Chapter 672

1963 REPLACEMENT PART

Professional Engineers and Land Surveyors

PROFESSIONAL ENGINEERS

672.010 Definitions for ORS 672.010 to 672.340
672.020 Practice of professional engineering without certificate of registration prohibited; adoption and use of seal; approval of plans
672.030 Practice of corporations, firms and partnerships
672.040 Practice, or offering to practice, by nonresident professional engineer
672.050 Registration of assistant to nonresident
672.060 Exceptions to application of ORS 672.010 to 672.340
672.070 Registration or certification procedure
672.081 Qualifications for registered professional engineers
672.083 Qualifications for engineers-in-training
672.085 Eligibility for registration or certification
672.087 Examination fee
672.090 Time, place, scope of examination
672.100 Certification of results; notification of candidates
672.110 Certificates numbered before issuance; record of certificates open to inspection
672.120 Issuance of certificate; fee
672.130 Registration of professional engineers with military service
672.140 Reciprocity
672.150 Certificate presumptive evidence of registration
672.160 Expiration date of certificate
672.170 Renewal of certificate
672.180 Registrant over 65 may be exempt from annual renewal fee
672.190 Replacement of certificate
672.200 Grounds for revocation of certificate
672.210 Filing of charges
672.220 Hearing on charges; action by the board
672.230 Reissue of certificate after revocation
672.240 State Board of Engineering Examiners; number, qualifications and compensation of members
672.250 Appointment of board members; terms of office; certificate of appointment; filing of oath; removal; filling of vacancies
672.260 Officers, secretary of board
672.270 Meetings of the board
672.280 Representation by Attorney General
672.290 Powers and functions of the board
672.300 Filing and investigation of complaints; investigational expenditures
672.310 Investigation of identity of practitioners
672.320 Report of board; financial statement; list of registrants
672.330 Engineers' Registration Fund; disposition of fees; salary and expense disbursements
672.340 Prohibited practices

PROFESSIONAL LAND SURVEYORS

672.410 Definitions for ORS 672.410 to 672.620
672.420 Practice of professional land surveying without registration prohibited; approval of maps and drawings
672.430 Practice of nonresident surveyors
672.440 Exceptions to application of ORS 672.410 to 672.620
672.450 Registration procedure
672.460 Examination fee; qualifications of candidates
672.470 Time, place, scope of examination
672.480 Certification of results; notification of candidates
672.490 Certificates numbered before issuance; record of certificates open to inspection
672.500 Issuance of certificate; fee
672.510 Registration of professional land surveyors with military service
672.520 Reciprocity
672.530 Certificate presumptive evidence of registration
672.540 Expiration date of certificate
672.550 Renewal of certificate
672.560 Registrant over 65 may be exempt from annual renewal fee
672.570 Replacement of certificate
672.580 Grounds for revocation of certificate
672.590 Proceedings for revocation of certificate
672.600 Reissue of certificate after revocation
672.610 Investigation of identity of practitioners
672.620 Prohibited practices

PENALTIES

672.990 Penalties

CROSS REFERENCES

Administrative procedures and rules of state agencies, Ch. 183
Plans and specifications to bear stamp of registered professional engineer, 671.025
Plans for county bridge in county under 100,000 population, 382.210
Provisions applicable to state agencies generally, Ch. 182

672.020

Practice of engineering not architecture, 671.030
Structures of public assembly, approving certain plans for, 460.230

672.030

Practice as partner with architect, 671.040

672.081

Waiver of educational requirement for admission tc examination, 670.010

672.083

Waiver of educational requirement for admission to examination, 670.010

672.170

Military or naval service, persons relieved from payment of fees, 408.450

672.200

Revocation of certificate for failure to file survey field notes and maps with county surveyor, 209.250

672.240

Board under Department of Commerce, 184.520

Travel and travel allowances of officers and employes of state agencies, 291.004(9), 292.210 to 292.260

672.290

Leases or rental agreements for office quarters, 276.426, 276.428

672.300

Expenditures without allotment prohibited in certain cases, 291.238

672.330

Expenditures without allotment prohibited in certain cases, 291.238

Transfer of portion of amount collected to General Fund, 293.145 to 293.160

PROFESSIONAL LAND SURVEYORS

Surveyors, county, powers and duties, Ch. 209

672.460

Waiver of educational requirement for admission to examination, 670.010

672.550

Military or naval service, persons relieved from payment of fees, 408.450

672.580

Revocation of certificate for failure to file survey field notes and maps with county surveyors, 209.250

PROFESSIONAL ENGINEERS

672.010 Definitions for ORS 672.010 to 672.340. As used in ORS 672.010 to 672.340, unless the context requires otherwise:

(1) "Board" means the State Board of Engineering Examiners provided for by ORS 672.240.

