency electronic mail address;
  - (b) Describe the procurement, including a statement of work for the procurement and any prerequisites the contractor must meet;
  - (c) Include all contractual terms;
  - (d) State that the Agency may cancel the procurement or reject and all proposals; and
  - (e) Announce the method the Agency will use to select the contractor and describe the manner in which the Agency will evaluate the proposals, which may include an award based solely on the ranking of proposals, discussions leading to best and final offers, serial negotiations, and competitive simultaneous negotiations.
- (5) The Board shall give public notice of any request for proposal issued under subsection (3) of this rule. A public notice must be published electronically on the Board's website, and may be published in additional venues at the discretion of the Board or Administrator.

(6) The Agency shall keep a written record of the proposals received under subsection (3) of this rule.

(7) Notwithstanding sections (2) to (6) of this rule, the Agency may, with Board approval, solicit and award any contract for information technology personal services or information technology goods requiring professional services to install or use, regardless of the amount of the award:

(a) In consultation with and under the oversight of the office of the Oregon State Chief Information Officer (CIO);

(b) In compliance with the CIO's rules, policies, and standards for budgeting, planning, acquiring, installing, operating and overseeing information technology; and

(c) With the CIO's oversight of information technology procurements, as set forth in ORS 279A.050(7).

(8) For personal services consultant contracts with registered professional engineers, registered professional land surveyors, and registered professional photogrammetrists, the Agency may:

(a) Award a procurement of services that does not exceed \$25,000 in any manner the Agency deems practical or convenient, including by direct selection or award, so long as subsections (8)(b) and (c) of this rule are followed.

(b) Select consultants to provide engineering, land surveying or photogrammetric mapping services on the basis of the consultants' qualifications for the type of professional service required;

(c) Solicit or use pricing policies and proposals or other pricing information, including the number of hours proposed for the service required, expenses, hourly rates and overhead, to determine consultant compensation only after the Agency has selected a candidate pursuant to subsection (8)(b) of this rule..

## **820-010-1000 Qualifications for Registration as a Professional Engineer**

In order to qualify for registration as a Professional Engineer in Oregon, an applicant for registration must provide all of the following:

(1) Evidence satisfactory to the Board of passing or having previously passed the Fundamentals of Engineering examination administered by NCEES.

(2) Evidence satisfactory to the Board of passing or having previously passed a Principles and Practice of Engineering examination:

(a) Administered by NCEES, in one or more branches of engineering recognized by the Board; or,

(b) Administered by the California Board for Professional Engineers, Land Surveyors, and Geologists in:

(A) the Geotechnical branch of engineering; or,

(B) the Civil branch of engineering, 1973 examination only; or,

(c) Administered by the Board, in Acoustical Engineering or Forest Engineering.

(3) Evidence satisfactory to the Board of having obtained a Board approved combination of education and experience.

(4) A single application packet, which must include all of the following:

(a) A completed Registration Application form.

(b) Proof of successful passage of the NCEES Fundamentals of Engineering Examination. For Fundamentals of Engineering examinations passed before October 2010, if the Applicant did not pass the examination in Oregon, official verification must be provided by the NCEES licensing jurisdiction. For Fundamentals of Engineering examinations passed in October 2010 or later, the Board will verify passage with NCEES.

*NOTE: The uniform, national examinations are written and scored by the NCEES and administered by NCEES Exam Administration Services. Please consult NCEES for examination dates, times, locations, cost, and details.*

(c) Proof of successful passage of an approved NCEES examination, the California Geotechnical engineering examination, effective September 30, 2018 - the California Civil engineering examination administered in 1973, or approved Oregon-specific Principles and Practice of Engineering examination. For NCEES Principles and Practice of Engineering examinations passed before October 2010, if the Applicant did not pass the examination in Oregon, official verification must be provided by the NCEES licensing jurisdiction. For NCEES Principles and Practice of Engineering examinations passed in October 2010 or later, the Board will verify passage with NCEES.

*NOTE: An individual who passes an Oregon-specific Principles and Practice of Engineering examination, is not required to notify the Board.*

(A) Registration will be available only in the branch for which Applicant was examined; and

(B) Registration will be available only in a branch of engineering recognized by the Board.

(d) Official transcripts of degree or coursework credentials. Official transcripts must show the degree and date awarded. For degrees or coursework not from an ABET accredited program (or, for a four-year baccalaureate construction engineering management program, not from an ACCE accredited program), an NCEES evaluation of the degree or coursework must be provided. The cost of any NCEES Credentials Evaluation must be borne by the Applicant.

(e) A completed Experience Details form describing active practice in engineering work, as defined in OAR 820-005-0036.

(f) Five references from individuals with knowledge of the Applicant's technician work or engineering work:

(A) All five references must attest to the Applicant's ability, professional experience, or both. All five references must complete the Reference Details form provided by the Board and submit the completed Reference Details form directly to the Applicant, in a closed and sealed envelope, signed across the sealed flap by the reference.

(B) All of the Applicant's qualifying engineering work must be verified by at least one reference with direct supervision of that work.

(C) Notwithstanding subsection (4)(f)(B) of this rule, if the Applicant has held active PE registration in any NCEES jurisdiction for at least 6 years, qualifying engineering work performed in an NCEES jurisdiction in which the Applicant was licensed may be verified by a reference who was a registered PE in any NCEES jurisdiction at the time the work was performed and who is familiar with the Applicant's qualifying engineering work.

(D) At least three of the five references must hold active Professional Engineer registration in a jurisdiction with NCEES membership.

(E) The Board may, for good cause and upon written application, reduce the number of references required for an Applicant.

(g) For Applicants holding an NCEES Record, in lieu of providing the items listed under (b) to (f) of this subsection, the Applicant may release the Applicant's NCEES Record, if any, to the Board.

*NOTE: See <http://ncees.org/records/>*

(h) Any and all professional disciplinary records of the Applicant, including but not limited to final orders, letters of reprimand, stipulations, and settlement agreements.

(i) The required application and wall certificate(s) fees.

(5) Fundamentals of Engineering Exemption. Notwithstanding subsections (1) and (4) of this rule, an Applicant who has held valid registration as a Professional Engineer in another jurisdiction for 25 years or more may make a written request for a waiver from having to provide evidence of having passed a Fundamentals of Engineering examination in order to qualify for registration as a Professional Engineer in Oregon.

(6) Oregon Registrants Qualifying in Additional Branches of Engineering. A registrant who is seeking recognition of special qualification in more than one branch of engineering recognized by the Board under OAR 820-010-1010 must provide:

(a) Proof of successful passage of the NCEES Principles and Practice of Engineering examination or the Oregon Specific examination, for each additional branch; and,

(b) The required fees.

(7) For applicants who are applying after their Oregon registration is revoked, or delinquent for 5 years or more due to refusal to renew or suspension, the branches of professional engineering recognized by the Board are those in OAR 820-010-1010(1) to (3) when the applicant has passed the examination no more than one year before applying for a new registration.

## **820-010-1010 Principles and Practice of Engineering Examinations**

NCEES Examinations. The uniform, national examinations are written and scored by the NCEES, and administered by NCEES Exam Administration Services in Spring and Fall.

*NOTE: Consult NCEES for examination dates, times, locations, costs, and details.*

(1) The NCEES-examined branches of professional engineering recognized by the Board are:

- (a) Agricultural (Agricultural and Biological Engineering NCEES examination).
- (b) Building Systems (Architectural Engineering NCEES examination).
- (c) Chemical.
- (d) Civil.
- (e) Control Systems.
- (f) Electrical (Electrical and Computer Engineering NCEES examination).
- (g) Environmental.
- (h) Fire Protection.
- (i) Industrial and Systems.
- (j) Manufacturing (for applicants that passed the NCEES manufacturing examination between 1993 – 2005).
- (k) Mechanical.
- (l) Metallurgical (Metallurgical and Materials Engineering NCEES examination).
- (m) Mining and Mineral Processing ( for applicants that passed the NCEES Mining/Mineral examination between 1960 – 1992).
- (n) Naval Architecture and Marine.
- (o) Nuclear.
- (p) Petroleum (for applicants that passed the NCEES Petroleum examination between 1981 – 1986).

(2) California state-specific examinations approved and California-examined branches of professional engineering recognized:

- (a) Civil, effective September 30, 2018. (For applicants who passed the California state Civil examination administered in 1973).

(b) Geotechnical. Before sitting for the California Geotechnical Engineering Examination, an exam candidate must;

(A) Complete a pre-registration form approved by the OSBEELS; and

(B) Submit a check or money order to the OSBEELS in the amount of \$150.00, payable to "California Board for Professional Engineers, Land Surveyors, and Geologists."

*NOTE: The California Geotechnical Engineering Examination is written, scored, and administered by the State of California, but is available at Oregon test sites. Consult the California Board for Professional Engineers, Land Surveyors, and Geologists for examination dates, times, test site locations, cost, and details*

(3) Oregon Specific Examinations. The Oregon Specific examinations are written, scored, and administered by the Board.

*NOTE: See <http://www.oregon.gov/OSBEELS/Pages/index.aspx> for examination dates, times, costs, and details.*

(a) Oregon and Washington examination branches recognized by the Board are:

(A) Acoustical (for applicants that passed the Oregon Specific Acoustical engineering examination prior to October 2015).

(B) Forest. (including for applicants that passed the Oregon Specific Logging examination, the Washington Logging examination or the Washington Forest examination, and for applicants that passed the joint Oregon/Washington forestry examination).

(b) To sit for the Forest Engineering Examination, a completed Examination form and required examination fee must be received by the Board office by 5:00 p.m. on February 1. a completed Examination form and required examination fee must be received by the Board office by 5:00 p.m. on February 1.

(c) To withdraw from the Forest Engineering Examination, and forward the Examination form and examination fees to the following year, a written request to withdraw and forward the Examination form and examination fees must be received by the Board offices no later than March 1. Examination forms and fees may only be forwarded upon withdrawal once. After one withdrawal, the original Examination form will no longer be forwarded and examination fees will not be forwarded or refunded.



(d) To withdraw from the Forest Engineering Examination without forwarding, and request a refund of the fees, a written request to withdraw and for the fees to be refunded must be received by the Board offices no later than March 1. After one withdrawal, examination fees will not be refunded.

(e) The cutoff score for the Forest Engineering Examination is 70 points out of 100 points.

(f) Examinees may request reasonable accommodations to the examination's administration.

(A) Reasonable accommodations will be provided for examinees who have a documented disability within the meaning of the Americans with Disabilities Act of 1990. Reasonable accommodations may be provided for examinees whose religious convictions prohibit them from testing on the scheduled examination dates.

(B) Requests for reasonable accommodations must be submitted on the Board approved form, and accompanied by supporting documentation, by the deadline of February 1.

(g) The Board may change or cancel an examination administration due to a natural disaster, an emergency declaration, or at the Board's discretion.

(4) Review of Examinations. With respect to the Forest Engineering Examinations administered by the Board, the Applicant may submit a written request to review the Applicant's own examination results. The Board will allow a two-hour examination review when the Applicant failed the examination and the Applicant achieved a score within five points of the cutoff score. With respect to such reviews;

(a) The Applicant may examine the test booklet, solution pamphlet and answer key.

(b) The Forest Engineering Examination applicant may review the examination on only one occasion. The Board will prescribe a time and place for the review. Applicants must notify the Board at least five days before the scheduled date that they review their examinations. Applicants who fail to review their examination at the prescribed time and place will not be allowed to reschedule a review of the examination.

- (c) All examination reviews will be conducted in the presence of a person designated by the Board.
  - (d) Except as allowed by the Board for persons requiring disability assistance, no person may accompany the Applicant during the examination review.
  - (e) The Applicant will not take any materials into nor remove any materials from the location where the examination review is conducted.
  - (f) The Applicant may prepare and submit a written request for rescoring the Applicant's examination, provided that the Applicant's score otherwise satisfies the requirements of this section, while at the location where the examination review is conducted.
- (5) The Board may rescore an essay response for a qualified applicant if the applicant demonstrates, in writing, sufficient technical justification that their solution deserves reconsideration. The Board's rescore determination is final and not subject to further review. An applicant requesting the Board to rescore an examination must submit a complete written request within the two-hour timeframe.
- (6) Oregon Specific Examination Subversion.
- (a) An application of any Applicant who is under investigation by the Board for examination subversion, as defined in OAR 820-005-0040, will not be considered by the Board until the investigation and any ensuing disciplinary action are complete.
  - (b) An Applicant who the Board determines has committed examination subversion is subject to imposition of civil penalties and denial of registration. A Registrant who the Board determines has committed examination subversion is subject to imposition of civil penalties and suspension or revocation of registration.
- (7) For applicants whose Oregon registration has been revoked, or delinquent for 5 years or more due to refusal to renew or suspension, the branches of professional engineering recognized by the Board are those in subsections 1 to 3 of this rule when the applicant has passed the examination no more than one year before applying for a new registration.

## **820-010-1020 Education and Experience Requirements for Registration as a Professional Engineer**

The following combinations of education and experience may be used to satisfy subsection (3) of OAR 820-010-1000 (Qualifications for Registration as a Professional Engineer):

(1) Accredited Baccalaureate Degree in Engineering or Construction Engineering Management, and Four Years of Experience.

(a) Graduation from:

(A) EAC of ABET accredited baccalaureate of engineering degree program;

(B) ETAC of ABET accredited baccalaureate of engineering degree program; or

(C) ACCE accredited four-year baccalaureate of construction engineering management degree program; or

(D) A baccalaureate of engineering degree program recognized under the bilateral agreement between Engineers Canada and ABET; and

(b) Experience.

(A) For an applicant who has held active engineering registration in another jurisdiction with NCEES membership for zero to six years, four years of active practice in engineering work as defined in OAR 820-005-0036, in the Applicant's area of competence, and under the direction and supervision of a registered professional engineer;

(B) For an applicant who has held active engineering registration in another jurisdiction with NCEES membership for six years or more, four years of active practice in engineering work while registered as a Professional Engineer in that jurisdiction; or,

(C) For an applicant with an accredited baccalaureate degree in engineering whose area of competence is found under ORS 672.005(1)(c) to (f), and who has held active engineering registration in another jurisdiction with NCEES membership for zero to six years, four years of active practice in the Applicant's area of competence and under the direction and supervision of a registered professional engineer or registered professional land surveyor.

(c) Graduation from a post-baccalaureate degree program in engineering, from a college or university that offers an EAC of ABET accredited undergraduate program in a discipline similar to that of the post-baccalaureate degree program, may be substituted for one year of the engineering work experience required in paragraph (b) of this subsection.

(d) Experience in academic instruction with full-time faculty status in an ABET accredited baccalaureate of engineering program, or in a post-baccalaureate engineering program with a corresponding ABET accredited baccalaureate of engineering program, may be substituted for no more than two years of the engineering work experience required in paragraph (b) of this rule. The academic instruction experience must be the teaching of engineering courses at the junior level or above to qualify under this paragraph.

(e) Education and experience described in paragraphs (c) and (d) of this rule, when combined, may be substituted for no more than two years of engineering work experience.

(2) Accredited Two Year Degrees, Specified Coursework, and Four Years of Experience.

(a) Graduation from:

(A) ETAC of ABET accredited two-year Engineering Technology program that includes:

(i) A total of at least 64 semester or 96 quarter hours;

(ii) At least 32 semester or 48 quarter hours in technical courses that cover skills and knowledge of appropriate methods, procedures, and techniques, as well as provide experience in established engineering procedures;

(iii) At least 16 semester or 24 quarter total hours in: math and science that include 4 semester or 6 quarter hours in basic sciences (physics, chemistry, earth and life sciences) and 8 semester or 12 quarter hours in mathematics (not including courses in computer programming or courses below the level of college algebra);

(iv) At least 9 semester or 13 quarter hours in social sciences, humanities and communications; or

(B) ETAC of ABET accredited two-year Associate of Applied Science degree program in Engineering Technology that includes:

(i) A total of at least 64 semester or 96 quarter hours;

(ii) At least 32 semester or 48 quarter hours in technical courses that cover skills and knowledge of appropriate methods, procedures, and techniques, as well as provide experience in established engineering procedures;

(iii) At least 16 semester or 24 quarter total hours in: math and science that include 4 semester or 6 quarter hours in basic sciences (physics, chemistry, earth and life sciences) and 8 semester or 12 quarter hours in mathematics (not including courses in computer programming or courses below the level of college algebra);

(iv) At least 9 semester or 13 quarter hours in social sciences, humanities and communications; and

(b) Completion of additional course work in the Applicant's degree program, identified in subsection (2)(a) of this rule, or from another ABET accredited program, consisting of 21 semester or 32 quarter hours in at least six of the nine following subjects: Differential Equations, Physics, Statistics, Statics, Dynamics, Thermodynamics, Fluid Mechanics, Electrical Fundamentals, and Strength of Materials; and

(c) Experience.

