Chapter 672

2013 EDITION

Professional Engineers; Land Surveyors; Photogrammetrists; Geologists

PROFESSIONAL ENGINEERS, LAND SURVEYORS AND PHOTOGRAMMETRISTS

(Generally)

672.002 Definitions for ORS 672.002 to 672.325
672.005 Additional definitions
672.007 Acts constituting practice of engineering, land surveying or photogrammetric mapping
672.020 Practice of engineering without registration prohibited; seal required
672.025 Practice of land surveying without registration prohibited; seal required
672.028 Practice of photogrammetric mapping without registration prohibited; seal required
672.045 Prohibited activities relating to practices of engineering, land surveying or photogrammetric mapping
672.047 Right of entry by land surveyor; compensation for damages caused; notice; removal of survey markers
672.060 Exceptions to application of ORS 672.002 to 672.325

(Registration; Certificates)

672.090 Issuance of certificates by board; examinations
672.095 Applicant meeting qualifications eligible for examination; fee; certificate specifications
672.102 Qualifications for registration as engineer
672.105 Qualifications for engineering examination; rules; form of examination
672.107 Structural engineer registration for performing engineering services on significant structures; rules
672.109 Temporary permit to practice engineering; fee
672.115 Qualifications for registration as land surveyor
672.118 Qualifications for land surveying examination; rules; form of examination
672.121 Waiver of educational requirements for taking examination
672.123 Qualifications for registration as photogrammetrist
672.127 Temporary permit to practice photogrammetric mapping; fee
672.141 Alternative qualifications for registration as engineer, land surveyor or photogrammetrist
672.148 Certificate issuance to persons registered in other jurisdictions
672.151 Notice to candidates of examination results
672.153 Registration in new branch of profession; fee
672.155 Establishment of fees by rule
672.157 Payment of fee required before issuance of certificate
672.159 Numbering and recording of certificates
672.160 Expiration date of certificates
672.170 Renewal of certificate; increased fees for delinquent renewal
672.180 Retiree exemption from registration renewal fees

(Discipline)

672.200 Grounds for suspension or revocation of certificate or permit or refusal to issue, restore or renew certificate or permit; grounds for reprimand
672.210 Procedure for suspension or revocation of certificate, permit or enrollment; hearing; majority of board members required to take action; reinstatement
672.215 Proceedings to enjoin violations of ORS 672.002 to 672.325

(State Board)

672.240 State Board of Examiners for Engineering and Land Surveying; appointment; qualifications; officers
672.250 Term; certificate of appointment; oath; removal; vacancies
672.255 Rulemaking authority
672.300 Investigation of complaints
672.310 Investigation of identity of person claiming to be registered

(Civil Penalties)

672.325 Civil penalties

GEOLOGISTS

(Generally)

672.505 Definitions for ORS 672.505 to 672.705
672.515 Policy of ORS 672.505 to 672.705

(Certificates of Registration)

672.525 Geologist registration; public practice of geology
672.535 Exemptions from ORS 672.505 to 672.705
672.545 Practice of geology by proprietorship, partnership or corporation; employment of nonregistered geologist; practice by other professionals; practice by nonresident
672.555 Application; qualifications for certificates of registration; rules
672.565 Certification in specialty; rules; professional affairs committees
672.575 Examination
672.585 Certificate of registration; renewal; fee; replacement

672.595 Registration of persons licensed in other jurisdictions
672.605 Seal of geologist

(State Board)

672.615 State Board of Geologist Examiners; qualifications and appointment; term
672.635 Record of board proceedings; roster
672.645 Appeals filed with board; service on administrator

(Professional Conduct)

672.655 Code of professional conduct
672.665 Charges against geologist
672.675 Grounds for reprimand, suspension, revocation or refusal to renew certificate
672.685 Reissuance of revoked certificate

(Civil Penalties)

672.690 Civil penalties

(Miscellaneous)

672.695 Public agencies required to contract with or for registered geologist
672.705 Fees

CRIMINAL PENALTIES

672.991 Penalties

PROFESSIONAL ENGINEERS, LAND SURVEYORS AND PHOTOGRAMMETRISTS

(Generally)

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. [1971 c.751 §1; 1983 c.614 §1; 1995 c.33 §1; 1997 c.210 §1; 2005 c.22 §475; 2005 c.445 §6; 2009 c.259 §1]

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 doing any of the following:

(a) Performing any professional service or creative work requiring engineering education, training and experience.

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

(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 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.

(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 alignments, positions or elevations for the construction of fixed works.