(2) "Practice of professional engineering" means the practice of any branch of the profession of engineering other than military engineering and embraces the design and the supervision of:

(a) The construction of public and private utilities such as railroads, bridges, highways, roads, canals, harbors, river improvements, lighthouses, wet docks, dry docks, ships, barges, dredges, cranes, floating docks and other floating property.

(b) The construction of steam engines, turbines, internal combustion engines and other mechanical structures, electrical machinery and apparatus, and of works for the development, transmission or application of power.

(c) Mining operations and of processes and apparatus for carrying out such operations.

(d) The construction of municipal works, irrigation works, water supply works, sewerage works, drainage works, industrial works, sanitary works, hydraulic works and structural works, and other public or private utilities or works.

The enumeration of public or private utilities or works in this subsection does not exclude any other public or private utilities or works that require engineering knowledge and experience for their design or the supervision of their construction. "Practice of professional engineering" does not include the execution as a contractor of work designed by a professional engineer or the supervision of the construction of such work as a foreman or superintendent for the contractor.

(3) "Professional engineer" means any person who practices professional engineering and includes an engineer-in-training certified under ORS 672.083.

(4) "Registered professional engineer" means a professional engineer who is registered under ORS 672.010 to 672.340 and whose authority to practice professional engineering is not revoked by the board.

[Amended by 1959 c.336 §1]

672.020 Practice of professional engineering without certificate of registration prohibited; adoption and use of seal; approval of plans. (1) In order to safeguard life, health and property, any person practicing or offering to practice professional engineering in this state shall be required to be registered as provided in ORS 672.030 to 672.340. No person shall practice or offer to practice professional engineering in this state unless he is registered under the provisions of ORS 672.010 to 672.340 and his authority to practice is not revoked by the board. No diploma or certificate conferred on or granted to a person other than a certificate issued under ORS 672.010 to 672.340 by the board or its secretary is authority to practice professional engineering.

(2) Each registered professional engineer shall, upon registration, obtain a seal of the design authorized by the board, bearing the name of the registrant, date of registration, number of certificate, and the legend "registered professional engineer." All professional documents, including maps, plans, designs, drawings, plats, specifications, estimates and reports issued by a registrant, shall be stamped with the seal during the life of registrant's certificate. No one shall stamp or seal any document after the certificate of the registrant named on the seal has expired or has been revoked, unless the certificate has been renewed.

(3) Every map, plan and drawing required by law to be certified or approved by a professional engineer shall be certified or approved by a professional engineer registered by the board as a professional engineer, as required by ORS 672.010 to 672.340, and shall bear the date and the number of the certificate of registration of the professional engineer.

672.030 Practice of corporations, firms and partnerships. A corporation, firm or partnership may engage in the practice of professional engineering in this state if the persons connected with the corporation, firm or partnership in charge of the designing or supervision that constitutes the practice of professional engineering are registered as required of professional engineers. All professional documents named in subsection (2) of ORS 672.020, issued by the corporation, firm or partnership, shall bear the seal of the registered professional engineers of the corporation, firm or partnership. The same exemptions apply to corporations, firms and

partnerships as apply to individuals under ORS 672.010 to 672.340.

672.040 Practice, or offering to practice, by nonresident professional engineer. (1) Any professional engineer who is not a resident of and has no established place of business in this state may offer to practice in this state as a professional engineer if he possesses the legal qualifications to practice professional engineering in his own state and the qualifications required by ORS 672.081.

(2) If he has filed an application for registration as a professional engineer and has paid the fee required by ORS 672.087, a professional engineer not a resident of or having no established place of business in this state, or residing in this state, but of recent arrival, and possessing the qualifications required by ORS 672.081 may practice professional engineering for a reasonable time, to be fixed by the board, but not to exceed four months.

(3) A professional engineer registered in any other state or foreign country may practice in this state not to exceed 30 days per year if he has first given notice in writing to the board of his intention to practice in Oregon.

[Amended by 1959 c.336 §13]

672.050 Registration of assistant to nonresident. Any engineer in responsible charge of design, operation or construction of engineering works by reason of which the public health and safety is involved, employed as assistant to a nonresident engineer, shall be a registered professional engineer as provided by ORS 672.010 to 672.340.

672.060 Exceptions to application of ORS 672.010 to 672.340. ORS 672.010 to 672.340 do not apply to:

(1) Any professional engineer with respect to any work performed by him for the United States Government.