(A) For an applicant who has held active engineering registration in another jurisdiction with NCEES membership for zero to six years, four years of active practice in engineering work as defined in OAR 820-005-0036, in the Applicant's area of competence, and under the direction and supervision of a registered professional engineer; or

(B) For an applicant who has held active engineering registration in another jurisdiction with NCEES membership for six years or more, four years of active practice in engineering work while registered as a Professional Engineer in that jurisdiction.

(3) Accredited Two Year Degrees and Six Years of Experience.

(a) Graduation from:

(A) ETAC of ABET accredited two-year Engineering Technology program that includes:

- (i) A total of at least 64 semester or 96 quarter hours;
- (ii) At least 32 semester or 48 quarter hours in technical courses that cover skills and knowledge of appropriate methods, procedures, and techniques, as well as provide experience in established engineering procedures;
- (iii) At least 16 semester or 24 quarter total hours in: math and science that include 4 semester or 6 quarter hours in basic sciences (physics, chemistry, earth and life sciences) and 8 semester or 12 quarter hours in mathematics (not including courses in computer programming or courses below the level of college algebra); and,
- (iv) At least 9 semester or 13 quarter hours in social sciences, humanities and communications; or

(B) ETAC of ABET accredited two-year Associate of Applied Science degree program in Engineering Technology that includes:

- (i) A total of at least 64 semester or 96 quarter hours;
- (ii) At least 32 semester or 48 quarter hours in technical courses that cover skills and knowledge of appropriate methods, procedures, and techniques, as well as provide experience in established engineering procedures;
- (iii) At least 16 semester or 24 quarter total hours in: math and science that include 4 semester or 6 quarter hours in basic sciences (physics, chemistry, earth and life sciences) and 8 semester or 12 quarter hours in mathematics (not including courses in computer programming or courses below the level of college algebra); and,
- (iv) At least 9 semester or 13 quarter hours in social sciences, humanities and communications; and

(b) Experience.

(A) For an applicant who has held active engineering registration in another jurisdiction with NCEES membership for zero to six years, six years of active practice in engineering work as defined in OAR 820-005-0036, in the Applicant's area of competence, and under the direction and supervision of a registered professional engineer; or

(B) For an applicant who has held active engineering registration in another jurisdiction with NCEES membership for six years or more, six years of active practice in engineering work while registered as a Professional Engineer in that jurisdiction.

(4) Graduate Degree in Engineering and Four Years of Experience.

(a) Graduation from:

(A) A graduate degree program in engineering at a college or university that offers an EAC of ABET accredited undergraduate degree in the same program as the graduate degree; or

(B) A graduate degree in a dual-program in engineering or multiple-program in engineering at a college or university that offers an EAC of ABET accredited undergraduate degree in at least one of the same programs as the graduate degree, and the Board determines the course work completed in the graduate degree under review is substantially equivalent to the subjects covered in one of the corresponding, EAC of ABET accredited, undergraduate programs at the same college or university;

(b) Completion of 21 semester or 32 quarter hours of engineering related technical course work, which must include at least six of the nine following subjects: Differential Equations, Physics, Statistics, Statics, Dynamics, Thermodynamics, Fluid Mechanics, Electrical Fundamentals, and Strength of Materials, and the coursework must be completed in:

(A) A graduate program or programs as described in paragraph (a) of this rule or another graduate program at a college or university that offers an EAC of ABET accredited undergraduate degree program in the same program as that graduate degree;

(B) An ABET accredited undergraduate degree program; or

(C) An undergraduate program that is not ABET accredited if the coursework submitted is accompanied by official documentation of transfer equivalency from an ABET accredited undergraduate program; and

(c) Experience.

(A) For an applicant who has held active engineering registration in another jurisdiction with NCEES membership for zero to six years, four years of active practice in engineering work as defined in OAR 820-005-0036, in the Applicant's area of competence, and under the direction and supervision of a registered professional engineer; or

(B) For an applicant who has held active engineering registration in another jurisdiction with NCEES membership for six years or more, four years of active practice in engineering work while registered as a Professional Engineer in that jurisdiction.

(5) NCEES Credentials Evaluation - Equivalent and Four Years of Experience.

(a) As of January 1, 2018, completion of course work, not accredited by ABET, if the course work is evaluated by NCEES Credential Evaluations (The cost of any NCEES Credentials Evaluation must be borne by the Applicant), and NCEES determines that the course work is equivalent to the educational requirements of the NCEES Engineering Education Standard; and

(b) Four years of active practice in engineering work as defined in OAR 820-005-0036, in the Applicant's area of competence, and under the direction and supervision of a registered professional engineer; or four years of active practice in engineering work while registered in another jurisdiction with NCEES membership.

(c) If not used to satisfy subsection (a) of this rule, graduation from a post-baccalaureate degree program in engineering, from a college or university that offers an EAC of ABET accredited undergraduate program in a discipline similar to that of the post-baccalaureate degree program, may be substituted for one year of the experience required in subsection (b) of the rule.

(6) NCEES Credentials Evaluation - Not Equivalent.



(a) As of January 1, 2018, completion of course work not accredited by ABET, evaluated by NCEES Credential Evaluations but determined by NCEES not to be equivalent to the requirements of the NCEES Engineering Education Standard, may be considered toward qualifying an Applicant for registration. The Applicant provides evidence of a combination of education and experience that totals 12 years. The cost of any NCEES Credentials Evaluation must be borne by the Applicant.

(b) The amount of education that may be substituted for experience under subsection (6)(a) of this rule is as provided in Exhibit 2-a; [Exhibit not included. See ED NOTE.]

(c) When relying on course work credit that has been evaluated by NCEES Credential Evaluations but determined by NCEES not to be equivalent to the requirements of the NCEES Engineering Education Standard, an Applicant must also demonstrate that the Applicant's Board-credited course work, when combined with the Applicant's engineering work, is equivalent to 12 years of qualifying experience.

(d) Qualifying experience under this subsection is:

(A) Active practice in engineering work as defined in OAR 820-005-0036, in the Applicant's area of competence, and under the direction and supervision of a registered professional engineer; or

(B) Active practice in engineering work while registered in another jurisdiction with NCEES membership.

#### (7) Military Experience and Training.

(a) Military experience and training may be considered as qualifying for the required education and experience under this rule if:

(A) It is verified by a Joint Services Transcript (JST) provided to the Board directly from the JST Operations Center, and the Board determines the experience and training is substantially equivalent to the education and experience listed in subsections (1), (2), (3) or (4) of this rule; or

(B) For experience and training obtained in the United States Air Force, the applicant provides the Board with the following, and the Board determines the experience and training is substantially equivalent to the

education and experience listed in subsections (1), (2), (3) or (4) of this rule:

(i) An official transcript sent directly from the Community College of the Air Force or Air University; and

(ii) Official documentation from the United States Air Force of any military experience the applicant believes is relevant.

(b) Military experience and training that is not determined to be substantially equivalent to the education and experience listed in subsections (1), (2), (3) or (4) of this rule may be considered toward qualifying an Applicant for registration to the extent that the experience and training involves engineering principles or qualifies as experience.

(c) The Board will determine the amount of educational credit, if any, the military training and experience will be given towards qualifying the Applicant for registration as a Professional Engineer.

(d) If applying with military training and experience, whether by qualifying military experience alone, a combination of educational credit and qualifying military experience, or a combination of educational credit, qualifying military experience, and qualifying non-military experience, an Applicant must demonstrate that the Applicant's training and experience is equivalent to a total of 12 years of qualifying experience. For example, an Applicant who is granted two years of credit for military training and experience under this subsection, must demonstrate 10 years of qualifying education, experience, or both outside of the military.

(e) Qualifying experience under this subsection is:

(A) For an applicant who has held active engineering registration in another jurisdiction with NCEES membership for zero to six years, active practice in engineering work as defined in OAR 820-005-0036, in the Applicant's area of competence, and under the direction and supervision of a registered professional engineer;

(B) For an applicant who has held active engineering registration in another jurisdiction with NCEES membership for six years or more, active practice in engineering work while registered as a Professional Engineer in that jurisdiction.

(8) Experience Only.

(a) 12 years of qualifying experience.

(b) Qualifying experience under this subsection is:

(A) For an applicant who has held active registration as a professional engineer in another jurisdiction with NCEES membership for zero to six years, active practice in engineering work as defined in OAR 820-005-0036, in the Applicant's area of competence, and under the direction and supervision of a registered professional engineer; or

(B) For an applicant who has held active registration as a professional engineer in another jurisdiction with NCEES membership for six years or more, active practice in engineering work while registered as a Professional Engineer in that jurisdiction.

### **820-010-1030 Application for Temporary License as a Professional Engineer for Military Spouse or Domestic Partner**

(1) "Military spouse or domestic partner" means a spouse or domestic partner of an active member of the Armed Forces of the United States who is the subject of a military transfer to Oregon.

(2) A qualifying military spouse or domestic partner shall be granted a temporary, nonrenewable registration as a professional engineer, valid until the earliest of the following:

(a) Two years from issuance;

(b) The date the spouse of the temporary license holder completes their term of military service in Oregon; or

(c) The date the temporary license holder's registration as a professional engineer in the other state expires.

(3) To qualify for registration as a professional engineer under this rule, the military spouse or domestic partner must:

- (a) Be married to, or in a domestic partnership with, a member of the Armed Forces of the United States who is assigned to a duty station located in Oregon by official active duty military order;
- (b) Currently hold registration as a professional engineer in a state of the United States of America, having obtained such registration with qualifications that include passing one of the professional engineering examinations set forth in OAR 820-010-1010
- (c) Be in good standing in the state where the registration as a professional engineer is held. Good standing, for purposes of this rule, means: the professional engineer's registration in the state used to meet subsection (3)(b) of this rule must not be subject to any restrictions, limitations, or pending, current, or prior discipline, and is current with respect to all required, continuing professional development; and
- (d) Demonstrate competency by:
  - (A) Providing official verification that the applicant has never had registration as a professional engineer revoked in any NCEES jurisdiction;
  - (B) Providing official verification that the applicant is not currently under professional discipline for incompetence, negligence, or gross negligence in any state where the applicant holds registration as a professional engineer..

## **820-010-2000 Qualifications for Registration as a Professional Land Surveyor**

In order to qualify for registration as a Professional Land Surveyor in Oregon, an applicant for registration must provide all of the following:

- (1) Evidence satisfactory to the Board of passing or having previously passed the Fundamentals of Land Surveying examination administered by NCEES.
- (2) Evidence satisfactory to the Board of passing or having previously passed a Board approved Principles and Practice of Land Surveying examination administered by NCEES.
- (3) Evidence satisfactory to the Board of passing or having previously passed an Oregon specific four-hour land surveying examination, approved by the Board and covering the United States Public Land Survey system, Oregon laws relating to land surveying, and other matters as determined by the Board. For applicants whose Oregon registration

has been revoked, or delinquent for 5 years or more due to refusal to renew or suspension, the Oregon specific four-hour land surveying examination approved by the Board is the examination referenced in OAR 820-010-2010 when the applicant has passed the examination no more than one year before applying for a new registration.

(4) Evidence satisfactory to the Board of having obtained a Board approved combination of education and experience.

(5) A single application packet, which must include all of the following:

(a) A completed Registration Application form.

(b) Proof of successful passage of the NCEES Fundamentals of Land Surveying Examination. For Fundamentals of Land Surveying examinations passed before October 2010, if the Applicant did not pass the examination in Oregon, official verification must be provided by the NCEES licensing jurisdiction. For Fundamentals of Land Surveying examinations passed in October 2010 or later, the Board will verify passage with NCEES.

*NOTE: The uniform, national examinations are written and scored by the NCEES and administered by NCEES Exam Administration Services. Please consult NCEES for examination dates, times, locations, cost, and details.*

(c) Official verification of successful passage of a Board approved NCEES Principles and Practice of Surveying examination. For NCEES Principles and Practice of Surveying examinations passed before October 2010, if the Applicant did not pass the examination in Oregon, official verification must be provided by the NCEES licensing jurisdiction. For NCEES Principles and Practice of Surveying examinations passed in October 2010 or later, the Board will verify passage with NCEES.

(d) Official transcripts of degree or coursework credentials. Official transcripts must show the degree and date awarded. For degrees or coursework not from an ABET accredited program, NCEES evaluation of the degree or coursework credentials. The cost of any NCEES Credentials Evaluation must be borne by the Applicant.

(e) A completed Experience Details form describing active practice in land surveying work, as defined in OAR 820-005-0051.

(f) Five references from individuals with knowledge of the Applicant's technician work or land surveying work:

(A) All five references must attest to the Applicant's ability, professional experience, or both. All five references must complete the Reference Details form provided by the Board and submit the completed Reference Details form directly to the Applicant, in a closed and sealed envelope, signed across the sealed flap by the reference.

(B) All of the Applicant's qualifying land surveying work must be verified by at least one reference with direct supervision of that work.

(C) Notwithstanding subsection (5)(f)(B) of this rule, if the Applicant has held active PLS registration in any NCEES jurisdiction for at least 6 years, qualifying land surveying work performed in an NCEES jurisdiction in which the Applicant was licensed may be verified by a reference who was a registered PLS in any NCEES jurisdiction at the time the work was performed and who is familiar with the Applicant's qualifying land surveying work.

(D) At least three of the five references must hold active Professional Land Surveyor registration in an NCEES jurisdiction.

(E) The Board may, for good cause and upon written application, reduce the number of references required for an Applicant.

(g) For Applicants holding an NCEES Record, in lieu of providing the items listed under (b) to (f) of this subsection, the Applicant may release the Applicant's NCEES Record, if any, to the Board.

*NOTE: See <http://ncees.org/records/>*

(h) Any and all professional disciplinary records of the Applicant, including but not limited to final orders, letters of reprimand, stipulations, and settlement agreements.

(i) The required application and wall certificate fees.

## **820-010-2010 Oregon Specific Four-Hour Land Surveying Examination**

(1) Sitting for the Oregon Specific Four-Hour Land Surveying Examination.

(a) For a candidate applying for regular registration as a Professional Land Surveyor, the Oregon Specific Four-Hour Land Surveying Examination is offered twice a year. A candidate for regular registration as a Professional Land

Surveyor who wishes to sit for the Oregon Specific Four-Hour Land Surveying Examination must submit a completed examination form and required examination fee must be received by the Board offices no later than the application deadline. Application deadlines are published on the Board's website.

(b) For a candidate who is a military spouse or domestic partner applying for temporary registration as a Professional Land Surveyor:

(A) The Oregon Specific Four-Hour Land Surveying Examination is offered upon request the first time a candidate wishes to sit for the examination. To be eligible to sit for the examination, the candidate must submit a completed examination form and required examination fee when the request to sit for the examination is made. The examination will be given at the Board office within 30 days of receipt of the completed examination form and examination fee.

(B) However, if a candidate who is a military spouse or domestic partner applying for temporary registration fails or withdraws from the first attempt at the Oregon Specific Four-Hour Land Surveying Examination, the candidate must follow the requirements of subsection (1)(a) of this rule for any subsequent attempts.

*NOTE: See <http://www.oregon.gov/OSBEELS/Pages/index.aspx> for examination dates, times, costs, and details*

(2) To withdraw from the Oregon Specific Four-Hour Land Surveying Examination, and forward the Examination form and examination fees to the next examination administration, a written request to withdraw and forward the Examination form and examination fees must be received by the Board offices no later than 45 days before the administration of the examination. Examination forms and fees may only be forwarded upon withdrawal once, and only to the next examination administration. After one withdrawal, the original Examination form will no longer be forwarded and examination fees will not be forwarded or refunded.

(3) To withdraw from the Oregon Specific Four-Hour Land Surveying Examination without forwarding, and request a refund of the fees, a written request to withdraw and for the fees to be refunded must be received by the Board offices no later than 45 days before the administration of the examination. After one withdrawal, examination fees are non-refundable.

(4) The Board may change or cancel an examination administration due to a natural disaster, an emergency declaration, or at the Board's discretion.

(5) The cutoff score for the Oregon Specific Four-Hour Land Surveying Examination is 70 points out of 100 points.