(g) Performing or offering to perform any investigation, interpretation or evaluation of, or any consultation or testimony 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, other than acting as a scrivener.

(i) Performing photogrammetric mapping.

(j) Making surveys that involve horizontal or vertical mapping control or geodetic control. [1971 c.751 §2; 1973 c.531 §1; 1977 c.620 §1; 1981 c.143 §2; 1991 c.339 §5; 1997 c.210 §2; 2005 c.445 §7]

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, card or in any other way implies that the person is or purports to be a registered professional engineer;

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

(c) Purports to be able to perform, or who does perform, any 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, card or in any other way implies that the person is or purports to be a land surveyor;

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

(c) Purports to be able to perform, or who does perform, any 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;

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

(c) Purports to be able to perform, or who does perform, any photogrammetric service or work or any other service that is defined by ORS 672.002 as photogrammetric mapping. [1971 c.751 §3; 1981 c.143 §3; 2003 c.14 §427; 2009 c.259 §2]

672.010 [Amended by 1959 c.336 §1; repealed by 1971 c.751 §39]

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. [Amended by 1971 c.751 §6; 1995 c.33 §2; 1995 c.79 §339; 1997 c.210 §3]

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. [Formerly 672.420; 1977 c.620 §2; 1979 c.817 §1; 1981 c.159 §1; 1995 c.33 §3; 1997 c.210 §4]

672.027 [1985 c.418 §2; repealed by 1991 c.67 §177]

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. [2005 c.445 §2; 2009 c.259 §3]

672.030 [Amended by 1971 c.751 §9; 1979 c.681 §1; repealed by 1983 c.614 §4]

672.035 [1971 c.751 §10; repealed by 1983 c.614 §4]

672.040 [Amended by 1959 c.336 §13; repealed by 1971 c.751 §39]

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. [1971 c.751 §36; 2009 c.259 §4]

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 con-

spicuous 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. [1995 c.382 §13; 1997 c.743 §1; 2009 c.259 §5; 2011 c.231 §1]

672.050 [Amended by 1971 c.751 §5; repealed by 2009 c.259 §32]

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

(1) A registered architect practicing architecture.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(9) An individual, firm, partnership or corporation offering to practice engineering or land surveying if:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) If prepared for conversational or illustrative purposes, including but not limited to for use as advertising material or user guides. [Amended by 1971 c.751 §4; 1981 c.143 §4; 1981 c.159 §2; 1983 c.614 §2; 1995 c.572 §22; 1997 c.210 §5; 1999 c.830 §1; 2001 c.362 §2; 2003 c.547 §117; 2005 c.445 §8; 2009 c.259 §6; 2009 c.260 §1]

672.070 [Amended by 1959 c.336 §2; repealed by 1971 c.751 §39]

672.080 [Repealed by 1959 c.336 §3 (672.081 enacted in lieu of 672.080)]

672.081 [1959 c.336 §4 (enacted in lieu of 672.080); repealed by 1971 c.751 §39]

672.083 [1959 c.336 §6; repealed by 1971 c.751 §39]

672.085 [1959 c.336 §7; repealed by 1971 c.751 §39]

672.087 [1959 c.336 §8; repealed by 1971 c.751 §39]

(Registration; Certificates)

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. [Amended by 1971 c.751 §26(2), (3); 1975 c.429 §9; 1981 c.143 §5; 1991 c.221 §1; 1997 c.210 §6; 2013 c.86 §3]

672.092 [1995 c.68 §6; renumbered 672.102 in 2005]

672.094 [1995 c.68 §10; renumbered 672.115 in 2005]

672.095 Applicant meeting qualifications eligible for examination; fee; certificate specifications. (1) If an applicant has the qualifications for examination prescribed by the State Board of Examiners for Engineering and Land Surveying under ORS 672.255, upon payment of the required examination fee, the board shall examine the applicant for registration on qualifications to practice engineering, land surveying or photogrammetric mapping.

(2) The board shall specify on the certificate to practice, when issued to the applicant, the branch or branches of engineering, land surveying or photogrammetric mapping in which the applicant is especially qualified. [1971 c.751 §11; 1981 c.143 §6; 2009 c.259 §7]

672.097 [1995 c.68 §3; renumbered 672.105 in 2005]

672.099 [1995 c.68 §7; renumbered 672.118 in 2005]

672.100 [Amended by 1971 c.751 §12; 1981 c.143 §7; renumbered 672.151 in 2005]

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

(1) Successfully pass the fundamentals of engineering examination;

(2) Successfully pass a practical engineer's examination as may be prescribed by the State Board of Examiners for Engineering and Land Surveying; and