(2) Any registered architect practicing architecture.

(3) Any professional engineer working under the direct personal supervision of a professional engineer registered in the same branch of engineering under the provisions of ORS 672.010 to 672.340.

(4) An individual, firm or corporation, other than a public utility, practicing professional engineering on property owned or leased by the individual, firm or corporation, or in which the individual, firm or corporation has an interest, estate or possessory right, or which affects exclusively the property or interests of the individual, firm or corporation, unless the public safety or health is involved. "Public safety or health" includes the safety and health of employes and visitors.

672.070 Registration or certification procedure. The board shall issue certificates of registration and engineer-in-training certificates only as provided in ORS 672.081 to 672.230.

[Amended by 1959 c.336 §2]

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

672.081 Qualifications for registered professional engineers. The board shall consider the following as minimum evidence of an applicant's satisfactory qualification for registration as a professional engineer:

(1) Graduation in an approved engineering curriculum of four years or more from a school or college approved by the board as of satisfactory standing; and a specific record of four years or more of active practice in engineering work of a character satisfactory to the board and indicating that the applicant is competent to be placed in responsible charge of such work; and successfully passing a written, or written and oral, examination, the written examination to be as prescribed by the board but consisting of one part devoted to basic engineering subjects and a second part devoted to practical engineering problems; or

(2) A specific record of eight years or more of active practice in engineering work of a character satisfactory to the board and indicating that the applicant is competent to be placed in responsible charge of such work; and successfully passing a written, or written and oral, examination, the written examination to be as prescribed by the board, but consisting of one part devoted to basic engineering subjects and a second part devoted to practical engineering problems; or

(3) Certification as an engineer-in-training, and a specific record of four years or more of active practice in engineering work of a character satisfactory to the board and indicating that the applicant is competent to be placed in responsible charge of such work; and successfully passing a written, or written and oral, examination, the written examination to be as prescribed by the

board, but to consist of one part devoted to practical engineering problems; or

(4) A specific record of 12 years or more of lawful and active practice in responsible charge as principal of engineering work of a character satisfactory to the board and indicating that the applicant is competent to practice engineering, if the experience record is verified by at least seven references, at least five of which are from registered professional engineers; and successfully passing an oral examination prescribed by the board. No registration under this subsection shall be granted to an applicant who is under 45 years of age.

[1959 c.336 §4 (enacted in lieu of ORS 672.080)]

672.083 Qualifications for engineers-in-training. The board shall consider the following as minimum evidence of an applicant's satisfactory qualification for certification as an engineer-in-training:

(1) Graduation in an approved engineering curriculum of four years or more from a school or college approved by the board as of satisfactory standing; and successfully passing a written, or written and oral, examination, prescribed by the board and devoted to basic engineering subjects; or

(2) A specific record of four years or more of active practice in engineering work of a character satisfactory to the board, and successfully passing a written, or written and oral, examination, prescribed by the board and devoted to basic engineering subjects.

[1959 c.336 §6]

672.085 Eligibility for registration or certification. (1) No person is eligible for registration as a professional engineer or for certification as an engineer-in-training who is not of good character.

(2) The board shall not consider the mere execution, as a contractor, of work designed by a registered professional engineer, or the supervision of the construction of such work as a foreman or superintendent, as the practice of engineering in computing years of engineering experience under subsection (1), (2), (3) or (4) of ORS 672.081 or subsection (2) of ORS 672.083.

(3) Any person who has the necessary qualifications prescribed by ORS 672.010 to 672.340 to entitle him to registration is eligible for registration after he meets the requirements of ORS 672.010 to 672.340, although he is not practicing engineering when he makes his application.

[1959 c.336 §7]

672.087 Examination fee. The board shall admit to examination candidates who submit satisfactory evidence of qualification under ORS 672.081 and 672.083 and who pay an examination fee as follows:

(1) $5 in the case of applicants under ORS 672.083.

(2) $10 in the case of applicants under subsection (3) of ORS 672.081.

(3) $15 in the case of applicants under subsections (1), (2) and (4) of ORS 672.081.

[1959 c.336 §8]

672.090 Time, place, scope of examination. Examinations shall be held at stated or special meetings of the board at such times and at such places within this state in each year as the board shall determine. The scope of the examinations and the methods of procedure shall be prescribed by the board.

[Amended by 1959 c.336 §9]

672.100 Certification of results; notification of candidates. As soon as practicable after the close of each examination the members of the board who conducted the examination shall make and sign and file in the office of the board a certificate stating the action of the board upon the application of each candidate, whereupon the secretary of the board shall notify each candidate of the result of his examination.