(6) Examinees may request reasonable accommodations to the examination's administration.

(a) Reasonable accommodations will be provided for examinees who have a documented disability within the meaning of the Americans with Disabilities Act of 1990. Reasonable accommodations may be provided for examinees whose religious convictions prohibit them from testing on the scheduled examination dates.

(b) Requests for reasonable accommodations must be submitted on the Board approved form, and accompanied by supporting documentation, by the applicable deadline.

(7) Review of Examinations. With respect to the Oregon Specific Four-Hour Land Surveying Examination administered by the Board, the Applicant may submit a written request to review the Applicant's own examination results. The Board will allow a two-hour examination review when the Applicant failed the examination and the Applicant achieved a score within five points of the cutoff score. With respect to such reviews;

(a) The Applicant may examine the test booklet, solution pamphlet and answer key.

(b) The Oregon Specific Four-Hour Land Surveying Examination applicant may review the examination on only one occasion. The Board will prescribe a time and place for the review. Applicants must notify the Board at least five days before the scheduled date that they review their examinations. Applicants who fail to review their examination at the prescribed time and place will not be allowed to reschedule a review of the examination.

(c) All examination reviews will be conducted in the presence of a person designated by the Board.

(d) Except as allowed by the Board for persons requiring disability assistance, no person may accompany the Applicant during the examination review.

(e) The Applicant will not take any materials into nor remove any materials from the location where the examination review is conducted.



(f) The Applicant may prepare and submit a written request for rescoring the Applicant's examination, provided that the Applicant's score otherwise satisfies the requirements of this section, while at the location where the examination review is conducted.

(8) The Board may rescore an essay response for an Applicant if the Applicant demonstrates, in writing, sufficient technical justification that their solution deserves reconsideration. The Board's rescore determination is final and not subject to further review. An Applicant requesting the Board to rescore an examination must submit a complete written request within the two-hour timeframe.

(9) Examination Subversion.

(a) Any Applicant who is under investigation for examination subversion, as defined in OAR 820-005-0085 will not be considered by the Board until the investigation and any ensuing disciplinary action are complete.

(b) An Applicant who the Board determines has committed examination subversion is subject to imposition of civil penalties and denial of registration. A Registrant who the Board determines has committed examination subversion is subject to imposition of civil penalties and suspension or revocation of registration.

## **820-010-2020 Education and Experience Requirements for Registration as a Professional Land Surveyor**

(1) Accredited Four Year Baccalaureate Degree in Land Surveying and Four Years of Experience.

(a) Graduation from:

(A) EAC of ABET accredited baccalaureate of land surveying degree program;

(B) ETAC of ABET accredited baccalaureate of land surveying degree program; or

(C) ASAC of ABET accredited baccalaureate of land surveying degree program.

(b) Four years of active practice in land surveying work as defined in OAR 820-005-0051, under the direction and supervision of a registered professional land surveyor; four years of active practice in land surveying work while registered as

a Professional Land Surveyor in another jurisdiction with NCEES membership; or, for an applicant with an accredited baccalaureate degree in land surveying, four years of active practice of land surveying work described in ORS 672.005(1)(c) to (f) under the direction and supervision of a registered professional engineer or registered professional land surveyor.

(c) Graduation from a post-baccalaureate degree program in land surveying, from a college or university that offers an EAC or ETAC of ABET, or ACCE accredited undergraduate program in a discipline similar to that of the post-baccalaureate degree program, may be substituted for one year of the experience required in subsection (b) of this rule.

(2) Accredited Four Year Baccalaureate Degree in Engineering, Additional Course Work, and Four Years of Experience.

(a) Graduation from:

(A) ETAC of ABET accredited baccalaureate of engineering degree program with 11 semester or 16 quarter hours of surveying instruction and surveying law;

(B) EAC of ABET accredited baccalaureate of engineering degree program with 11 semester or 16 quarter hours of surveying instruction and surveying law; or

(C) ACCE accredited baccalaureate of engineering degree program with 11 semester or 16 quarter hours of surveying instruction and surveying law.

(b) Four years of active practice in land surveying work as defined in OAR 820-005-0051, in the Applicant's area of competence, and under the direction and supervision of a registered professional land surveyor; or four years of active practice in land surveying work while registered in another jurisdiction with NCEES membership.

(c) Graduation from a post-baccalaureate degree program in land surveying, from a college or university that offers an EAC or ETAC of ABET, or ACCE accredited undergraduate program in a discipline similar to that of the post-baccalaureate degree program, may be substituted for one year of the experience required in subsection (b) of this rule.

(3) Accredited Two Year Degree in Land Surveying Meeting Specific Criteria, with Six Years of Experience.

(a) Graduation from:

(A) ASAC of ABET accredited two-year Surveying Technology program that includes:

- (i) A total of at least 64 semester or 96 quarter hours;
- (ii) At least 32 semester hours or 48 quarter hours in technical courses, in which a minimum of 11 semester or 16 quarter hours are in surveying instruction;
- (iii) At least 16 semester or 24 quarter hours in subjects such as: college level algebra; college level trigonometry; college level statistics; science; basic electricity; hydraulics; road design; construction management and estimating; engineering economics; and
- (iv) At least 9 semester or 13 quarter hours in social sciences, humanities, and communications;

(B) ETAC of ABET accredited two-year Surveying Technology program that includes the following:

- (i) A total of at least 64 semester or 96 quarter hours;
- (ii) At least 32 semester hours or 48 quarter hours in technical courses, in which a minimum of 11 semester or 16 quarter hours are in surveying instruction;
- (iii) At least 16 semester or 24 quarter hours in subjects such as math, science, basic electricity, hydraulics, road design, construction management and estimating, engineering economics with college level algebra, trigonometry and statistics; and
- (iv) At least 9 semester or 13 quarter hours in social sciences, humanities, and communications; or

(C) ETAC of ABET accredited Associate of Applied Science degree program in Surveying Technology program that includes the following:

- (i) A total of at least 64 semester or 96 quarter hours;

(ii) At least 32 semester hours or 48 quarter hours in technical courses, in which a minimum of 11 semester or 16 quarter hours are in surveying instruction;

(iii) At least 16 semester or 24 quarter hours in subjects such as math, science, basic electricity, hydraulics, road design, construction management and estimating, engineering economics with college level algebra, trigonometry and statistics; and

(iv) At least 9 semester or 13 quarter hours in social sciences, humanities, and communications.

(b) Six years of active practice in land surveying work as defined in OAR 820-005-0051, in the Applicant's area of competence, and under the direction and supervision of a registered professional land surveyor; or six years of active practice in land surveying work while registered in another jurisdiction with NCEES membership.

(4) Accredited Two Year Degree in Engineering Meeting Specific Criteria, with Six Years of Experience.

(a) Graduation from an ETAC of ABET accredited Associate of Applied Science degree program in Engineering Technology that includes the following:

(A) A total of at least 64 semester or 96 quarter hours;

(B) At least 32 semester hours or 48 quarter hours in technical courses, in which a minimum of 11 semester or 16 quarter hours are in surveying instruction;

(C) At least 16 semester or 24 quarter hours in subjects such as math, science, basic electricity, hydraulics, road design, construction management and estimating, engineering economics with college level algebra, trigonometry and statistics; and

(D) At least 9 semester or 13 quarter hours in social sciences, humanities, and communications.

(b) Six years of active practice in land surveying work as defined in OAR 820-005-0051, in the Applicant's area of competence, and under the direction and supervision of a registered professional land surveyor; or six years of active practice in land surveying work while registered in another jurisdiction with NCEES membership.

(5) Graduate Degree in Land Surveying and Four Years of Experience.

(a) Graduation from a post-baccalaureate degree program in land surveying at a college or university that offers an ABET accredited undergraduate degree program in the same field.

(b) Completion of 11 semester or 16 quarter hours of surveying instruction from a college or university with an ABET accredited undergraduate degree program in land surveying or land surveying technology.

(c) Four years of active practice in land surveying work as defined in OAR 820-005-0051, in the Applicant's area of competence, and under the direction and supervision of a registered professional land surveyor; or four years of active practice in land surveying work while registered in another jurisdiction with NCEES membership.

(6) Accredited Baccalaureate Degree Related to Land Surveying or Engineering and Four Years of Experience

(a) Graduation from an EAC, ETAC, or ASAC of ABET accredited baccalaureate degree program related to engineering or land surveying that includes:

(A) 21 semester or 32 quarter hours of course work with a direct focus on geomatics that requires direct application of geomatics knowledge and skills. At least one of these courses must be related to surveying law;

(B) 27 semester or 40 quarter hours of course work that requires the application of mathematics for problem solving. At least one of these courses must focus on the integration of differential and integral calculus;

(C) 24 semester or 35 quarter hours of course work related to physical and natural sciences, with laboratory application; and

(D) 4 semester or 6 quarter hours of capstone or integrating experience that develops student competencies in applying both technical and non-technical skills in problem solving.

(b) Four years of active practice in land surveying work as defined in OAR 820-005-0051, in the Applicant's area of competence, and under the direction and supervision of a registered professional land surveyor; or four years of active practice in land surveying work while registered in another jurisdiction with NCEES membership.

(7) Non-accredited Baccalaureate Degree in Land Surveying with Four Years of Experience.

(a) Graduation from a four-year baccalaureate degree program in land surveying, not accredited by ABET, if the degree is evaluated by NCEES Credential Evaluations (Note: The cost of any NCEES Credentials Evaluation must be borne by the Applicant), and the Board determines that the degree is substantially equivalent to the educational requirements in subsection (1) of this rule; and

(b) Four years of active practice in land surveying work as defined in OAR 820-005-0051, in the Applicant's area of competence, and under the direction and supervision of a registered professional land surveyor; or four years of active practice in land surveying work while registered in another jurisdiction with NCEES membership.

(c) Graduation from a post-baccalaureate degree program in surveying, from a college or university that offers an ABET accredited undergraduate program in a discipline similar to that of the post-baccalaureate degree program, may be substituted for one year of the experience required in subsection (b) of this rule.

(8) Accredited Baccalaureate Degree with "Core Requirements" or Non-accredited Baccalaureate Degree with "Core Requirements," and Six Years of Experience.

(a) Graduation from an ABET accredited Bachelor of Science baccalaureate degree program that is not a degree in "land surveying," if the curriculum for that degree includes all of the following:

(A) 18 semester credit hours of mathematics and basic sciences, including:

(i) At least 12 semester credit hours in mathematics beyond basic mathematics, such as college algebra and higher mathematics, and that focus on mathematical concepts and principles rather than computation. Such courses include college algebra, trigonometry, analytic geometry, differential and integral calculus, linear algebra, numerical analysis, probability and statistics, and advanced calculus.

(ii) At least 6 semester credits must be in the basic sciences, including one or more of the following topics: biology, general or advanced chemistry, geology, ecology, general or advanced physics.

(B) At least 16 college semester credit hours of general education courses, excluding routine exercises of personal craft. Such courses include, philosophy, religion, history, literature, fine arts, sociology, social sciences, economics, and professional ethics and responsibility.

(C) At least 30 college semester credit hours of surveying science and practice, taught by qualified surveying faculty as determined by the Board, and which must include basic and route surveying, geodesy, Geographic Information Systems or Global Positioning Systems, land development design and planning, mapping, photogrammetry or remote sensing, and surveying law; or

(b) Graduation from a Bachelor of Science baccalaureate degree program that is not a degree in "land surveying" and is not ABET accredited, if the degree is evaluated by NCEES Credential Evaluations (Note: The cost of any NCEES Credentials Evaluation must be borne by the Applicant), and the Board determines that the degree is substantially equivalent to an ABET accredited Bachelor of Science baccalaureate degree program that includes all of the following:

(A) 18 semester credit hours of mathematics and basic sciences, including:

(i) At least 12 semester credit hours in mathematics beyond basic mathematics, such as college algebra and higher mathematics, and that focus on mathematical concepts and principles rather than computation. Such courses include college algebra, trigonometry, analytic geometry, differential and integral calculus, linear algebra, numerical analysis, probability and statistics, and advanced calculus.

(ii) At least 6 semester credits must be in the basic sciences, including one or more of the following topics: biology, general or advanced chemistry, geology, ecology, general or advanced physics.

(B) At least 16 college semester credit hours of general education courses, excluding routine exercises of personal craft. Such courses include, philosophy, religion, history, literature, fine arts, sociology, social sciences, economics, and professional ethics and responsibility.

(C) At least 30 college semester credit hours of surveying science and practice, taught by qualified surveying faculty, and which must include basic and route surveying, geodesy, Geographic Information Systems or Global Positioning Systems, land development design and planning, mapping, photogrammetry or remote sensing, and surveying law. Graduate-level surveying classes may be evaluated by NCEES for consideration in fulfilling the requirements of this sub-paragraph.

(D) The costs of any NCEES evaluation shall be borne by the Applicant.

(c) In addition to fulfilling the degree requirements of either subsection (a) or (b) above, the Applicant must also have completed six years of active practice in land surveying work as defined in OAR 820-005-0051, in the Applicant's area of competence, and under the direction and supervision of a registered professional land surveyor; or six years of active practice in land surveying work while registered in another jurisdiction with NCEES membership.

(9) Course work from an Accredited Baccalaureate Program in Land Surveying or Engineering, Accredited Two-Year Program in Land Surveying Technology or Applied Science in Land Surveying or Engineering, Qualifying Graduate Program, or Equivalent Baccalaureate Program in Land Surveying or Engineering, with Additional Experience.

(a) Course work from a qualifying program identified in subsections (1) to (4), (6), (7) or (8) of this rule, without graduation from that program, may be considered toward qualifying an Applicant for registration to the extent that the course work involves the following classes:

(A) Advanced mathematics, including college algebra, probabilities and statistics, or higher mathematics, all of which must emphasize mathematical concepts and principles rather than computation;

(B) Geology;

(C) Biology;

(D) Ecology;

(E) General or advanced physics;

(F) General or advanced chemistry;

(G) Surveying law;



- (H) Basic or route surveying;
- (I) Geodesy;
- (J) Geographic Information Systems;
- (K) Global Positioning Systems;
- (L) Land development design and planning;
- (M) Photogrammetry;
- (N) Mapping;
- (O) Remote sensing.

(b) The Board will determine the amount of credit, if any, the course work will be given towards qualifying the Applicant for registration as a Professional Land Surveyor.

(c) When relying on course work from a qualifying program identified in subsections (1) to (4), (6), (7) or (8) of this rule, without graduation from that program, an Applicant must also demonstrate that the Applicant's Board-credited course work, when combined with the Applicant's qualifying land surveying work, is equivalent to 12 years of qualifying experience. For example, an Applicant who is granted two years of credit for course work under this subsection, must demonstrate 10 years of qualifying experience.

(d) Qualifying experience under this subsection is:

(A) Active practice in land surveying work as defined in OAR 820-005-0051, in the Applicant's area of competence, and under the direction and supervision of a registered professional land surveyor; or

(B) Active practice in land surveying work while registered in another jurisdiction with NCEES membership.

#### (10) Military Experience and Training.

(a) Military experience and training may be considered as qualifying for the required education and experience under this rule if is evaluated by the Joint Services Transcript (JST) and the Board determines that it is substantially equivalent to the education and experience listed in subsections (1) to (4), (6) or (7) of this rule.

(b) Military experience and training that is not determined to be substantially equivalent to the education and experience listed in sections (1) to (4), (6), (7) or (8) of this rule may be considered toward qualifying an Applicant for registration to the extent that the experience and training involves the subjects listed in subsection (9)(a) of this rule, or to the extent it qualifies as experience.

(c) The Board will determine the amount of educational credit, if any, the military training and experience will be given towards qualifying the Applicant for registration as a Professional Land Surveyor.

(d) If applying with military training and experience, whether by qualifying military experience alone, a combination of educational credit and qualifying military experience, or a combination of educational credit, qualifying military experience, and qualifying non-military experience, an Applicant must demonstrate that the Applicant's training and experience is equivalent to a total of 12 years of qualifying experience. For example, an Applicant who is granted two years of credit for military training and experience under this subsection, must demonstrate 10 years of qualifying education, experience, or both outside of the military.

(e) Qualifying experience under this subsection is:

(A) Active practice in land surveying work as defined in OAR 820-005-0051, in the Applicant's area of competence, and under the direction and supervision of a registered professional land surveyor; or

(B) Active practice in land surveying work while registered in another jurisdiction with NCEES membership.

(11) Experience Only.

(a) 12 years of qualifying experience.