(3) Have a work record of four years or more of active practice in engineering work satisfactory to the board. [Formerly 672.092; 2013 c.86 §4]

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

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

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

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

(3) The fundamentals of engineering examination shall be prescribed by the board and shall be devoted to basic engineering subjects. The examination shall be written or computer-based. [Formerly 672.097; 2012 c.43 §2; 2013 c.86 §5]

672.107 Structural engineer registration for performing engineering services on significant structures; rules. (1) For purposes of this section:

(a) "Significant structure" means:

(A) Hazardous facilities and special occupancy structures, as defined in ORS 455.447;

(B) Essential facilities, as defined in ORS 455.447, that have a ground area of more than 4,000 square feet or are more than 20 feet in height;

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

(D) 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:

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

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

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

(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. [Formerly 672.129]

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. [Formerly 672.135]

672.110 [Amended by 1971 c.751 §13; renumbered 672.159 in 2005]

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

(1) Successfully pass the fundamentals of land surveying examination;

(2) Successfully pass a professional land surveyor's examination as may be prescribed by the State Board of Examiners for Engineering and Land Surveying; and

(3) Have a work record of four or more years of active practice in land surveying work satisfactory to the board. [Formerly 672.094; 2013 c.86 §6]

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

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

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

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

(3) The fundamentals of land surveying examination shall be prescribed by the board and shall be devoted to basic land surveying subjects. The examination shall be written or computer-based. [Formerly 672.099; 2009 c.259 §8; 2012 c.43 §3; 2013 c.86 §7]

672.120 [Amended by 1959 c.336 §11; 1971 c.751 §14; renumbered 672.157 in 2005]

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

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

(3) The board may not refund any part of an application fee, examination fee or other fee paid by an applicant described in subsection (2) of this section who fails to timely provide the board with an official transcript as required by board rule. [2013 c.86 §2]

672.123 Qualifications for registration as photogrammetrist. As minimum evidence of qualification for registration as a photogrammetrist, an individual must:

(1) Pass the fundamentals of land surveying examination;

(2) Pass a professional photogrammetric mapping examination administered by the State Board of Examiners for Engineering and Land Surveying; and

(3) Have four or more years of experience acceptable to the board as an active practitioner of photogrammetric mapping. [2005 c.445 §3; 2009 c.259 §9]

672.125 [1971 c.751 §19; 1981 c.143 §8; 1991 c.221 §2; renumbered 672.148 in 2005]

672.127 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. [2005 c.445 §5a]

672.129 [1999 c.744 §2; 2003 c.74 §2; 2005 c.144 §1; renumbered 672.107 in 2005]

672.130 [Amended by 1953 c.98 §1; repealed by 1971 c.751 §39]

672.135 [1971 c.751 §18; 1997 c.41 §1; renumbered 672.109 in 2005]

672.140 [Repealed by 1971 c.751 §39]

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

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

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

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

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

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

(b) Pays the required fee; and

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

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

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

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

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

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

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

(b) Pays the required fee; and

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

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

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

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

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

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

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

(b) Pays the required fee; and

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

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

of ethical or professional standards established under ORS 672.002 to 672.325. [2009 c.261 §2; 2013 c.86 §8]

672.145 [1971 c.751 §8; 1979 c.495 §1; repealed by 1991 c.221 §6]

672.148 Certificate issuance to persons registered in other jurisdictions. (1) The State Board of Examiners for Engineering and Land Surveying may issue a certificate of registration to practice engineering to an applicant without examination if the applicant:

(a) Pays the required fee;

(b) Meets the other necessary qualifications for registration under ORS 672.002 to 672.325;

(c) Holds a certificate of registration to engage in the practice of professional engineering, issued by the proper authority of a state, territory or possession of the United States, the District of Columbia or a foreign country; and

(d) Was issued the certificate of registration by the other authority under requirements for certification that were substantially equivalent to the requirements provided in this state at the time of issue.

(2) The board may issue a certificate of registration to practice land surveying to an applicant without examination if the applicant:

(a) Pays the required fee;

(b) Meets the other necessary qualifications for registration under ORS 672.002 to 672.325;

(c) Holds a certificate of registration to engage in the practice of land surveying, issued by the proper authority of a state, territory or possession of the United States, the District of Columbia or a foreign country;

(d) Was issued the certificate of registration by the other authority under requirements for certification that were substantially equivalent to the requirements provided in this state at the time of issue as determined by the board; and

(e) Satisfactorily passes an examination covering questions on laws, procedures and practices pertaining to practice in this state.