672.110 Certificates numbered before issuance; record of certificates open to inspection. Before any certificate of registration or certificate as engineer-in-training is issued by the board, it shall be numbered and recorded in a book kept for that purpose in the office of the board; and the number of the certificate shall be noted on the certificate. This record shall be open to public inspection. In all actions or proceedings in any court the record or a transcript of any part thereof certified to by the secretary of the board under the seal of the board to be a true copy shall be entitled to admission in evidence.

[Amended by 1959 c.336 §10]

672.120 Issuance of certificate; fee. (1) Upon receipt of a fee of $5 the board shall issue to any applicant who has been certified as having passed the examination for certification as an engineer-in-training conducted by the board, a certificate as engineer-in-training, signed by the president

and the secretary of the board under the seal of the board.

(2) Upon receipt of a fee of $10 the board shall issue to any applicant who has been certified as having passed the examination for registration as a professional engineer conducted by the board, a certificate of registration signed by the president and the secretary of the board under the seal of the board, whereupon the applicant is authorized to practice professional engineering. All certificates of registration and certificates as engineer-in-training issued by the board shall be in such form as the bylaws of the board may prescribe.

[Amended by 1959 c.336 §11]

672.130 Registration of professional engineers with military service. (1) The service of professional engineers in the United States military service shall be considered as the practice of professional engineering in determining the experience of applicants; and such military engineers, if they have been in continuous military service since prior to January 1, 1920, may be registered without examination as provided for in subsection (2) of this section, within a period of one year from the date of their discharge.

(2) The board shall issue a certificate of registration upon due application therefor and the payment of a fee of $15, to any military engineer who has been in continuous military service since prior to January 1, 1920, and submits evidence, verified by oath and satisfactory to the board, that he is of good character and has practiced professional engineering for at least six years preceding the date of his application and during that period has had charge of engineering work as principal or assistant for at least two years.

[Amended by 1953 c.98 §1]

672.140 Reciprocity. The board may issue a certificate of registration as a professional engineer to any person upon payment of a fee of $25 and the presentation of a certificate of engineering registration from a state, territory or country maintaining standards of engineering registration equivalent to those in Oregon and granting equal reciprocal privileges to engineers registered in this state if the person, in the judgment of the board, has the necessary qualifications for registration under ORS 672.010 to 672.340.

672.150 Certificate presumptive evidence of registration. Every unrevoked certificate and indorsement of registry made as provided in ORS 672.010 to 672.340 shall be presumptive evidence in all courts and places that the person named therein is legally registered.

672.160 Expiration date of certificate. (1) All certificates of registration expire on December 31 following the date of their issue or renewal and become invalid on that date unless renewed.

(2) All certificates as engineer-in-training expire on July 31 of the tenth year after their issuance unless extended by the board. An application for extension shall contain evidence satisfactory to the board that the applicant's professional experience has been delayed.

[Amended by 1959 c.336 §12]

672.170 Renewal of certificate. (1) Renewal of a certificate of registration may be effected at any time prior to December 31 by paying a fee of $7.50 to the secretary of the board.

(2) Subject to subsection (4) of this section, the failure on the part of a registrant to renew his certificate annually prior to December 31 of each year as required by subsection (1) of this section does not deprive him of the right of renewal thereafter.

(3) The fee to be paid for the renewal of a certificate after December 31 shall be increased 10 percent for each month or fraction of a month that the payment for renewal is delayed. The normal fee of $7.50 per annum shall be paid for each year or fraction thereof, after renewal has been delayed over one year; but in no case shall the accrued fees for renewal exceed the sum of $30.

(4) No certificate shall be renewed that has been delinquent for more than five years.

672.180 Registrant over 65 may be exempt from annual renewal fee. A registered professional engineer who has reached the age of 65 years and has retired from the active practice of professional engineering may, upon application and at the discretion of the board, be exempted from payment of annual renewal fees thereafter.

672.190 Replacement of certificate. A new certificate of registration to replace any certificate lost, destroyed or mutilated may be issued subject to the rules and regulations of the board. A charge of $2.50 shall be made for the reissue.

672.200 Grounds for revocation of certificate. The board may revoke a certificate of registration of a professional engineer for fraud or deceit in his practice or in the securing of his certificate or for incompetence or for the conviction of crime.

672.210 Filing of charges. Proceedings for the revocation of a certificate of registration shall be begun by filing with the board written charges against the accused. These charges may be preferred by any person, or the board may on its own motion direct its secretary to prefer the charges.