(b) Qualifying experience under this subsection is:

(A) Active practice in land surveying work as defined in OAR 820-005-0051, in the Applicant's area of competence, and under the direction and supervision of a registered professional land surveyor; or

(B) Active practice in land surveying work while registered in another jurisdiction with NCEES membership.

## **820-010-2031 Application for Temporary License as a Professional Land Surveyor for Military Spouse or Domestic Partner**

(1) "Military spouse or domestic partner" means a spouse or domestic partner of an active member of the Armed Forces of the United States who is the subject of a military transfer to Oregon.

(2) A qualifying military spouse or domestic partner shall be granted a temporary, nonrenewable registration as a professional land surveyor, valid until the earliest of the following:

(a) Two years from issuance;

(b) The date the spouse of the temporary license holder completes their term of military service in Oregon; or

(c) The date the temporary license holder's registration as a professional land surveyor in the other state expires.

(3) To qualify for registration as a professional land surveyor under this rule, the military spouse or domestic partner must:

(a) Be married to, or in a domestic partnership with, a member of the Armed Forces of the United States who is assigned to a duty station located in Oregon by official active duty military order;

(b) Currently hold registration as a professional land surveyor in one or more of the states of the United States of America.

(c) Be in good standing in the state where the registration as a professional land surveyor is held. Good standing, for purposes of this rule, means: the professional land surveyor's registration must not be subject to any restrictions, limitations, or pending, current, or prior discipline; and, the professional land surveyor's registration is current with respect to all required, continuing professional development; and

(d) Demonstrate competency by:

(A) Providing official verification that the applicant has never had registration as a professional land surveyor revoked in any NCEES jurisdiction;

(B) Providing official verification that the applicant is not currently under professional discipline for incompetence, negligence, or gross negligence in any state where the applicant holds registration as a professional land surveyor; and

(C) Passing the Oregon-specific, four hour professional land surveying examination administered by the Board.

## **820-010-3000 Qualifications for Registration as a Professional Photogrammetrist**

In order to qualify for registration as a Professional Photogrammetrist in Oregon, an applicant for registration must provide all of the following:

(1) Evidence satisfactory to the Board of passing or having previously passed the Fundamentals of Land Surveying examination administered by NCEES.

(2) Evidence satisfactory to the Board of passing or having previously passed a Board approved examination in practical photogrammetric mapping problems written and scored by the Colonial States Boards of Surveyor Registration (CSBSR). Candidates may sit for the examination in Oregon, but must contact the OSBEELS to do so, as well as for examination costs, times, dates, and details.

(a) Examinees may request reasonable accommodations to the examination's administration.

(A) Reasonable accommodations will be provided for examinees who have a documented disability within the meaning of the Americans with Disabilities Act of 1990. Reasonable accommodations may be provided for examinees whose religious convictions prohibit them from testing on the scheduled examination dates.

(B) Requests for reasonable accommodations must be submitted on the Board approved form, and accompanied by supporting documentation.

(b) The deadline to request reasonable accommodations is one month prior to sitting for the examination.

(c) For reinstatement applicants, this examination must have been passed by the applicant within five years prior to application for reinstatement.

(3) Evidence satisfactory to the Board of having obtained a Board approved combination of education and experience. Experience as a full-time assistant professor or professor, teaching a Board approved photogrammetric, geomatics, or geospatial sciences curriculum may, at the Board's discretion, qualify as experience in photogrammetric work.

(4) A single application packet, which must include all of the following:

(a) A completed Registration Application form.

(b) Proof of successful passage of the NCEES Fundamentals of Land Surveying Examination. For Fundamentals of Land Surveying examinations passed before October 2010, if the Applicant did not pass the examination in Oregon, official verification must be provided by the NCEES licensing jurisdiction. For Fundamentals of Land Surveying examinations passed in October 2010 or later, the Board will verify passage with NCEES.

*NOTE: The uniform, national examinations are written and scored by the NCEES and administered by NCEES Exam Administration Services. Please consult NCEES for examination dates, times, locations, cost, and details*

(c) Official verification of successful passage of a Board approved examination in practical photogrammetric mapping problems written and scored by the Colonial States Boards of Surveyor Registration (CSBSR).

*NOTE: For the examination times, places costs and details, please contact the OSBEELS or, if sitting for the examination outside of Oregon, the state in which you wish to sit for the examination*

(d) Official transcripts of degree or coursework credentials. Official transcripts must show the degree and date awarded. For degrees or coursework not from an ABET accredited program, NCEES evaluation of the degree or coursework credentials. The cost of any NCEES Credentials Evaluation must be borne by the Applicant.

(e) A completed Experience Details form describing active practice in photogrammetric mapping work, as defined in OAR 820-005-0065.

(f) Five references from individuals with knowledge of the Applicant's technician work or photogrammetric mapping work:

(A) All five references must attest to the Applicant's ability, professional experience, or both. All five references must complete the Reference Details form provided by the Board and submit the completed Reference Details form directly to the Applicant, in a closed and sealed envelope, signed across the sealed flap by the reference.

(B) All of the Applicant's qualifying photogrammetric mapping work must be verified by at least one reference with direct supervision of that work.

(C) At least three of the five references must hold active Professional Photogrammetrist registration, Professional Land Surveyor registration, or Professional Engineer registration in jurisdiction with NCEES membership.

(D) The Board may, for good cause and upon written application, reduce the number of references required for an Applicant.

(g) For Applicants holding an NCEES Record, in lieu of providing the items listed under (b) to (f) of this subsection, the Applicant may release the Applicant's NCEES Record, if any, to the Board.

*NOTE: See <http://ncees.org/records/>*

(h) Any and all professional disciplinary records of the Applicant, including but not limited to final orders, letters of reprimand, stipulations, and settlement agreements.

(i) The required application and wall certificate fees.

## **820-010-3010 Education and Experience Requirements for Registration as a Professional Photogrammetrist**

The following combinations of education and experience may be used to satisfy subsection (4) of OAR 820-010-3000 (Qualifications for Registration as a Professional Photogrammetrist):

(1) Accredited Four Year Baccalaureate Degree in Land Surveying and Four Years of Experience.

(a) Graduation from:

(A) EAC of ABET accredited four-year baccalaureate of land surveying;

(B) ETAC of ABET accredited four-year baccalaureate of land surveying program; or

(C) ASAC of ABET accredited four-year baccalaureate of land surveying program.

(b) Four years of active practice in photogrammetric mapping work as defined in OAR 820-005-0066, in the Applicant's area of competence, and under the direction and supervision of a registered engineer, land surveyor or photogrammetrist; or four years of active practice in photogrammetric mapping work while registered in another jurisdiction with NCEES membership.

(c) Graduation from a post-baccalaureate degree program in land surveying, from a college or university that offers an EAC or ETAC of ABET, or ACCE accredited undergraduate program in a discipline similar to that of the post-baccalaureate degree program, may be substituted for one year of the experience required in subsection (b) of this rule.

(2) Accredited Four Year Baccalaureate Degree in Engineering, Additional Course Work, and Four Years of Experience.

(a) Graduation from:

(A) ETAC of ABET accredited baccalaureate of engineering program with 11 semester or 16 quarter hours of surveying instruction and surveying law;

(B) EAC of ABET accredited baccalaureate of engineering program with 11 semester or 16 quarter hours of surveying instruction and surveying law; or

(C) ACCE accredited baccalaureate of engineering program with 11 semester or 16 quarter hours of surveying instruction and surveying law.

(b) Four years of active practice in photogrammetric mapping work as defined in OAR 820-005-0066, in the Applicant's area of competence, and under the direction and supervision of a registered engineer, land surveyor or photogrammetrist; or four years of active practice in photogrammetric mapping work while registered in another jurisdiction with NCEES membership.

(c) Graduation from a post-baccalaureate degree program in land surveying, from a college or university that offers an EAC or ETAC of ABET, or ACCE accredited undergraduate program in a discipline similar to that of the post-baccalaureate degree program, may be substituted for one year of the experience required in subsection (b) of this rule.

(3) Accredited Baccalaureate Degree in Geomatics or related Geospatial Science and Four Years of Experience

(a) Graduation from a EAC, ETAC, or ASAC of ABET accredited baccalaureate degree related to Geomatics or Geospatial Science that includes:

(A) 19 semester or 28 quarter hours of course work with a direct focus on geomatics/geospatial science that requires direct application of geomatics/geospatial science knowledge and skills;

(B) At least 8 semester or 12 quarter hours in mathematics, such as college level algebra, trigonometry, and statistics; and

(C) At least 8 semester or 12 quarter hours in computer science courses; and

(D) 24 semester or 35 quarter hours of course work related to physical and natural sciences.

(b) Four years of active practice in photogrammetric mapping work as defined in OAR 820-005-0066, in the Applicant's area of competence, and under the direction and supervision of a registered engineer, land surveyor or photogrammetrist; or four years of active practice in photogrammetric mapping work while registered in another jurisdiction with NCEES membership.

(4) Accredited Two Year Degree in Land Surveying Meeting Specific Criteria, with Six Years of Experience.

(a) Graduation from:

(A) ASAC of ABET accredited Surveying Technology program that includes:

(i) A total of at least 64 semester or 96 quarter hours;

(ii) At least 32 semester hours or 48 quarter hours in technical courses, in which a minimum of 11 semester or 16 quarter hours are in surveying instruction;

(iii) At least 16 semester or 24 quarter hours in subjects such as math, science, basic electricity, hydraulics, road design, construction management and estimating, engineering economics with college level algebra, trigonometry and statistics; and

(iv) At least 9 semester or 13 quarter hours in social sciences, humanities, and communications;

(B) ETAC of ABET accredited two-year Surveying Technology program that includes the following:



- (i) A total of at least 64 semester or 96 quarter hours;
- (ii) At least 32 semester hours or 48 quarter hours in technical courses, in which a minimum of 11 semester or 16 quarter hours are in surveying instruction;
- (iii) At least 16 semester or 24 quarter hours in subjects such as math, science, basic electricity, hydraulics, road design, construction management and estimating, engineering economics with college level algebra, trigonometry and statistics; and
- (iv) At least 9 semester or 13 quarter hours in social sciences, humanities, and communications; or

(C) ETAC of ABET accredited Associate of Applied Science in Surveying Technology program that includes the following:

- (i) A total of at least 64 semester or 96 quarter hours;
- (ii) At least 32 semester hours or 48 quarter hours in technical courses, in which a minimum of 11 semester or 16 quarter hours are in surveying instruction;
- (iii) At least 16 semester or 24 quarter hours in subjects such as math, science, basic electricity, hydraulics, road design, construction management and estimating, engineering economics with college level algebra, trigonometry and statistics; and
- (iv) At least 9 semester or 13 quarter hours in social sciences, humanities, and communications.

(b) Six years of active practice in photogrammetric mapping work as defined in OAR 820-005-0066, in the Applicant's area of competence, and under the direction and supervision of a registered engineer, land surveyor or photogrammetrist; or six years of active practice in photogrammetric mapping work while registered in another jurisdiction with NCEES membership.

(5) Accredited Two Year Degree in Engineering Meeting Specific Criteria, with Six Years of Experience.

(a) Graduation from an ETAC of ABET accredited Associate of Applied Science in Engineering Technology program that includes the following:

(A) A total of at least 64 semester or 96 quarter hours;

(B) At least 32 semester hours or 48 quarter hours in technical courses, in which a minimum of 11 semester or 6 quarter hours are in surveying instruction;

(C) At least 16 semester or 24 quarter hours in subjects such as math, science, basic electricity, hydraulics, road design, construction management and estimating, engineering economics with college level algebra, trigonometry and statistics; and

(D) At least 9 semester or 13 quarter hours in social sciences, humanities, and communications.

(b) Six years of active practice in photogrammetric mapping work as defined in OAR 820-005-0066, in the Applicant's area of competence, and under the direction and supervision of a registered engineer, land surveyor or photogrammetrist; or six years of active practice in photogrammetric mapping work while registered in another jurisdiction with NCEES membership.

(6) Accredited Two Year Degree in Geomatics or related Geospatial Science Meeting Specific Criteria, with Six Years of Experience

(a) Graduation from a ETAC of ABET accredited Associate of Applied Science in Geomatics Technology or Geospatial Technology program that includes the following:

(A) A total of at least 64 semester or 96 quarter hours;

(B) At least 32 semester hours or 48 quarter hours in technical courses in which a minimum of 6 semester or 11 quarter hours are in geomatics or geospatial sciences;

(C) At least 16 semester or 24 quarter hours in subjects such as math, science, basic electricity, hydraulics, engineering economics with college level algebra trigonometry and statistics; and

(D) At least 9 semester or 13 quarter hours in social sciences, humanities, and communications.

(b) Six years of active practice in photogrammetric mapping work as defined in OAR 820-005-0066, in the Applicant's area of competence, and under the direction and supervision of a registered engineer, land surveyor or photogrammetrist; or six years of active practice in photogrammetric mapping work while registered in another jurisdiction with NCEES membership.

(7) Graduate Degree in Land Surveying or Geomatics-based program and Four Years of Experience.

(a) Graduation from a graduate degree program in land surveying at a college or university that offers an ABET accredited undergraduate degree program in the same field.

(b) Completion of 11 semester or 16 quarter hours of surveying instruction from a college or university with an ABET accredited undergraduate degree program in land surveying or land surveying technology.

(c) Four years of active practice in photogrammetric mapping work as defined in OAR 820-005-0066, in the Applicant's area of competence, and under the direction and supervision of a registered engineer, land surveyor or photogrammetrist; or four years of active practice in photogrammetric mapping work while registered in another jurisdiction with NCEES membership.

(8) Accredited Baccalaureate Degree Related to Land Surveying or Engineering and Four Years of Experience

(a) Graduation from an EAC, ETAC, or ASAC of ABET accredited baccalaureate degree related to engineering or land surveying that includes:

(A) 21 semester or 32 quarter hours of course work with a direct focus on geomatics that requires direct application of geomatics knowledge and skills. At least one of these courses must be related to surveying law;

(B) 27 semester or 40 quarter hours of course work that requires the application of mathematics for problem solving. At least one of these courses must focus on the integration of differential and integral calculus;

(C) 24 semester or 35 quarter hours of course work related to physical and natural sciences, with laboratory application; and

(D) 4 semester or 6 quarter hours of capstone or integrating experience that develops student competencies in applying both technical and non-technical skills in problem solving.

(b) Four years of active practice in photogrammetric mapping work as defined in OAR 820-005-0066, in the Applicant's area of competence, and under the direction and supervision of a registered engineer, land surveyor or photogrammetrist; or four years of active practice in photogrammetric mapping work while registered in another jurisdiction with NCEES membership.

(9) Non-accredited Baccalaureate Degree in Land Surveying with Four Years of Experience.

(a) Graduation from a four-year baccalaureate program in land surveying, not accredited by ABET, if the degree is evaluated by NCEES Credential Evaluations (Note: The cost of any NCEES Credentials Evaluation must be borne by the Applicant), and the Board determines that the degree is substantially equivalent to the educational requirements in subsection (1) of this rule; and

(b) Four years of active practice in photogrammetric mapping work as defined in OAR 820-005-0066, in the Applicant's area of competence, and under the direction and supervision of a registered engineer, land surveyor or photogrammetrist; or four years of active practice in photogrammetric mapping work while registered in another jurisdiction with NCEES membership.

(c) Graduation from a post-baccalaureate degree program in surveying, from a college or university that offers an ABET accredited undergraduate program in a discipline similar to that of the post-baccalaureate degree program, may be substituted for one year of the experience required in subsection (b) of the rule.

(10) Non-accredited Baccalaureate Degree with "Core Requirements" with Six Years of Experience.

(a) Graduation from a four-year baccalaureate program in land surveying, not accredited by ABET, if the degree is evaluated by NCEES Credential Evaluations (Note: The cost of any NCEES Credentials Evaluation must be borne by the Applicant), and the Board determines that the degree is substantially equivalent to a degree that includes the following:

(A) 18 semester credit hours of mathematics and basic sciences, including:

(i) At least 12 semester credit hours in mathematics beyond basic mathematics, such as college algebra and higher mathematics, and that focus on mathematical concepts and principles rather than computation. Such courses include college algebra, trigonometry, analytic geometry, differential and integral calculus, linear algebra, numerical analysis, probability and statistics, and advanced calculus.