(3) The board may issue a certificate of registration to practice photogrammetric mapping to an applicant without examination if the applicant:

(a) Pays the required fee;

(b) Meets the other necessary qualifications for registration under ORS 672.002 to 672.325;

(c) Holds a certificate of registration to engage in the practice of photogrammetric mapping, issued by the proper authority of a state, territory or possession of the United States, the District of Columbia or a foreign country; and

(d) Was issued the certificate of registration by the other authority under requirements for certification that were substantially equivalent to the requirements provided in this state at the time of issue as determined by the board.

(4) The board may refuse to certify an applicant who has been found to have violated ethical or professional standards by a court or administrative body in another state for committing or omitting acts that, if committed or omitted in this state, would be a violation of ethical or professional standards established under ORS 672.002 to 672.325. [Formerly 672.125; 2009 c.259 §10]

672.150 [Repealed by 1971 c.751 §39]

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. [Formerly 672.100; 2013 c.86 §9]

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. [2005 c.445 §5; 2009 c.259 §11]

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) Examination in the fundamentals of engineering.

(2) Examination for registration as a professional engineer.

(3) Examination in the fundamentals of land surveying.

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

(5) Examination for registration as a photogrammetrist.

(6) Any reexamination.

(7) Registration or renewal of a certificate of registration as a professional engineer.

(8) Registration or renewal of a certificate of registration as a professional land surveyor.

(9) Registration or renewal of a certificate of registration as a photogrammetrist.

(10) Registration under ORS 672.148.

(11) Issuance of a temporary permit under ORS 672.109 or 672.127.

(12) Issuance of a certificate document.

(13) 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. [1971 c.751 §34; 1975 c.429 §10; 1979 c.495 §2; 1979 c.681 §2a; 1981 c.556 §2; 1983 c.614 §3; 1991 c.221 §4; 1991 c.703 §18; 1997 c.643 §19; 2005 c.445 §9; 2009 c.259 §12]

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. [Formerly 672.110]

672.160 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. [Amended by 1959 c.336 §12; 1971 c.751 §15; 1975 c.429 §11; 1977 c.873 §4; 1979 c.495 §3; 1995 c.33 §4; 1999 c.59 §200]

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. [Amended by 1967 c.401 §5; 1971 c.751 §16; 1973 c.832 §36; 1975 c.429 §12; 1995 c.33 §5; 1997 c.643 §20; 2009 c.259 §13; 2013 c.86 §10]

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. [Amended by 1971 c.751 §17; 2009 c.259 §14]

672.190 [Amended by 1971 c.751 §20; repealed by 2009 c.259 §32]

(Discipline)

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. [Amended by 1971 c.751 §21; 1981 c.143 §9; 1991 c.221 §3; 1995 c.33 §6; 2009 c.259 §15; 2013 c.169 §1]

672.205 [1971 c.734 §111; 1981 c.143 §10; 1995 c.33 §7; 1997 c.210 §7; repealed by 2013 c.169 §3]

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. [Amended by 1971 c.751 §22; 1979 c.681 §3; 1981 c.143 §11; 1995 c.33 §8]

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. [1971 c.751 §23; 1981 c.143 §12]

672.220 [Repealed by 1971 c.734 §21 and 1971 c.751 §39]

672.230 [Repealed by 1971 c.751 §39]

(State Board)

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. [Amended by 1955 c.215 §1; 1963 c.580 §32; 1969 c.314 §75; 1971 c.751 §24; 1971 c.753 §28; subsection (3) enacted as 1971 c.751 §26(1); 1979 c.147 §1; 1981 c.143 §13; 1987 c.414 §47; 1997 c.210 §8; 1997 c.643 §21; 1999 c.1084 §61; 2009 c.259 §16; 2011 c.33 §1]

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. [Amended by 1963 c.580 §33; 1971 c.751 §25; 1979 c.147 §2; 1981 c.143 §14]

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 prescribed in ORS 672.105, 672.118, 672.121, 672.123 and 672.170.