672.220 Hearing on charges; action by the board. (1) When charges are preferred against a person registered under the provisions of this chapter, the board shall designate not less than three of its members as a committee to hear and determine the charges. A time and place for the hearing shall be fixed by the committee, and a copy of the charges, together with a notice of the time and place for the hearing, shall be served upon the accused or his counsel at least 10 days before the date fixed for the hearing. Where personal service or service upon counsel cannot be effected and that fact is certified on oath by any person duly authorized to make legal service, the board shall cause to be published for at least seven times, the first publication to be at least 30 days prior to the hearing, in two newspapers published in the section of the state in which the accused was last known to practice, a notice to the effect that at a definite time and place a hearing will be had on the charges against the accused upon an application to revoke his certificate.

(2) At the hearing the accused shall have the right to cross-examine witnesses against him and to produce witnesses in his defense and to appear personally or by counsel.

(3) The committee shall make a written report of its findings and recommendations and forthwith shall submit the same to the board. If the board finds that one or more of the grounds for revocation exist, it shall revoke the certificate of registration. A two-thirds vote of all the members of the board shall be necessary for this action. The action of the board shall be recorded in the same manner as certificates of registration are recorded.

(4) The name of the person whose certificate of registration is revoked shall be stricken from the list of registered professional engineers and he shall be disqualified from practicing as a professional engineer.

672.230 Reissue of certificate after revocation. The board may reissue a certificate of registration as a professional engineer to any person whose certificate has been revoked, but only after the expiration of one year from the date of the revocation, for reasons which the board shall, by a two-thirds vote of all its members, determine to be satisfactory.

672.240 State Board of Engineering Examiners; number, qualifications and compensation of members. (1) There shall be established within the Department of Commerce a State Board of Engineering Examiners consisting of nine members.

(2) Each member of the board shall be a resident of this state for at least one year immediately preceding his appointment and a registered professional engineer of at least 10 years' active experience and of recognized good standing in his profession.

(3) The members of the board shall serve without compensation, except traveling and other necessary expenses.

[Amended by 1955 c.215 §1; 1963 c.580 §32]

Note: Chapter 580, Oregon Laws 1963, establishing the Department of Commerce, becomes operative not later than July 1, 1964, and stands repealed July 1, 1967.

672.250 Appointment of board members; terms of office; certificate of appointment; filing of oath; removal; filling of vacancies. Every odd-numbered year, upon the expiration of the terms of three of the board members, the Director of Commerce, with the approval of the Governor, shall appoint three engineers possessing the qualifications prescribed in subsection (2) of ORS 672.240 as members of the board to serve for a term of six years from July 1. Every member of the board shall receive a certificate of his appointment from the Director of Commerce and before beginning his term shall file with the Secretary of State the constitutional oath of office. The Director of Commerce may remove any member of the board for misconduct, incapacity or neglect of duty. The Director of Commerce, with the approval of the Governor, by appointment for the unexpired term, shall fill any vacancy in the board caused by death, resignation or removal from office.

[Amended by 1963 c.580 §33]

672.260 Officers, secretary of board. (1) The board shall elect biennially from its members a president and vice president for the ensuing biennial term.

(2) The board shall appoint a secretary, who shall:

(a) Not be a member of the board.

(b) Possess the qualifications required for members of the board.

(c) Hold office during the pleasure of the board.

(d) Receive such compensation as the board may determine.

(e) Give a bond, in such amount and with such sureties as may be approved by the board, conditioned for the faithful performance of his duties and for the accounting for, and payment over of, all moneys received by him.

(f) Keep on file in the office of the board a record of all certificates of registration issued.

(g) Receive and account for all fees derived from the operation of this chapter.

(h) Perform such other duties as may from time to time be assigned to him by the board.

672.270 Meetings of the board. The board shall hold at least six stated meetings in each year. Special meetings may be called in such manner as the bylaws of the board may provide. Notice of all meetings shall be given in such a manner as the bylaws of the board may provide. At any meeting of the board held solely for the examination of candidates for registration three members shall constitute a quorum; but if three or more members do not attend at the time and place fixed for the meeting, the member or members present may adjourn the meeting from time to time until a quorum is present. At all other meetings a majority of the board constitutes a quorum.

672.280 Representation by Attorney General. The members of the board or of any committee of the board and the secretary of the board in granting, withholding, revoking or reissuing a certificate of registration are acting as officers of the state and the Attorney General shall represent and appear for them or any of them in any action or proceeding brought against them or any of them because of any such act.

672.290 Powers and functions of the board. (1) The board shall:

(a) Aid the district attorneys in the enforcement of this chapter.

(b) Have an official seal to be furnished and provided by the Secretary of State.