(ii) At least 6 semester credits must be in the basic sciences, including one or more of the following topics: biology, general or advanced chemistry, geology, ecology, general or advanced physics;

(B) At least 16 college semester credit hours of general education courses, excluding routine exercises of personal craft. Such courses include, philosophy, religion, history, literature, fine arts, sociology, social sciences, economics, and professional ethics and responsibility;

(C) At least 20 college semester credit hours of surveying science and practice, taught by qualified surveying faculty. Graduate-level surveying classes may be evaluated by NCEES for consideration in fulfilling the requirements of subsection (a)(C) above.

(b) Six years of active practice in photogrammetric mapping work as defined in OAR 820-005-0066, in the Applicant's area of competence, and under the direction and supervision of a registered engineer, land surveyor or photogrammetrist; or six years of active practice in photogrammetric mapping work while registered in another jurisdiction with NCEES membership.

(11) Course work from; an Accredited Baccalaureate Program in Land Surveying, Engineering, Geomatics, or Geospatial Sciences Program; Accredited Two-Year Program in Land Surveying Technology or Applied Science in Land Surveying, Engineering, Geomatics, or Geospatial Sciences Program; Qualifying Graduate Program; or Equivalent Baccalaureate Program in Land Surveying, Engineering, Geomatics, or Geospatial Sciences Program, with Additional Experience.

(a) Course work from a qualifying program identified in subsections (1) to (6), (8), (9) or (10) of this rule, without graduation from that program, may be considered toward qualifying an Applicant for registration to the extent that the course work involves the following classes:

(A) Advanced mathematics, including college algebra, probabilities and statistics, or higher mathematics, all of which must emphasize mathematical concepts and principles rather than computation;

(B) Geology;

(C) Biology;

(D) Ecology;

(E) General or advanced physics;

(F) General or advanced chemistry;

(G) Surveying law;

(H) Basic or route surveying;

(I) Geodesy;

(J) Geographic Information Systems;

- (K) Global Positioning Systems;
- (L) Land development design and planning;
- (M) Photogrammetry;
- (N) Mapping;
- (O) Remote sensing.

(b) The Board will determine the amount of credit, if any, the course work will be given towards qualifying the Applicant for registration as a Professional Photogrammetrist.

(c) When relying on course work from a qualifying program identified in subsections (1) to (10) of this rule, without graduation from that program, an Applicant must also demonstrate that the Applicant's Board-credited course work, when combined with the Applicant's qualifying photogrammetric mapping work, is equivalent to 12 years of qualifying experience. For example, an Applicant who is granted two years of credit for course work under this subsection, must demonstrate 10 years of qualifying experience.

(d) Qualifying experience under this subsection is:

(A) Active practice in photogrammetric mapping work as defined in OAR 820-005-0066, in the Applicant's area of competence, and under the direction and supervision of a registered engineer, land surveyor, or photogrammetrist; or

(B) Active practice in photogrammetric mapping work while registered in another jurisdiction with NCEES membership.

(12) Military Experience and Training.

(a) Military experience and training may be considered as qualifying for the required education and experience under this rule if is evaluated by the Joint Services Transcript (JST) and the Board determines that it is substantially equivalent to the education and experience listed in subsections (1) to (6) of this rule.

(b) Military experience and training that is not determined to be substantially equivalent to the education and experience listed in sections (1) to (6) or (9) of this rule may be considered toward qualifying an Applicant for registration to the

extent that the experience and training involves the subjects listed in subsection (10)(a)(A) of this rule, or to the extent it qualifies as experience.

(c) The Board will determine the amount of educational credit, if any, the military training and experience will be given towards qualifying the Applicant for registration as a Professional Photogrammetrist.

(d) If applying with military training and experience, whether by qualifying military experience alone, a combination of educational credit and qualifying military experience, or a combination of educational credit, qualifying military experience, and qualifying non-military experience, an Applicant must demonstrate that the Applicant's training and experience is equivalent to a total of 12 years of qualifying experience. For example, an Applicant who is granted two years of credit for military training and experience under this subsection, must demonstrate 10 years of qualifying education, experience, or both outside of the military.

(e) Qualifying experience under this subsection is:

(A) Active practice in photogrammetric mapping work as defined in OAR 820-005-0066, in the Applicant's area of competence, and under the direction and supervision of a registered engineer, land surveyor, or photogrammetrist; or

(B) Active practice in photogrammetric mapping work while registered in another jurisdiction with NCEES membership.

(13) Experience Only.

(a) 12 years of qualifying experience.

(b) Qualifying experience under this subsection is:

(A) Active practice in photogrammetric mapping work as defined in OAR 820-005-0066, in the Applicant's area of competence, and under the direction and supervision of a registered engineer, land surveyor, or photogrammetrist; or

(B) Active practice in photogrammetric mapping work while registered in another jurisdiction with NCEES membership.

## **820-010-3020 Photogrammetry Examination**

(1) The Oregon approved photogrammetry examination is the Colonial States Board of Surveyor Registration (CSBSR) Examination and is held once a year, in April. To sit for

the CSBSR Examination, a completed Examination form and required examination fee must be received by the Board offices no later than February 1.

*NOTE: See <http://www.oregon.gov/OSBEELS/Pages/index.aspx> for examination dates, times, costs, and details.*

(2) To withdraw from the CSBSR Examination, and forward the Examination form and examination fees to the next examination administration, a written request to withdraw and forward the Examination form and examination fees must be received by the Board offices no later than March 1. Examination forms and fees may only be forwarded upon withdrawal once, and only to the next examination administration. After one withdrawal, the original Examination form will no longer be forwarded and examination fees will not be forwarded or refunded.

(3) To withdraw from the CSBSR Examination without forwarding, and request a refund of the fees, a written request to withdraw and for the fees to be refunded must be received by the Board offices no later than March 1. After one withdrawal, examination fees are non-refundable.

(4) The cutoff score for the CSBSR Examination is established by the Colonial States Board of Surveyor Registration.

(5) Examinees may request reasonable accommodations to the examination's administration.

(a) Reasonable accommodations will be provided for examinees who have a documented disability within the meaning of the Americans with Disabilities Act of 1990. Reasonable accommodations may be provided for examinees whose religious convictions prohibit them from testing on the scheduled examination dates.

(b) Requests for reasonable accommodations must be submitted on the Board approved form, and accompanied by supporting documentation, by the applicable deadline.

(6) Examination Review. As the CSBSR does not facilitate examination reviews and appeals, CSBSR examination reviews are not permitted.

(7) Examination Subversion.

(a) Any Applicant who is under investigation for examination subversion, as defined in OAR 820-005-0085 will not be considered by the Board until the investigation and any ensuing disciplinary action are complete.



(b) An Applicant disciplined for examination subversion is subject to imposition of civil penalties and denial of registration. A Registrant who is disciplined for examination subversion is subject to imposition of civil penalties and suspension or revocation of registration.

## **820-010-3031 Application for Temporary License as a Registered Professional Photogrammetrist for Military Spouse or Domestic Partner**

(1) "Military spouse or domestic partner" means a spouse or domestic partner of an active member of the Armed Forces of the United States who is the subject of a military transfer to Oregon.

(2) A qualifying military spouse or domestic partner shall be granted a temporary, nonrenewable registration as a registered professional photogrammetrist, valid until the earliest of the following:

(a) Two years from issuance;

(b) The date the spouse of the temporary license holder completes their term of military service in Oregon; or

(c) The date the temporary license holder's registration as a registered professional photogrammetrist in the other state expires.

(3) To qualify for registration as a registered professional photogrammetrist under this rule, the military spouse or domestic partner must:

(a) Be married to, or in a domestic partnership with, a member of the Armed Forces of the United States who is assigned to a duty station located in Oregon by official active duty military order;

(b) Currently hold registration as a registered professional photogrammetrist in one or more of the states of the United States of America.

(c) Be in good standing in the state where the registration as a registered professional photogrammetrist is held. Good standing, for purposes of this rule, means: the registered professional photogrammetrist's registration must not be subject to any restrictions, limitations, or pending, current, or prior discipline; and, the registered professional photogrammetrist's registration is current with respect to all required, continuing professional development; and

(d) Demonstrate competency by:

(A) Providing official verification that the applicant has never had registration as a registered professional photogrammetrist revoked in any NCEES jurisdiction;

(B) Providing official verification that the applicant is not currently under professional discipline for incompetence, negligence, or gross negligence in any state where the applicant holds registration as a registered professional photogrammetrist.

## **820-010-4000 Qualifications for Registration as a Structural Engineer**

In order to qualify for registration as a Professional Structural Engineer in Oregon, an applicant for registration must provide all of the following:

(1) Evidence satisfactory to the Board of active Oregon registration as a Professional Engineer, in good standing.

(2) Evidence satisfactory to the Board of passing or having passed the NCEES 16-hour Structural Examination, or the structural examinations offered during the timeframes as follows:

(a) 1952–2003, the 8-hour Western Region general and 8-hour Western Region in-depth. This examination was also known as the “Western States” or the California 16-hour SE exam;

(b) 1986–October 2005, the 8-hour NCEES general (SE I) and the 8-hour NCEES in-depth (SE II);

(c) 2004–2011, the 8-hour NCEES in-depth (SE II) and:

(A) The 8-hour Washington Structural III; or

(B) The 8-hour California Structural III. This examination was also known as the “California Structural Engineering Seismic Examination (CSESE),” the California Structural Examination 2 (CSE2),” and the “California Structural Engineering Exam.”

(3) Evidence satisfactory to the Board of having obtained two years of structural engineering experience, verified by a registered Structural Engineer in a jurisdiction with NCEES membership.

(4) A single application packet, which must include all of the following:

(a) A completed Registration Application form.

(b) The Board will verify that the Applicant holds active registration as an Oregon professional engineer, in good standing.

(c) Official verification of successful passage of the NCEES 16-hour Structural Examination, Buildings Modules or the structural examinations listed under subsection (2)(a) through (c). This paragraph of subsection (4) of this rule is effective as of June 25, 2015.

(d) Notwithstanding paragraph (c) of this rule, for applicants whose Oregon registration as a structural engineer has been revoked, or delinquent for 5 years or more due to refusal to renew or suspension, passing the NCEES 16-hour Structural Examination, Buildings Modules, no more than two years before applying for a new registration, is required. Official verification of successful passage of the NCEES 16-hour Structural Examination Buildings Module, taken and passed no more than two years before applying for a new registration, must be included in the single application packet.

*NOTE: The 16-hour Structural examinations are written and scored by the NCEES and administered by NCEES Exam Administration Services. Consult NCEES for examination dates, times, locations, cost, and details.*

(d) A completed Experience Details form describing active practice in structural engineering, including meaningful work on significant structures.

(e) Five references from individuals with knowledge of the Applicant's structural engineering work on significant structures:

(A) All five references must attest to the Applicant's ability, professional experience, or both. All five references must complete the Reference Details form provided by the Board and submit the completed Reference Details form directly to the Applicant, in a closed and sealed envelope, signed across the sealed flap by the reference.

(B) At least three of the five references must hold active Structural Engineer registration in a jurisdiction with NCEES membership.

(C) The Board may, for good cause and upon written application, reduce the number of references required for an Applicant.

(f) Any and all professional disciplinary records of the Applicant, including but not limited to final orders, letters of reprimand, stipulations, and settlement agreements.

(g) The required application and wall certificate fees.

### **820-010-4031 Application for Temporary License as a Professional Structural Engineer for Military Spouse or Domestic Partner**

(1) "Military spouse or domestic partner" means a spouse or domestic partner of an active member of the Armed Forces of the United States who is the subject of a military transfer to Oregon.

(2) A qualifying military spouse or domestic partner shall be granted a temporary, nonrenewable registration as a professional structural engineer, valid until the earliest of the following:

(a) Two years from issuance;

(b) The date the spouse of the temporary license holder completes their term of military service in Oregon; or

(c) The date the temporary license holder's registration as a professional structural engineer in the other state expires.

(3) To qualify for registration as a professional structural engineer under this rule, the military spouse or domestic partner must:

(a) Be married to, or in a domestic partnership with, a member of the Armed Forces of the United States who is assigned to a duty station located in Oregon by official active duty military order;

(b) Currently hold registration as a professional structural engineer in a state of the United States of America. Registration as a professional structural engineer is not registration as a professional engineer in the structural branch of engineering.

(c) Be in good standing in the state where the registration as a professional structural engineer is held. Good standing, for purposes of this rule, means: the professional structural engineer's registration in the state used to meet subsection (3)(b) of this rule must not be subject to any restrictions, limitations, or pending, current, or prior discipline; and, the professional structural engineer's registration is current with respect to all required, continuing professional development; and

(d) Demonstrate competency by:

- (A) Providing official verification that the applicant has never had registration as a professional engineer or professional structural engineer revoked in any NCEES jurisdiction;
- (B) Providing official verification that the applicant is not currently under professional discipline for incompetence, negligence, or gross negligence in any state where the applicant holds registration as a professional structural engineer; and
- (C) Evidence of passing the NCEES 16-hour Structural Examination - Buildings Modules or the structural examinations listed in OAR 820-010-4000(2)(a), (b), or (c).

### **820-010-5000 Qualification to Sit for Examination as a Water Right Examiner**

In order to qualify for examination to sit for the Water Right Examiner, an applicant for certification must provide all of the following:

- (1) Evidence satisfactory to the Board of active Oregon registration as a Professional Engineer, Professional Land Surveyor, or Geologist, in good standing.
- (2) The Certified Water Right Examiner examination is held once a year, in April. To sit for the Certified Water Right Examiner examination, a completed Application for Certification form and required application fee must be received by the Board offices no later than February 1.
- (3) To withdraw from the Certified Water Right Examiner examination, and forward the Examination form and examination fees to the next examination administration, a written request to withdraw and forward the Examination form and examination fees must be received by the Board office no later than March 1 for the next April Examination.
- (4) Examinees may request reasonable accommodations to the examination's administration.
  - (a) Reasonable accommodations will be provided for examinees who have a documented disability within the meaning of the Americans with Disabilities Act of 1990. Reasonable accommodations may be provided for examinees whose religious convictions prohibit them from testing on the scheduled examination dates.
  - (b) Requests for reasonable accommodations must be submitted on the Board approved form, and accompanied by supporting documentation, by the February 1 deadline.

(5) Review of Examinations. With respect to the certified water right examiner examination, an Applicant may submit a written request to review the Applicant's own examination results. The Board will allow an examination review where the Applicant failed the examination and the applicant achieved a score within five points of the cutoff score. With respect to such reviews.

(a) The Applicant may examine only the question, solution, and answer key for the failed problem.

(b) The Applicant may review the examination on only one occasion. The Board will prescribe a time and place for the review.

(c) All examination reviews will be conducted in the presence of a person designated by the Board.

(d) Except as allowed by the Board for persons requiring disability assistance, no person may accompany the Applicant during the examination review.

(6) Examination Subversion.

(a) Any examinee who is under investigation for examination subversion, as defined in OAR 820-005-0040 will not be considered for certification until the investigation and any ensuing disciplinary action are complete.

(b) An Applicant disciplined for examination subversion is subject to imposition of civil penalties and denial of certification. A registrant who is disciplined for examination subversion is subject to imposition of civil penalties and suspension or revocation of certification.

## **820-010-5010 Qualification for Certification as a Water Right Examiner**

(1) To qualify for certification as a Water Right Examiner, an Applicant must successfully pass the Certified Water Right Examiner examination offered by the Oregon Water Resources Department and administered by the Board; and

(2) Pay the wall certificate and initial certification fee.

## DIVISION 15 PROCEDURE FOR FILING COMPLAINTS

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### **820-015-0005 Definitions**

- (1) "Complainant" means a person who submits a complaint to the board.
- (2) "Respondent" means a person or firm that is the subject of a complaint.

### **820-015-0010 Processing Complaints**

The Board will process complaints as follows:

- (1) Anyone may submit a complaint against a licensed or unlicensed person. Complaints must be in writing and include evidence to document all charges.
- (2) The Board will conduct a preliminary review of the complaint to establish that there is sufficient evidence to justify proceeding and that the allegations against the respondent are such that, if proven, would result in a penalty or sanction.
- (3) If the Board concludes that the complaint may be valid, the Board will contact the respondent by mail and request written comments. Written comments must be received by the Board within two weeks after the Board's request was mailed, unless the Board authorizes an extension. Otherwise, the Board will evaluate the complaint using available evidence other than respondent's comments.
- (4) The Board will evaluate all evidence and analysis, including any documentation or comments received from the respondent, Board investigators, Board expert witnesses or peer reviewers, Board staff or a committee of the Board. The Board will then proceed as follows:
  - (a) If the Board determines that the evidence is insufficient to issue a notice of intent to sanction, the complainant and respondent will be so notified in writing;
  - (b) If the Board determines that the evidence is sufficient to issue a notice of intent to sanction, the Board will issue such notice.
- (5) Upon request of the Board, digitally signed documents must be provided to the Board in a form that can be processed by the Board's information processing systems.