(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. [1971 c.751 §32; 1975 c.429 §12a; 1979 c.495 §4; 1981 c.556 §1; 1991 c.221 §5; 1995 c.68 §§1,12; 1997 c.210 §9; 2005 c.445 §10; 2009 c.259 §17; 2013 c.86 §11]

672.260 [Amended by 1971 c.751 §27; repealed by 1971 c.753 §74]

672.265 [1971 c.751 §33; 1973 c.832 §37; repealed by 1975 c.429 §13]

672.270 [Repealed by 1971 c.753 §74]

672.280 [Repealed by 1971 c.751 §39]

672.290 [Amended by 1971 c.751 §29; repealed by 1971 c.753 §74]

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. [Amended by 1971 c.753 §29; 1981 c.143 §15]

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. [Amended by 1971 c.751 §30; 2009 c.259 §18]

672.320 [Amended by 1963 c.580 §34; 1971 c.751 §31; repealed by 1971 c.753 §74]

(Civil Penalties)

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. [1981 c.150 §2; 1991 c.734 §67; 1997 c.643 §22; 1999 c.1084 §62]

672.330 [Repealed by 1971 c.753 §74]

672.340 [Repealed by 1971 c.751 §39]

672.410 [Amended by 1961 c.550 §1; repealed by 1971 c.751 §39]

672.420 [Amended by 1971 c.751 §7; renumbered 672.025]

672.430 [Repealed by 1971 c.751 §39]

672.440 [Repealed by 1971 c.751 §39]

672.450 [Repealed by 1971 c.751 §39]

672.460 [Repealed by 1971 c.751 §39]

672.470 [Repealed by 1971 c.751 §39]

672.480 [Repealed by 1971 c.751 §39]

672.490 [Repealed by 1971 c.751 §39]

672.500 [Repealed by 1971 c.751 §39]

GEOLOGISTS

(Generally)

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. [1977 c.612 §2; 1981 c.295 §1; 1987 c.414 §48; 2003 c.379 §1; 2005 c.22 §476]

672.510 [Amended by 1953 c.98 §2; repealed by 1971 c.751 §39]

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. [1977 c.612 §1]

672.520 [Repealed by 1971 c.751 §39]

(Certificates of Registration)

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. [1977 c.612 §3; 1995 c.32 §1; 2001 c.232 §1; 2003 c.379 §2]

672.530 [Repealed by 1971 c.751 §39]

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." [1977 c.612 §4]

672.540 [Repealed by 1971 c.751 §39]

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. [1977 c.612 §5]

672.550 [Repealed by 1971 c.751 §39]

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. [1977 c.612 §§6,7; 1981 c.295 §2; 2005 c.9 §1]

672.560 [Repealed by 1971 c.751 §39]

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. In addition, the applicant's seven years of geological work shall include one of the following:

(a) A minimum of three years performed under the supervision of a registered geologist who is certified in the specialty for which the applicant is seeking certification; or

(b) A minimum of five years' experience in responsible charge of geological work in the specialty for which the applicant is seeking certification.

(3) The board shall 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 shall:

(a) Establish qualifications, which shall include a written examination, for certification in its specialty;

(b) Establish a definition 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. [1977 c.612 §8; 1981 c.295 §3; 2005 c.9 §2]

672.570 [Repealed by 1971 c.751 §39]

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. [1977 c.612 §9]

672.580 [Repealed by 1971 c.751 §39]

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. [1977 c.612 §11; 1997 c.643 §23]

672.590 [Repealed by 1971 c.734 §21 and 1971 c.751 §39]

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. [1977 c.612 §10]

672.600 [Repealed by 1971 c.751 §39]

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. [1977 c.612 §12; 2001 c.232 §2]

672.610 [Repealed by 1971 c.751 §39]

(State Board)

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) No person shall 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 may fix qualifications of and appoint an administrator who shall not be a member of the board. The board shall fix the compensation of the administrator, who shall be in the unclassified service.

(8) 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. [1977 c.612 §13; 1987 c.158 §135; 1987 c.414 §49; 1987 c.454 §1; 1993 c.744 §239; 1997 c.643 §24; 1999 c.1084 §63]

672.620 [Repealed by 1971 c.751 §39]

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. [1977 c.612 §16; 1987 c.454 §2; 1997 c.107 §1]

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. [1977 c.612 §15]

(Professional Conduct)

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. [1977 c.612 §17; 1997 c.107 §2]

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. [1977 c.612 §18; 1995 c.154 §1]

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. [1977 c.612 §19; 1995 c.154 §2; 2001 c.232 §3]

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 upon written application to the board by the applicant, showing good cause to justify the reissuance. [1977 c.612 §20]

(Civil Penalties)

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. [1983 c.450 §2; 1987 c.414 §50; 1991 c.734 §68; 1997 c.643 §25; 1999 c.1084 §64]

(Miscellaneous)

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. [1977 c.612 §21]

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. [1977 c.612 §14; 1981 c.295 §4; 1995 c.349 §1; 1997 c.643 §26]

672.990 [Repealed by 1971 c.751 §39]

CRIMINAL PENALTIES

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. [1971 c.751 §35; subsection (2) enacted as 1977 c.612 §22; 1981 c.150 §3]