(2) The board may:

(a) Make bylaws and rules not inconsistent with law needed in performing its duties; but no bylaw or rule by which more than a majority vote is required for any special action by the board shall be amended, suspended or repealed by a smaller vote than that required for action thereunder.

(b) During its pleasure, but subject to the State Civil Service Law, employ the clerks and other employes necessary to the proper performance of its duties.

(c) Rent the offices necessary to the proper performance of its duties.

(3) The board or any committee of the board:

(a) Is entitled to the counsel, advice and services of the Attorney General.

(b) May compel the attendance of witnesses.

(c) May take testimony and proofs concerning all matters within its jurisdiction.

672.300 Filing and investigation of complaints; investigational expenditures. (1) The board may receive complaints or information relative to violations of this chapter. The board shall carefully investigate the complaints and information and treat the complaint or information as confidential if the person filing it so requests.

(2) The board shall direct the secretary of the board to file complaints against persons believed by the board to be violating any provision of this chapter. When so directed by the board, the secretary shall file the complaint.

(3) The board may expend the amount of money it deems proper from the Engineers' Registration Fund for:

(a) The investigation of violations of this chapter.

(b) The gathering of evidence of violations of this chapter.

(c) Any other expenses incurred in the prosecution of violations of this chapter.

672.310 Investigation of identity of practitioners. The board may inquire into the identity of any person claiming to be a registered professional engineer and, after due service of a notice in writing, require him to prove to the satisfaction of the board that he is the person authorized to practice

professional engineering under the certificate of registration by virtue of which he claims to be a registered professional engineer. When the board finds that a person claiming to be a professional engineer registered under ORS 672.010 to 672.340 is not in fact the person to whom the certificate of registration was issued, it shall reduce its findings to writing and file them in its office. These findings are prima facie evidence that the person mentioned therein is falsely impersonating a professional engineer of a like or different name.

672.320 Report of board; financial statement; list of registrants. On or before February 1 of each odd-numbered year, the board shall submit to the legislature and the Director of Commerce a written report of its proceedings for the preceding biennium and shall file with the Secretary of State a copy of the report, together with a complete statement of the receipts and expenditures of the board for the preceding biennium, verified by the oath of the secretary, and a complete list of all persons registered to practice professional engineering under ORS 672.010 to 672.340, with their addresses and the dates of their certificates of registration. [Amended by 1963 c.580 §34]

672.330 Engineers' Registration Fund; disposition of fees; salary and expense disbursements. The fees derived from the operation of this chapter shall be paid into a special fund in the State Treasury, to be known as the Engineers' Registration Fund. Warrants for the payment of salaries and expenses incurred shall be issued by the Secretary of State and paid by the State Treasurer out of the Engineers' Registration Fund upon presentation of vouchers regularly drawn and approved by the president and the secretary of the board.

672.340 Prohibited practices. (1) Unless a person is authorized to practice professional engineering within this state according to the provisions of ORS 672.010 to 672.340, and so registered according to law, he shall not:

(a) Practice, or attempt or advertise to practice, or hold himself out as authorized to practice professional engineering.

(b) Use in connection with his name or otherwise assume, use or advertise any title or designation tending to convey the impression that he is a professional engineer.

(2) No person shall:

(a) Buy, sell or fraudulently obtain any certificate of registration.

(b) Aid or abet the buying, selling or fraudulently obtaining of a certificate of registration.

(c) Practice, or attempt or advertise to practice, or hold himself out as authorized to practice professional engineering under cover of any certificate obtained or issued fraudulently or unlawfully or under fraudulent representations or mistake of fact in a material regard.

(d) Practice, or attempt or advertise to practice, or hold himself out as authorized to practice professional engineering under a false or assumed name.

(e) Falsely impersonate any professional engineer or former professional engineer of a like or different name.

672.350 to 672.400 [Reserved for expansion]

PROFESSIONAL LAND SURVEYORS

672.410 Definitions for ORS 672.410 to 672.620. As used in ORS 672.410 to 672.620, unless the context requires otherwise:

(1) "Board" means the State Board of Engineering Examiners provided for in ORS 672.240.

(2) "Professional land surveying" means the practice of that branch of the profession of engineering which:

(a) Makes surveys to determine area or topography, to establish or reestablish land boundaries, corners or monuments or to subdivide or plot land; or

(b) With respect to engineering work proposed, in progress or completed, (A) makes surveys to establish lines, grades or elevations, or (B) determines or estimates quantities of materials required, removed or in place.