### **820-015-0026 Failure to Comply with Continuing Professional Development Requirements**

- (1) Any registrant who fails to satisfy the Continuing Professional Development requirements in OAR 820-010-0635 will be subject to suspension of or refusal to renew

the registrant's license. Failure to satisfy the Continuing Professional Development requirements will not be the sole basis for license revocation.

(2) Before suspending or refusing to renew a registrant's license, the Board shall allow a grace period of up to one year for a registrant who qualifies for the grace period to satisfy the requirements of OAR 820-010-0635(1). When a grace period is allowed, the registrant must complete all deficient Continuing Professional Development requirements and satisfy all current Continuing Professional Development requirements within the grace period. If the registrant fails to obtain all required deficient and current PDH units within the grace period, the Board shall suspend the registrant's license.

(3) To qualify for the grace period in subsection (2), a registrant must:

- (a) Respond to Board notifications;
- (b) Complete a Continuing Education Request for a Grace Period Form;
- (c) Not otherwise be subject to Board investigation, audit, or discipline; and
- (d) Have failed to satisfy the Continuing Professional Development requirements by 15 or fewer PDH units.

### **820-015-0060 Civil Penalty Factors**

(1) In establishing the amount of a civil penalty to be assessed pursuant ORS 672.325, the Board may consider the following factors:

- (a) The nature, gravity and magnitude of the violation;
- (b) Prior violations, including administrative, civil or criminal proceedings in any state;
- (c) Whether the violation was repeated or continuous;
- (d) Whether the violation was an inadvertent act or an intentional act;
- (e) The history of the respondent in taking steps necessary or appropriate to correct any violation;
- (f) The opportunity for and the difficulty in correcting the violation at issue;
- (g) Whether measures have been put in place to prevent reoccurrence.

(2) In considering the factors set forth in section (1) of this rule, the applicable factors may be given varying weight depending upon the circumstances of the violation.



## **820-015-0070 Civil Penalties for Violations of ORS 92.040 to 92.080, 209.250, and County Ordinances**

Pursuant to ORS 209.250(11), the Board may impose civil penalties against a registrant for any violation of ORS 92.040 to 92.080, 209.250(1) to (9), or of any county ordinance that establishes standards or plats, in an amount not to exceed \$1,000 per offense.

## **DIVISION 20 REGULATION**

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### **820-020-0005 Preamble**

(1) In order to safeguard life, health and property, to promote the public welfare, and to establish and maintain a high standard of integrity and practice, the following Rules of Professional Conduct shall be binding on every person holding a certificate of registration or enrolled as an intern.

(2) All persons registered under ORS 672.002 to 672.325 are charged with having knowledge of these Rules of Professional Conduct, and are deemed to be familiar with their provisions and to understand them. Such knowledge encompasses the understanding that the practice of engineering, land surveying, and photogrammetric mapping is a privilege and not a right.

(3) In these Rules of Professional Conduct, the word "registrant" means any person holding a license or certificate issued by this Board.

### **820-020-0015 Registrants Shall Hold Paramount the Safety, Health and Welfare of the Public in the Performance of their Professional Duties**

(1) Registrants shall at all times recognize that their primary obligation is to protect the safety, health, property and welfare of the public. If their professional judgment is overruled under circumstances where the safety, health, property or welfare of the public are endangered, they shall notify their employer or client and such other authority as may be appropriate.

(2) Registrants shall approve and seal only those design documents and surveys which are safe for public health, property and welfare in conformity with accepted engineering and land surveying standards.

(3) Registrants shall not reveal facts, data or information obtained in a professional capacity without the prior consent of the client, or employer except as authorized or required by law.

(4) Registrants shall not permit the use of their name or firm name nor associate in business ventures with any person or firm which they have reason to believe is engaging in fraudulent or dishonest business or professional practices.

(5) Registrants having knowledge of any alleged violation of any of these Rules of Professional Conduct, shall cooperate with the Board in furnishing such information or assistance as may be required.

(6) Conviction of a felony without restoration of civil rights, or the revocation or suspension of the license of a registrant in another jurisdiction, if for a cause which in the State of Oregon would constitute a violation of ORS 672.020 to 672.310 or of these rules, shall be grounds for a charge of violation of these rules.

(7) Registrants shall continue their professional development throughout their careers; and they shall provide opportunities for the professional development of individuals under their supervision. The Board may require, as a condition for license renewal, that registrants provide documentation to support actions taken to maintain their professional competency.

(8) Registrants shall cooperate with the Board on all matter subject to the Board's jurisdiction.

(9) Registrants must apply a seal of the type, kind, size and wording, and affix their signature as required by OAR 820-010-0620.

(10) Registrants must affix a seal and sign any final document prepared under their supervision and control. Any document not clearly marked as a preliminary document under OAR 820-010-0621(2) is a final document that must bear the seal and signature of the registrant under whose supervision and control the document was prepared.

### **820-020-0020 Registrants Shall Perform Services Only in the Areas of Their Competence**

(1) Registrants shall undertake assignments only when qualified by education or experience in the specific technical fields of engineering or land surveying involved.

(2) Registrants shall not affix their signatures or seals to any plans or documents dealing with subject matter in which they lack competence, nor to any such plan or document not prepared under their direction and control.

## **820-020-0025 Obligation of Registrants to Issue Statements only in an Objective and Truthful Manner**

(1) Registrants must be objective and truthful and include all relevant and pertinent information in professional reports, statements or testimony.

(2) Registrants may express a professional opinion on technical subjects only when that opinion is founded upon adequate knowledge of the facts and the registrant is competent in the subject matter.

## **820-020-0030 Obligation of Registrants to Act in Professional Matters for Each Employer or Client as Faithful Agents or Trustees, and to Avoid Conflicts of Interest**

(1) Registrants must disclose all known or potential conflicts of interest to their employers or clients by promptly informing them, in writing, of any business association, interest, or other circumstances that could influence their judgment or the quality of their services. For purposes of this rule, a "conflict of interest" includes, but is not limited to, an interest in any property or any other thing of value that is related in any way to or potentially affected by the services that the registrant provides.

(2) A registrant may not accept any thing of value, including any forgiveness of debt, directly or indirectly, from a person other than the registrant's employer or client for services offered or performed for the employer or client, unless the registrant makes full written disclosure and the registrant's employer or client consents in writing.

(3) A registrant who is a member, advisor or employee of a governmental body shall not participate in decisions made by that governmental body with respect to professional services solicited from or provided by the registrant or a business or firm that employs the registrant or in which the registrant holds an ownership interest and through which the registrant offers or provides professional services.

(4) A registrant may not solicit or accept employment or a contract for professional services from a governmental body for which a registrant's associate is a member or officer unless the registrant discloses all pertinent facts and circumstances of the registrant's relationship to the registrant's associate and the governmental body provides written consent. For purposes of this rule, a "registrant's associate" refers to a registrant's employer or an owner or officer of a business or firm that employs the registrant or in which the registrant holds an ownership interest and through which the registrant offers or provides professional services.

## **820-020-0035 Obligation of Registrants to Avoid Improper Solicitation of Professional Employment**

(1) An applicant or registrant may not falsify or permit misrepresentation of the academic or professional qualifications of the applicant or registrant, another registrant, or a registrant's associate. For purposes of this rule, a "registrant's associate" refers to a registrant's employer or an owner or officer of a business or firm that employs the registrant or in which the registrant holds an ownership interest and through which the registrant offers or provides professional services.

(2) An applicant or registrant may not misrepresent or exaggerate the responsibility for performance of prior assignments by the applicant or registrant, by any other registrant, or by a registrant's associate.

(3) A registrant may not offer, give, solicit or receive, either directly or indirectly, any commission or gift or other valuable consideration in order to secure work.

(4) A registrant may not make any political contribution intended to influence the award of a contract by a governmental body.

## **820-020-0040 Examination Subversion: Grounds for Invalidation of Examination Results**

(1) 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.

(2) The Board may invalidate the examination results of an examinee who engages in examination subversion. Examination subversion may include, but is not limited to:

(a) Communication between examinees inside of the examination room.

(b) Giving or receiving any unauthorized assistance on the examination while an examination is in process.

(c) Having any unauthorized printed or written matter or other devices in the examinee's possession that might serve to aid the examinee on the examination.

(d) 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.

- (e) Copying another examinee's answers or looking at another examinee's materials while an examination is in progress.
  - (f) Permitting anyone to copy answers to the examination.
  - (g) Removing any secured examination materials from the examination facility.
  - (h) Allowing another person to take the examination in the examinee's place.
  - (i) Placing any identifying mark upon the examinee's examination papers other than the examinee's identification number or other identifiers as directed by the examination administrator.
  - (j) 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 an examinee in the examination.
  - (k) Writing on anything other than designated examination material.
  - (l) Writing or erasing anything after time is called.
  - (m) Having a cell phone in the examinee's possession.
  - (n) Having a device with copying, recording, or communication capabilities in the examinee's possession. These include but are not limited to cameras, pagers, PDAs, radios, headsets, tape players, calculator watches, electronic dictionaries, electronic translators, transmitting devices, and digital media players.
  - (o) Having a calculator in the examinee's possession that is not on the NCEES approved list.
  - (p) Removing pages from an exam booklet.
  - (q) Leaving the exam room without authorization.
  - (r) Engaging in any other act of examination collusion not listed above.
- (3) The Board may invalidate the examination results of an examinee who engages in any other conduct for which NCEES invalidates the examinee's examination results.
- (4) In addition to subsections 2 and 3 of this rule, the Board may invalidate the examination results for any examinee who engages in prohibited examination conduct, which includes but is not limited to:

- (a) Having loose papers, legal pads, writing tablets, or unbound notes in the examinee's possession.
  - (b) Using a non-NCEES writing instrument or eraser to complete any portion of an NCEES exam.
  - (c) Beginning the exam before the proctor instructs the examinee to do so.
  - (d) Failing to stop writing immediately when time is called.
  - (e) Writing on anything other than the exam booklet or answer sheet; writing in the FE Supplied-Reference Handbook.
  - (f) Violating any other terms contained in the testing regulations provided by the examination's administrator or proctor that are cause for dismissal or exam invalidation by the examination's administrator or proctor.
- (5) At the discretion of the Board or its designee, 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:
- (a) The examinee may be denied the privilege of taking the examination if examination subversion is detected before the administration of the examination.
  - (b) 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.
  - (c) The examinee may be requested to leave the examination facility if examination subversion is detected during the examination. If the examinee does not leave the facility, the examinee will be deemed a trespasser.
  - (d) The examinee's examination results may be voided and the application fee forfeited.
  - (e) The examinee may not be allowed to sit for an examination for up to three years.
- (6) If examination subversion is detected after the administration of the examination, the Board or its designee shall make appropriate inquiry to determine the facts concerning the examination subversion and the Board or its designee may take any of the actions described in section (1) through (3) herein.

(7) Notwithstanding OAR 820-010-0440, 820-010-0470, or any other rule, the Board or its designee may choose not to release or make available the examination results to examinee or any other person pending the outcome of an investigation into examination subversion.

(8) Removal of the examinee from or voiding the examinee's examination of any one part of a multiple part examination shall constitute removal from or voiding of all other parts of the multiple part examination.

(9) Applicants are required to sign statements regarding examination subversion in order to take an examination. Applicants who refuse to sign statements regarding examination subversion will be denied the privilege of taking the examination. The application fees for the examination paid to the Board are forfeited.

### **820-020-0045 Obligation Not to Engage in Unprofessional Behavior**

(1) An applicant or registrant will not, by word or conduct, act in a manner intended to place a client, another registrant, a board member, a board employee, an examination proctor, or any other person with whom the registrant interacts in a professional capacity, in fear of imminent serious physical injury.

(2) An applicant or registrant will not engage in reckless, knowing or willful conduct that causes serious physical injury to a client, another registrant, a board member, a board employee, an examination proctor, or any other person with whom the registrant interacts in a professional capacity.

(3) An applicant or registrant must make timely and full payment to the Board of all Board assessed fees, fines and penalties.

(4) An applicant or registrant must give written notification to the Board of any disciplinary action or sanction related to the practice of engineering, land surveying, or photogrammetric mapping imposed by any licensing agency within 45-days of the final order being issued.

(5) An applicant or registrant will not assist or aid the unsupervised or unlawful practice of engineering, land surveying, or photogrammetric mapping.

### **820-020-0050 Address Changes; Service of Notice; and Name Changes**

(1) It is the registrant's responsibility to inform the Board in writing, within 30-days, of any address change.

(2) As of November 13, 2015, notice by registered or certified mail to the registrant's last address on file with the Board shall constitute legal service.

(3) It is the registrant's responsibility to inform the Board in writing, within 60-days, of any name change. A certified copy of documentation showing current legal name must be submitted.

(4) The Board shall provide an acknowledgement of any address or name change.

### **820-020-0050 Address Changes; Service of Notice; and Name Changes**

(1) It is the registrant's responsibility to inform the Board in writing, within 30-days, of any address change.

(2) As of November 13, 2015, notice by registered or certified mail to the registrant's last address on file with the Board shall constitute legal service.

(3) It is the registrant's responsibility to inform the Board in writing, within 60-days, of any name change. A certified copy of documentation showing current legal name must be submitted.

(4) The Board shall provide an acknowledgement of any address or name change.

### **820-020-0055 Unprofessional Conduct**

Incompetence, negligence or gross negligence in the practice engineering, land surveying, or photogrammetric mapping is unprofessional conduct.

## **Division 25 DIGITAL SEAL AND SIGNATURE**

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### **820-025-0001 Definitions**

(1) "Digital signature" means a type of electronic signature that transforms a message through the use of an algorithm or series of algorithms that provide a key pair, private and public, for signor verification, document security and authentication.

(2) "Certificate Authority" is the trusted third party that issues and manages digital certificates (private and public keys) for digital signatures.

(3) "Digital certificate" is required to affix a digital signature, for the recipient to verify the identity of the signor, and for the recipient to verify that the contents of the document have not been altered since the signature was affixed.



## 820-025-0005 Official Seal

(1) Seals, as referenced by ORS 672.020(2) and 672.025(2), must contain the printed name of the registrant, the date of registration, the number of the registrant's certificate of registration, and the registrant's professional title. The registrant's printed name on the seal will be exactly the same as the registrant's name on file with the Board.

(2) The size, design and content of the seal will be an exact replica, in style, of the examples shown in Exhibit 1 (Official Seals) for the profession or branch of the profession in which the registrant is licensed. (A tolerance of 1/4" is permitted as to the size of the seal). The expiration or renewal date may be made part of the seal. If the expiration or renewal date is not made part of the seal, it must be handwritten, in permanent ink, after the word "Expires" or "Renews." Reduced or enlarged seals are not permitted on final documents. In addition to these requirements, registrants will use the following seals:

(a) Professional engineers holding a structural engineering certificate will use the seal with the designation "Structural" above the words "Registered Professional Engineer," as shown in Exhibit 1-b. Other registered professional engineers will use the seal shown in Exhibit 1-a; [Exhibit not included. See ED. NOTE.]

(b) Registered professional traffic engineer, who may practice only traffic engineering will use the seal shown in Exhibit 1-f; [Exhibit not included. See ED. NOTE.]

(c) Registered professional land surveyors will use the seal shown in Exhibit 1-c; [Exhibit not included. See ED. NOTE.]

(d) Registered professional photogrammetrists will use the seal shown in Exhibit 1-d; [Exhibit not included. See ED. NOTE.]

(e) Registered water rights examiners will use the seal shown in Exhibit 1-e. [Exhibit not included. See ED. NOTE.]

(3) The seal may be applied to a document by rubber stamp or it may be computer-generated onto the document.

(4) The registrant will sign through the middle of the seal or in the place on the seal as indicated for signature, in handwriting, and in permanent ink.

(5) A digital signature, for final documents is acceptable as an alternative to a handwritten signature in permanent ink if the digital signature:

- (a) Is unique to the registrant using it;
- (b) Is independently verifiable by a Certificate Authority (3rd Party);
- (c) Is under the sole control of the registrant using it;
- (d) Is linked to the document in such a manner that the digital signature is invalidated if any data in the document is changed; and
- (e) Bears the phrase “digitally signed” in place of a handwritten signature.