(3) "Professional land surveyor" means any person who practices professional land surveying.
[Amended by 1961 c.550 §1]

672.420 Practice of professional land surveying without registration prohibited; approval of maps and drawings. (1) No person shall practice or offer to practice professional land surveying in this state unless he is registered under the provisions of ORS 672.410 to 672.620 or is a registered professional engineer. No diploma or certificate conferred on or granted to a person other than a certificate issued under this chapter

by the board or its secretary is authority for the practice of professional land surveying.

(2) Every map and drawing required by law to be certified or approved by a professional land surveyor shall:

(a) Be certified or approved by a professional land surveyor registered by the board as a professional land surveyor, as required by ORS 672.410 to 672.620, or a registered professional engineer.

(b) Bear the date and the number of the certificate of registration of the professional land surveyor or professional engineer.

672.430 Practice of nonresident surveyors. (1) A professional land surveyor who does not reside in or have an established place of business in this state may upon entering this state practice professional land surveying for a reasonable time, to be fixed by the board but not to exceed four months, if he:

(a) Possesses the qualifications required by ORS 672.410 to 672.620.

(b) Has filed an application for registration as a professional land surveyor or a professional engineer.

(c) Has paid the fee required by ORS 672.460 and 672.500.

(2) A professional land surveyor or professional engineer registered in any other state or foreign country may practice in this state not to exceed 90 days per annum, or such further period as may be approved by the board, if he has first given notice in writing to the board of his intention to practice in Oregon.

672.440 Exceptions to application of ORS 672.410 to 672.620. ORS 672.410 to 672.620 do not apply to:

(1) Any professional land surveyor with respect to any work performed by him for the United States Government.

(2) Any professional land surveyor working under the direct personal supervision of a professional land surveyor registered under the provisions of ORS 672.410 to 672.620, or of a registered professional engineer.

(3) An individual, firm or corporation, other than a public utility, practicing professional land surveying on property owned or leased by the individual, firm or corporation, or in which the individual, firm or corporation has an interest, estate or possessory right, or which affects exclusively the property or interests of the individual, firm or corporation.

672.450 Registration procedure. The board shall issue certificates of registration as prescribed in ORS 672.460 to 672.600.

672.460 Examination fee; qualifications of candidates. The board shall admit to examination any candidate who pays a fee of $10 and submits a verified statement setting forth that he:

(1) Is over 21 years of age.

(2) Is of good character.

(3) Has been engaged in land surveying for at least six years and during that period has had charge of land surveying, as principal or assistant, for at least one year.

(4) Or, in lieu of the third requirement specified above, is a graduate from an engineering school of recognized standing and has been engaged upon land surveying for at least two years and during that period has had charge of land surveying, as principal or assistant, for at least one year.

672.470 Time, place, scope of examination. Examinations for registration shall be held at stated or special meetings of the board at such times and at such places within this state in each year as the board shall determine. The scope of the examinations and the methods of procedure shall be prescribed by the board. The examinations may be either oral or written or partly oral and partly written, and shall be designed to test the ability, learning and skill of the applicant in the subject of chaining, mapping, surveying and the laws of this state relating to subdividing, platting and surveying.

672.480 Certification of results; notification of candidates. As soon as practicable after the close of each examination the members of the board who conducted the examination shall make and sign and file in the office of the board a certificate stating the action of the board upon the application of each candidate, whereupon the secretary of the board shall notify each candidate of the result of his examination.

672.490 Certificates numbered before issuance; record of certificates open to inspection. Before any certificate of registration is issued by the board, it shall be numbered and recorded in a book kept for

that purpose in the office of the board and the number of the certificate shall be noted on the certificate. This record shall be open to public inspection. In all actions or proceedings in any court the record or a transcript of any part thereof certified to by the secretary of the board under the seal of the board to be a true copy shall be prima facie evidence of the facts stated therein.

672.500 Issuance of certificate; fee. Upon receipt of an additional fee of $5 the board shall issue to any applicant who has been certified as having passed the examination conducted by the board a certificate of registration signed by the president and the secretary of the board under the seal of the board, whereupon the applicant is authorized to practice professional land surveying. All certificates of registration issued by the board shall be in such form as the bylaws of the board may prescribe.

672.510 Registration of professional land surveyors with military service. (1) The service of professional land surveyors in the United States military service shall be considered as the practice of professional land surveying in determining the experience of applicants; and such military land surveyors, if they have been in continuous military service since prior to January 1, 1945, may be registered without examination as provided for in subsection (2) of this section, within a period of one year from the date of their discharge.