(6) Only individuals registered as professional engineers, professional traffic engineers, professional land surveyors, professional photogrammetrists, or certified water rights examiners may use a seal with a shape, form or wording similar to those shown in Exhibit 1. Using such a seal without registration constitutes falsely representing that the person is authorized to practice the profession.

(7) Registrants in the “pending” status must, as part of their seal or handwritten in permanent ink, write the word “pending” as the expiration date if their expiration date is part of their seal, and write the word “pending” as their renewal date if their renewal date is part of their seal.

### **820-025-0010 Official Seal – Digital Seal and Signature for Electronic Final Documents**

(1) A “Digital Seal and Signature” is a signature and electronic authentication process that is attached to an electronic document.

(2) A “Digital Seal and Signature” is not a photocopy, scanned copy, or other facsimile of a signed and sealed hard copy document, nor is it a copy or facsimile of a rubber stamp seal and ink signature, nor is it a copy of a computer-generated image of a seal and ink signature. Seals and signatures described in this subsection (2) of the rule are not allowed on final documents.

(3) For electronic final documents, a “Digital Seal and Signature” (“digital signature”) is acceptable as an alternative to a stamped or computer-generated image of a seal with handwritten signature in permanent ink, if:

- (a) The digital signature is unique to the registrant using it;
- (b) The digital signature is independently verifiable by a Certificate Authority (3rd Party);
- (c) The digital signature is under the sole control of the registrant using it;

- (d) The digital signature is linked to the document in such a manner that the digital signature is invalidated if any data in the document is changed;
- (e) The electronic file that is the final electronic document contains one digital signature that is permanently linked to it;
- (f) For final electronic files containing a single page, the registrant affixes a computer-generated image of a stamp that bears the phrase "digitally signed" in lieu of and in the location designated for a hand-written signature on that page. The computer-generated image of the stamp must be of a stamp as described in OAR 820-025-0001(1) and (2), including the size prescribed in OAR 820-025-0001 when the page is printed to full size; and,
- (g) For final electronic files containing multiple pages not considered drawings, surveys, or plats, the registrant affixes a computer-generated image of a stamp that bears the phrase "digitally signed" in lieu of and in the location designated for a hand-written signature to the title page, an index page, or a seals page, provided that the stamped page clearly identifies all the other pages comprising the electronic file. The computer-generated image of the stamp must be of a stamp as described in OAR 820-025-0001(1) and (2), including the size prescribed in OAR 820-025-0001 when the page is printed to full size.

### **820-025-0015 Final Documents**

(1) All final documents identified in ORS 672.020(2), 672.025(2), and 672.028(2) must bear the seal and signature of the registrant under whose supervision and control they were prepared.

(2) Documents that are not final documents must be marked as "preliminary", "not for construction", "review copy", "draft copy, subject to change", or with some similar wording to indicate that the documents are not intended to represent the final work product of the registrant. Documents submitted to a client, customer, public entity, or any other person, are final documents and must bear the seal and signature of the registrant under whose supervision and control they were prepared, unless such document is clearly marked as not a final document.

### **820-025-0020 Modifying Designs or Documents**

(1) Documents prepared and sealed by a Professional Engineer may be modified only when all of the following requirements are met:

(a) Only a Professional Engineer or Registered Architect if within the scope of practice of architecture and if competent by education or experience, can modify designs or documents prepared and sealed by a Professional Engineer.

(b) A Professional Engineer shall only modify another Professional Engineer's design or document if they are competent by education or experience.

(c) The Professional Engineer modifying another Professional Engineer's design or document shall cloud, encircle, or in some other way clearly indicate the portion of the design or document they are revising and refer the viewer to a separate design or document.

(d) The Professional Engineer making the design revisions shall seal and sign the separate design or document.

(e) A Professional Engineer modifying designs or documents not sealed must provide all the engineering services that would have been required had they started the work from its origin.

(2) Professional Engineers modifying designs or documents prepared by an unlicensed person for an exempt structure must do the following:

(a) The Professional Engineer modifying the design or document shall cloud, encircle, or in some other way clearly indicate the portion of the design or document they are revising and refer the viewer to a separate design or document.

(b) The Professional Engineer making the design revision shall seal and sign the separate design or document.

(3) A Professional Engineer may modify a Registered Architect's documents as follows:

(a) The Professional Engineer shall only modify a Registered Architect's documents if within the scope of practice of engineering and if competent by education and experience.

(b) The Professional Engineer modifying a Registered Architect's documents shall make modifications on separate documents that clearly indicate the portion of the Registered Architect's documents being modified.

(c) The Professional Engineer modifying a Registered Architect's documents shall seal and sign the separate documents that provide the modifications.

## **820-025-0025 Dual Stamping Documents**

No more than one registrant will seal documents unless it is clearly explained and denoted on the document by all registrants which portion of the work each registrant prepared and for which each registrant is responsible.

# **DIVISION 30 THE PRACTICE OF LAND SURVEYING**

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## **820-030-0005 Definitions**

“Professional service” or “professional services,” as used in ORS 672.005, means providing labor that does not produce a tangible commodity, but that requires a high level of training and proficiency.

## **820-030-0060 Filing Time and Place**

The registered professional land surveyors making a survey pursuant to ORS 209.250 shall submit for filing a complete record that contains all the elements listed in ORS 209.250(2)(3) in all affected counties within 45 days of establishment or reestablishment of any boundary monument or boundary reference monument. The 45-day limit will commence with the setting of the first monument, not the completion of the project.

## **820-030-0070 Surveyor's Seal and Signature Required**

In both ORS 209.250(2)(c) and (3)(g) the intent is that each page of the map and the last page of the narrative, if the narrative is a separate document, shall bear the seal and original signature of the professional land surveyor.

## **820-030-0080 Survey Monument Marking**

A monument set by a registered professional land surveyor to mark or reference a point on a property or land line, or to mark or reference a geodetic control survey point, must be durably and visibly marked or tagged with the registered business name (Oregon only) or the letters “L.S.” followed by the registration number (Oregon only) of the surveyor in charge or, if the monument is set by a public officer, the monument must be marked with the official title of the office.

## DIVISION 40 THE PRACTICE OF ENGINEERING

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### 820-040-0005 Definitions

(1) As used in ORS 672.060(10) and 672.107(1)(a)(B), "Ground Area" is defined as any projected or suspended occupied areas above the ground level in combination with areas in contact with the ground. Measurements in determining the ground area shall be taken from outside wall to outside wall and include the sum of the areas of all additions and the area of the original structure. The ground area of a building, or portion thereof, not provided with surrounding exterior walls is the usable area under the horizontal projection of the roof or floor above.

(2) As used in ORS 672.060(11) and 672.107(1)(a)(B), "Height" is measured from the top surface of the lowest flooring to the highest interior overhead finish of the structure in determining whether a building exceeds the 20-foot height limitation. A basement floor is considered the lowest flooring when useable (i.e., storage, garage, etc.).

(3) As used in ORS 672.107(1)(a)(D), the height of a structure is defined as the vertical dimension from the average ground level to the average roof height for sloped roofs or parapet height for flat roofs. In multi-level structures, utilize the upper roof only to determine the dimension.

(4) As used in ORS 672.060(10) and (11), "Appurtenance" means a separate structure that:

(a) Is subordinate to a single family residential dwelling, farm building, or building less than 4,000 square feet in ground area or 20 feet in height;

(b) Is itself no greater than 4,000 square feet in floor area; and,

(c) Is located on the same lot as the structure to which it is subordinate.

(d) "Appurtenance" includes but is not limited to:

(A) A retaining wall less than four feet in height, with level backfill, and not supporting any structure;

(B) Signage less than 15 feet in height and 50 square feet;

(C) Fences less than 12 feet in height;

(D) A carport, cabana, playhouse, or garden structure, no more than 20 feet in height and with vertical and horizontal structural elements primarily formed by a system of conventional, repetitive, wood or cold-formed steel

framing members, and a maximum roof span of 30 linear feet. For the purposes of this subsection, "Height" is measured from the top surface of the lowest flooring to the highest interior overhead finish of the structure in determining whether a building exceeds the 20-foot height limitation. A basement floor is considered the lowest flooring when useable (e.g., for storage, living space, appliances, etc.).

(e) "Appurtenance" does not include a single family residential dwelling, farm building, or building less than 4,000 square feet in ground area or 20 feet in height.

(5) "Professional service" or "professional services," as used in ORS 672.005, means providing labor in a commercial context or professional relationship, paid or unpaid, that does not produce a tangible commodity, but that requires a high level of training and proficiency.

(6) "Creative work," as used in ORS 672.005, applies to work provided in a commercial or professional context, paid or unpaid.

(7) "Testimony," as used in ORS 672.005 means a formal affirmation to a client or employer, paid or unpaid, of the quality or correctness of design or work provided, and excludes testimony in a court of law or before a public body.

(8) "Engineer," when used alone and not as part of the phrases "professional engineer" or "registered professional engineer," in ORS 672.002, and in conjunction with ORS 672.007(2)(b) and 672.020 or 672.046, refers to when the word "engineer" is used to claim or imply that an individual is registered to perform engineering work in Oregon.

(9) "Purports to be able to perform," as used in ORS 672.007, refers to purporting within the context of an offer, bid, advertisement, client relationship, or claim to a building official.

## **820-040-0010 Electrical Engineering**

(1) "Electrical engineering" is the design of the electric power, control, and fire and life safety systems with the following electrical services:

(a) Below 250 volts, 96 Kva and above;

(b) Above 250 volts, and less than 600 volts, 150 Kva and above;

(c) Above 600 volts.

(2) Example where the services of a registered engineer may be required include the design of electrical systems for the following:

- (a) Hospitals;
- (b) Nursing Homes;
- (c) Homes for Aged (with medical care and/or central dining facilities);
- (d) Retirement Homes (with medical care and/or central dining facilities);
- (e) Auditoriums (includes Concert Halls and Assembly Places for 100 or more persons);
- (f) Schools;
- (g) Gymnasiums;
- (h) Fraternal Buildings;
- (i) Structures under the purview of UBC 1807 with Oregon amendments;
- (j) Multi-family Dwellings;
- (k) Planned Unit Developments;
- (l) Retail Stores;
- (m) Office Buildings.

(3) The Board recognizes that there may be some electrical systems in the above listed structures, which are not sufficiently complex to require the services of a registered engineer. These systems may be submitted to the Board prior to issue of a building permit, and the requirement for a registered engineer may be waived.

(4) The design of electrical systems for the following structures are exempted from the requirements of subsection (1) of this rule:

- (a) Duplex dwellings and structures used in connection with or auxiliary to a single-family dwelling or a duplex dwelling.
- (b) Farm buildings and structures used in connection with or auxiliary to a farm building, public, commercial, industrial, or storage buildings where electric power use is limited to general purpose lighting, branch circuits not exceeding 60 amps, and the voltage not exceeding 250 volts.



(c) Any electrical contractor whose practice includes the installation and fabrication of electrical systems which they install by virtue of a license issued under ORS 479.510 to 479.990, which requires an aggregate service capacity below that defined in subsection (1) of this rule is exempted from the requirements of subsection (1) of this rule.

### **820-040-0020 Structural Engineering**

"Structural Engineering" means that branch of professional engineering that provides analysis, design, evaluation or review of structures or their elements, parts or systems for support of external forces such as gravity, lateral loading, temperature, seismic influence, etc.

(1) Structural engineering services for significant structures, as referred to in ORS 672.002 to 672.325, shall mean structural engineering for the primary structural frame or load resisting system and its elements or parts. The primary frame shall be that portion of the structure, which provides the overall stability of the structure. Elements, components, or parts of the structure, which are not part of the primary frame do not require the services of a professional structural engineer.

(2) A "Structural Engineer" is a registered professional engineer who passes a structural engineering examination recognized by the Board and meets the other necessary qualifications for registration under ORS 672.002 to 672.325.

### **820-040-0030 Traffic Engineering**

(1) "Traffic Engineering" is that branch of engineering which applies technology, science, and human factors to the planning, design, operations, and management of roads, streets, bikeways, highways, their networks, terminals, and abutting lands. Its objective is to provide for the safe, rapid comfortable, economical, convenient, and environmentally compatible movement of people, goods and services. Traffic engineering embraces studies and activities in connection with roads, streets, and highway traffic controls, which include signs, signals, lighting, pavement markings, and the following:

- (a) The planning, use, and design of traffic control devices and systems;
- (b) The use of algorithms for the operation of traffic control system;
- (c) The operational adjustment of traffic control devices and systems;
- (d) The preparation of traffic engineering reports;

(e) The planning of traffic systems and networks, including environmental impacts, predictions of future needs, and interface with other modes of transportation;

(f) Traffic related engineering economic feasibility studies;

(g) The conduct of investigations and the preparation of recommendations relating to safety measures and improvements to be applied to highways including intersections, ramps, and railroad crossings;

(h) Interrelationships of highways to other travel modes and abutting lands;

(i) The operational and geometric design of roads, streets, bikeways, and highways.

(2) Functional Areas: Four areas have been identified as functional classifications within traffic engineering. Each of the functional areas is further described as follows:

(a) "Traffic operations" is the science of analysis, review, and application of traffic data systems, including accident and surveillance records, and volume and other data gathering techniques necessary for traffic planning. It includes the knowledge of operational characteristics of persons and vehicles to determine the need for installation of traffic control devices, and the treatment of the functional characteristics of the controls such as traffic signal timing. It includes the assessment of vehicular and human factors, their relationship with other traffic characteristics, the determination of safe transportation systems, and the need for inherently safe features and controls;

(b) "Traffic design" consists of the design of traffic control devices and operational design. Traffic control device design includes those activities necessary to determine the appropriate and proper application of signs, pavement markings, signals, and signal systems, as well as to determine their location, and, if necessary, construction methods. It includes the preparation of plans, specifications, and estimates for the installation or modification of the various devices. Operational design concerns the visible features of a roadway. It may be thought of as the tailoring of the highway to the terrain, to the urban landscape, and to the requirements of the roadway user. It deals with such roadway elements as cross section, curvature, sight distance, channelization, and clearances, and thus depends directly on traffic flow characteristics;

(c) "Traffic planning" includes the determination of travel pattern of persons and goods based upon engineering judgments derived from the study and analysis of traffic characteristics involving present, future, and potential land-use plans; and recommendations for transportation systems and networks of roadways. Traffic planning may include origin and destination studies; functional classification plans; travel forecasts; system, land or mode capacity studies; trip generation and distribution;

modal split; traffic assignment; terminal and route location; and economic analysis. The prime responsibility of the traffic planner is to determine travel patterns and networks in concert with the several modes of transportation and their terminals;

(d) "Traffic engineering research" includes the investigation of theoretical and applied aspects of all areas of traffic engineering for the purpose of developing new knowledge, new interpretations, and new applications. Traffic research may include hypothetical testing; impact studies; development of traffic hardware; theory formulation; methods of analysis, synthesis, and evaluation of existing phenomena and knowledge; and development of objectivity and thoroughness so that the validity of research findings can be demonstrated.

### **820-040-0040 Geotechnical Engineering**

(1) Geotechnical engineering is defined as the investigation and the evaluation of the physical and engineering properties of earth materials, such as soil and rock, including impacts of ground water and earthquakes, and their application to the design and construction of civil engineering works, such as foundations, earth dams, retaining walls, and similar, using soil and rock mechanics and earthquake engineering principles and related engineering laws, formula, and procedures. Further, the practice involves the application of soil and rock mechanics and related engineering laws and procedures to an evaluation of the performance of constructed civil engineering works as influenced by earth materials, groundwater, and earthquakes and to an evaluation of the performance, including stability, of natural and man-made slopes, including man-made fills and embankments, and for the design of mitigation measures to reduce risk and/or hazards as disclosed by the evaluation.

(2) A "geotechnical engineer" is a registered professional engineer recognized by the Board to practice geotechnical engineering and who meets the other necessary qualifications for registration under ORS 672.002 to 672.325.

## **DIVISION 50 THE PRACTICE OF WATER RIGHT EXAMINATION**

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### **820-050-0001 Continuing Professional Development — Certified Water Right Examiner (CWRE)**

The purpose of professional development requirements is to demonstrate a continuing level of competency of certified water right examiners (CWRE).

(1) Requirements:

(a) A Registered Geologist that holds certification as a CWRE is required to obtain 10 professional development hour (PDH) units during the current biennial renewal period in order to renew for the next biennial renewal period.

(b) Every CWRE will report their PDH units on the Continuing Professional Development (CPD) Organizational form and submit to the Board office with the renewal form and fee. The CPD Organizational form must be completed in its entirety.

(c) Supporting documentation to verify the PDH units recorded on the CPD Organizational form must be submitted to the Board office when requested to participate in an audit. Supporting documentation may include, but are not limited to:

(A) Completion certificate(s);

(B) Paid receipt(s);

(C) Attendance log;

(D) Other documents supporting evidence of attendance.

(d) The CPD Organizational form and supporting documentation must be submitted to the Board in English or translated to English.

(e) Records must be retained for five (5) years.

(2) PDH units must be obtained in qualifying activities related to the individual's certification. A qualifying activity is any course or activity with a clear purpose and objective which improves, or expands the skills and knowledge relevant to the professional activities of a certified water right examiner as defined in ORS Chapter 537 and OAR chapter 690.

(3) Non-qualifying activities may include, but are not limited to:

(a) Regular employment;

(b) Personal self improvement;

(c) Equipment demonstrations or trade show displays;

(d) Enrollment without attendance at courses, seminars, etc.

- (e) Repetitive attendance at the same course;
  - (f) Repetitive teaching of the same course;
  - (g) Attending committee meetings or general business meetings of any organization;
  - (h) Taking professional or required examinations.
- (4) Units — The conversion of other units of credit to PDH units is as follows:
- (a) 1 College Semester hour equals 45 PDH;
  - (b) 1 College Quarter hour equals 30 PDH;
  - (c) 1 Continuing Education unit equals 10 PDH.
- (5) Sources of PDH units — One (1) PDH unit may be obtained for each contact hour of instruction or presentation. Unless otherwise noted, there is no maximum amount of PDH units a CWRE may earn per biennial renewal period. Sources of PDH units include, but are not limited to the following:
- (a) Successful completion of college courses;
  - (b) Successful completion of short courses, tutorials, correspondence, web based courses, televised and videotaped courses;
  - (c) Active participation in seminars, in-house courses, workshops, and professional conventions;
  - (d) Teaching or instructing a course, seminar, or workshop one time only. (This does not apply to full-time faculty teaching college courses);
  - (e) Authoring or co-authoring published papers, articles or books. Maximum of 3 PDH units per biennial renewal period;
  - (f) Active participation in professional or technical society, committee, or board. Maximum of 2 PDH units per biennial renewal period;
  - (g) Self study. Maximum of 2 PDH units per biennial renewal period;
  - (h) Non-technical educational activities related to employment.
- (6) Determination of Credit — Credit determination for activities is the responsibility of the CWRE and is subject to review by the Board. The Board has final authority with

respect to approval of courses, credit, PDH units for courses and other methods of earning credit.

(7) If a CWRE exceeds the requirement in any renewal period, a maximum of 5 PDH units in courses/activities may be carried forward into the next renewal period.

(8) Delinquent, retired or inactive certificate holders must provide evidence of holding active registration as a professional engineer, professional land surveyor, registered geologist, in addition to completing the PDH requirements as outlined in OAR 820-010-0520 in order to attain active status.

## **820-050-0010 Continuing Professional Development Requirements: Failure to Comply**

Requirements:

(1) Certified Water Right Examiners are required to obtain 10 professional development hour (PDH) units in subjects related to the practice of water right examination. As used in this rule, "Water Right Examination" includes: courses or study related to water right applications and claims of beneficial use, Water Resources Department programs, water law, or other subjects related to the work of a Water Right Examiner.

(2) For persons who hold registration as an engineer, land surveyor, or both, the number of PDH units required shall remain 30 PDH units per renewal period and may include the 10 PDH units required in OAR 820-050-0010(1)(a).

(3) Any Certified Water Right Examiner who fails to satisfy the Continuing Professional Development requirements in subsection (1)(a) shall be subject to suspension or refusal to renew the certificate. Failure to satisfy the Continuing Professional Development requirements shall not be the sole basis for revocation of certificate.

## **DIVISION 80 FEES**

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### **820-080-0005 Refunds and Charges**

(1) Application fees are non-refundable and will not be applied to future applications.

(2) Rescore fees are non-refundable.

(3) If the Board receives payment of any fees by check and the check is deposited and returned to the Board, the payor of the fees will be assessed a charge of \$20 in addition to the required payment of the fees.

## 820-080-0010 Fees

For the purposes of ORS 672.155, the Board shall charge the following fees:

- (1) Registration application fee — \$400.
- (2) Additional branch fee — \$35.
- (3) Examination application fees:
  - (a) Oregon Specific Acoustical examination — \$55.
  - (b) Oregon Specific Forest examination — \$55.
  - (c) Oregon Specific Land Surveying examination — \$55.
- (4) Certified Water Right Examiner examination and certification application fee — \$200.
- (5) Biennial registration renewal fee:
  - (a) Professional engineer — \$230.00.
  - (b) Professional land surveyor — \$230.00.
  - (c) Professional photogrammetrist — \$230.00.
  - (d) Certified water right examiner — \$80.
- (6) Delinquency renewal fee — \$80 for any part of each biennial registration renewal period during delinquency.
- (7) Issuance of a temporary permit under ORS 672.109 or 672.127 — \$100.
- (8) Declaration/issuance of an intern enrollment number — \$35.
- (9) Re-issuance of professional wall certificate — \$35.
- (10) Re-issuance of renewal certificate and pocket card — \$10.
- (11) Verification of certification(s) and/or registration(s) — \$15.
- (12) Issuance of certificate of registration under ORS 672.153, without examination based on experience — \$290.
- (13) Reinstatement for inactive registrant or certificate holder — \$50.
- (14) Reinstatement for retired registrant or certificate holder — \$225.

(15) Re-score of an Oregon specific examination item — \$50..

### **820-080-1000 Budget**

(1) Budget Contents. The Board's budget is a financial plan containing estimates of expenditures and revenues for a biennium.

(2) Budget Hearing.

(a) On or before April 30 of every odd-numbered year, before adoption of its biennial budget, the Board will hold an open hearing on its approved budget.

(b) All registrants of the Board shall be provided notice of the budget hearing no less than 30 days prior to the date of the scheduled hearing.

(c) Conduct at the hearing shall be prescribed by the Budget Hearing Officer, and shall be announced at the hearing, prior to the opening of public testimony.

(d) Testimony at the hearing shall be recorded and the Budget Hearing Officer may prepare a report on the hearing for the Board.

(3) Spending Limit. The amount of \$4,630,000 is established for the biennium beginning July 1, 2021, as the intended limit for payment of expenses from fees, moneys or other revenue, including miscellaneous receipts, collected or received by the Board.



# CODE OF ETHICS

## Preamble

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Engineering is an important and learned profession. As members of this profession, engineers are expected to exhibit the highest standards of honesty and integrity. Engineering has a direct and vital impact on the quality of life for all people. Accordingly, the services provided by engineers require honesty, impartiality, fairness, and equity, and must be dedicated to the protection of the public health, safety, and welfare. Engineers must perform under a standard of professional behavior that requires adherence to the highest principles of ethical conduct.

### I. Fundamental Canons

Engineers, in the fulfillment of their professional duties, shall:

- 1) Hold paramount the safety, health, and welfare of the public.
- 2) Perform services only in areas of their competence.
- 3) Issue public statements only in an objective and truthful manner.
- 4) Act for each employer or client as faithful agents or trustees.
- 5) Avoid deceptive acts.
- 6) Conduct themselves honorably, responsibly, ethically, and lawfully so as to enhance the honor, reputation, and usefulness of the profession.

### II. Rules of Practice

1. Engineers shall hold paramount the safety, health, and welfare of the public.
  - 1) If engineers' judgment is overruled under circumstances that endanger life or property, they shall notify their employer or client and such other authority as may be appropriate.
  - 2) Engineers shall approve only those engineering documents that are in conformity with applicable standards.
  - 3) Engineers shall not reveal facts, data, or information without the prior consent of the client or employer except as authorized or required by law or this Code.
  - 4) Engineers shall not permit the use of their name or associate in business ventures with any person or firm that they believe is engaged in fraudulent or dishonest enterprise.

- 5) Engineers shall not aid or abet the unlawful practice of engineering by a person or firm.
  - 6) Engineers having knowledge of any alleged violation of this Code shall report thereon to appropriate professional bodies and, when relevant, also to public authorities, and cooperate with the proper authorities in furnishing such information or assistance as may be required.
2. Engineers shall perform services only in the areas of their competence.
    - 1) Engineers shall undertake assignments only when qualified by education or experience in the specific technical fields involved.
    - 2) Engineers shall not affix their signatures to any plans or documents dealing with subject matter in which they lack competence, nor to any plan or document not prepared under their direction and control.
    - 3) Engineers may accept assignments and assume responsibility for coordination of an entire project and sign and seal the engineering documents for the entire project, provided that each technical segment is signed and sealed only by the qualified engineers who prepared the segment.
  3. Engineers shall issue public statements only in an objective and truthful manner.
    - 1) Engineers shall be objective and truthful in professional reports, statements, or testimony. They shall include all relevant and pertinent information in such reports, statements, or testimony, which should bear the date indicating when it was current.
    - 2) Engineers may express publicly technical opinions that are founded upon knowledge of the facts and competence in the subject matter.
    - 3) Engineers shall issue no statements, criticisms, or arguments on technical matters that are inspired or paid for by interested parties, unless they have prefaced their comments by explicitly identifying the interested parties on whose behalf they are speaking, and by revealing the existence of any interest the engineers may have in the matters.
  4. Engineers shall act for each employer or client as faithful agents or trustees.
    - 1) Engineers shall disclose all known or potential conflicts of interest that could influence or appear to influence their judgment or the quality of their services.
    - 2) Engineers shall not accept compensation, financial or otherwise, from more than one party for services on the same project, or for services

pertaining to the same project, unless the circumstances are fully disclosed and agreed to by all interested parties.

3) Engineers shall not solicit or accept financial or other valuable consideration, directly or indirectly, from outside agents in connection with the work for which they are responsible.

4) Engineers in public service as members, advisors, or employees of a governmental or quasi-governmental body or department shall not participate in decisions with respect to services solicited or provided by them or their organizations in private or public engineering practice.

5) Engineers shall not solicit or accept a contract from a governmental body on which a principal or officer of their organization serves as a member.

5. Engineers shall avoid deceptive acts.

1) Engineers shall not falsify their qualifications or permit misrepresentation of their or their associates' qualifications. They shall not misrepresent or exaggerate their responsibility in or for the subject matter of prior assignments. Brochures or other presentations incident to the solicitation of employment shall not misrepresent pertinent facts concerning employers, employees, associates, joint venturers, or past accomplishments.

2) Engineers shall not offer, give, solicit, or receive, either directly or indirectly, any contribution to influence the award of a contract by public authority, or which may be reasonably construed by the public as having the effect or intent of influencing the awarding of a contract. They shall not offer any gift or other valuable consideration in order to secure work. They shall not pay a commission, percentage, or brokerage fee in order to secure work, except to a bona fide employee or bona fide established commercial or marketing agencies retained by them.

### **III. Professional Obligations**

1. Engineers shall be guided in all their relations by the highest standards of honesty and integrity.

1) Engineers shall acknowledge their errors and shall not distort or alter the facts.

2) Engineers shall advise their clients or employers when they believe a project will not be successful.

- 3) Engineers shall not accept outside employment to the detriment of their regular work or interest. Before accepting any outside engineering employment, they will notify their employers.
  - 4) Engineers shall not attempt to attract an engineer from another employer by false or misleading pretenses.
  - 5) Engineers shall not promote their own interest at the expense of the dignity and integrity of the profession.
2. Engineers shall at all times strive to serve the public interest.
    - 1) Engineers are encouraged to participate in civic affairs; career guidance for youths; and work for the advancement of the safety, health, and well-being of their community.
    - 2) Engineers shall not complete, sign, or seal plans and/or specifications that are not in conformity with applicable engineering standards. If the client or employer insists on such unprofessional conduct, they shall notify the proper authorities and withdraw from further service on the project.
    - 3) Engineers are encouraged to extend public knowledge and appreciation of engineering and its achievements.
    - 4) Engineers are encouraged to adhere to the principles of sustainable development<sup>1</sup> in order to protect the environment for future generations.
  3. Engineers shall avoid all conduct or practice that deceives the public.
    - 1) Engineers shall avoid the use of statements containing a material misrepresentation of fact or omitting a material fact.
    - 2) Consistent with the foregoing, engineers may advertise for recruitment of personnel.
    - 3) Consistent with the foregoing, engineers may prepare articles for the lay or technical press, but such articles shall not imply credit to the author for work performed by others.
  4. Engineers shall not disclose, without consent, confidential information concerning the business affairs or technical processes of any present or former client or employer, or public body on which they serve.
    - 1) Engineers shall not, without the consent of all interested parties, promote or arrange for new employment or practice in connection with a specific project for which the engineer has gained particular and specialized knowledge.
    - 2) Engineers shall not, without the consent of all interested parties, participate in or represent an adversary interest in connection with a

specific project or proceeding in which the engineer has gained particular specialized knowledge on behalf of a former client or employer.

5. Engineers shall not be influenced in their professional duties by conflicting interests.

1) Engineers shall not accept financial or other considerations, including free engineering designs, from material or equipment suppliers for specifying their product.

2) Engineers shall not accept commissions or allowances, directly or indirectly, from contractors or other parties dealing with clients or employers of the engineer in connection with work for which the engineer is responsible.

6. Engineers shall not attempt to obtain employment or advancement or professional engagements by untruthfully criticizing other engineers, or by other improper or questionable methods.

1) Engineers shall not request, propose, or accept a commission on a contingent basis under circumstances in which their judgment may be compromised.

2) Engineers in salaried positions shall accept part-time engineering work only to the extent consistent with policies of the employer and in accordance with ethical considerations.

3) Engineers shall not, without consent, use equipment, supplies, laboratory, or office facilities of an employer to carry on outside private practice.

7. Engineers shall not attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice, or employment of other engineers. Engineers who believe others are guilty of unethical or illegal practice shall present such information to the proper authority for action.

1) Engineers in private practice shall not review the work of another engineer for the same client, except with the knowledge of such engineer, or unless the connection of such engineer with the work has been terminated.

2) Engineers in governmental, industrial, or educational employ are entitled to review and evaluate the work of other engineers when so required by their employment duties.

3) Engineers in sales or industrial employ are entitled to make engineering comparisons of represented products with products of other suppliers.

8. Engineers shall accept personal responsibility for their professional activities, provided, however, that engineers may seek indemnification for services arising out of their practice for other than gross negligence, where the engineer's interests cannot otherwise be protected.

1) Engineers shall conform with state registration laws in the practice of engineering.

2) Engineers shall not use association with a nonengineer, a corporation, or partnership as a "cloak" for unethical acts.

9. Engineers shall give credit for engineering work to those to whom credit is due, and will recognize the proprietary interests of others.

1) Engineers shall, whenever possible, name the person or persons who may be individually responsible for designs, inventions, writings, or other accomplishments.

2) Engineers using designs supplied by a client recognize that the designs remain the property of the client and may not be duplicated by the engineer for others without express permission.

3) Engineers, before undertaking work for others in connection with which the engineer may make improvements, plans, designs, inventions, or other records that may justify copyrights or patents, should enter into a positive agreement regarding ownership.

4) Engineers' designs, data, records, and notes referring exclusively to an employer's work are the employer's property. The employer should indemnify the engineer for use of the information for any purpose other than the original purpose.

5) Engineers shall continue their professional development throughout their careers and should keep current in their specialty fields by engaging in professional practice, participating in continuing education courses, reading in the technical literature, and attending professional meetings and seminars.

## REFERENCES

Oregon Board of Examiners for Engineering and Land Surveying, OSBEELS Rules and Statutes

<https://www.oregon.gov/osbeels/rulesstatutes/Pages/default.aspx>

Oregon Revised Statutes: Volume 15 Occupations; Ch. 672. Professional Engineers, Land Surveyors, Photogrammetrists, Geologists, (672.002 to 672-991)

[https://www.oregonlegislature.gov/bills\\_laws/ors/ors672.html](https://www.oregonlegislature.gov/bills_laws/ors/ors672.html)

Oregon Administrative Rules: Ch. 820 Board of Examiners for Engineering and Land Surveying, (820-010-0010 to 820-080-1000)

<https://secure.sos.state.or.us/oard/displayChapterRules.action?selectedChapter=6>

National Society of Professional Engineers, Code of Ethics

<http://www.nspe.org/resources/ethics/code-ethics>