(2) The board shall issue a certificate of registration upon application therefor and the payment of a fee of $15, to any military land surveyor who has been in continuous military service since prior to January 1, 1945, and submits a verified statement satisfactory to the board, that he is of good character and has practiced professional land surveying continuously for a period of at least six years preceding the date of his application and during that period has had charge of land surveying work as principal or assistant for at least two years.

[Amended by 1953 c.98 §2]

672.520 Reciprocity. The board may issue a certificate of registration as a professional surveyor to any person upon the payment of a fee of $15 and the presentation of a certificate of land surveying registration from a state, territory or country maintaining standards of land surveying registration equivalent to those in Oregon and granting equal reciprocal privileges to land surveyors registered in this state if the person, in the judgment of the board, has the necessary qualifications for registration under ORS 672.410 to 672.620.

672.530 Certificate presumptive evidence of registration. Every unrevoked certificate and indorsement of registry made as provided in ORS 672.410 to 672.620 shall raise a presumption in all courts and places that the person named therein is legally registered.

672.540 Expiration date of certificate. All certificates of registration expire on December 31 following the date of their issue or renewal.

672.550 Renewal of certificate. (1) Renewal of a certificate may be effected at any time prior to December 31 by the payment of a fee of $3 to the secretary of the board.

(2) Subject to subsection (4) of this section, the failure on the part of a registrant to renew his certificate prior to December 31 of each year as required does not deprive the person of the right of renewal thereafter.

(3) The fee to be paid for the renewal of a certificate after December 31 shall be increased 10 percent for each month or a fraction of a month that the payment for renewal is delayed. The normal fee of $3 per annum shall be paid for each year or fraction thereof, after the renewal has been delayed over one year; but in no case shall the accrued fees for the renewal exceed the sum of $20.

(4) No certificate shall be renewed that has been delinquent for more than five years.

672.560 Registrant over 65 may be exempt from annual renewal fee. A registered professional surveyor in good standing who has reached the age of 65 and has retired from the active practice of professional land surveying may, upon application and at the discretion of the board, be exempted from payment of annual renewal fees thereafter.

672.570 Replacement of certificate. A new certificate of registration to replace any certificate lost, destroyed or mutilated may be issued, subject to the rules and regulations of the board. A charge of $1 shall be made for the reissue.

672.580 Grounds for revocation of certificate. The board may revoke a certificate of registration of a professional land surveyor for fraud or deceit in his practice or in the securing of his certificate or for incompetence or for the conviction of any felony or misdemeanor involving moral turpitude.

672.590 Proceedings for revocation of certificate. (1) Proceedings for the revocation of a certificate of registration shall be conducted as prescribed in ORS 672.210 and subsections (1) to (3) of 672.220.

(2) The name of the person whose certificate of registration is revoked shall be stricken from the list of registered professional land surveyors and he shall be disqualified from practicing as a professional land surveyor.

672.600 Reissue of certificate after revocation. The board may reissue a certificate of registration to any person whose certificate has been revoked, but only after the expiration of one year from the date of the revocation, for reasons which the board shall by a two-thirds vote of all its members determine to be satisfactory.

672.610 Investigation of identity of practitioners. The board may inquire into the identity of any person claiming to be a registered professional land surveyor and, after due service of notice in writing, require him to prove to the satisfaction of the board that he is the person authorized to practice professional land surveying under the certificate of registration by virtue of which he claims to be a registered professional land surveyor. When the board finds that a person claiming to be a professional land surveyor registered under ORS 672.410 to 672.620 is not in fact the person to whom the certificate of registration was issued, it shall reduce its findings to writing and file them in its office.

672.620 Prohibited practices. (1) Unless a person is authorized to practice professional land surveying within this state according to the provisions of ORS 672.410 to 672.620, he shall not:

(a) Practice, or attempt or advertise to practice, or hold himself out as authorized to practice professional land surveying.

(b) Use in connection with his name or otherwise assume, use or advertise any title or designation tending to convey the impression that he is a professional land surveyor.

(2) No person shall:

(a) Buy, sell or fraudulently obtain a certificate of registration.

(b) Aid or abet the buying, selling or fraudulently obtaining of a certificate of registration.

(c) Practice, or attempt or advertise to practice or hold himself out as authorized to practice professional land surveying under cover of any certificate obtained or issued fraudulently or unlawfully or under fraudulent representations or mistake of fact in a material regard.

(d) Practice, or attempt or advertise to practice, or hold himself out as authorized to practice professional land surveying under a false or assumed name.

(e) Falsely impersonate any professional land surveyor or former professional land surveyor of a like or different name.

672.630 to 672.980 [Reserved for expansion]

PENALTIES

672.990 Penalties. Violation of any provision of ORS 672.340 or 672.620 is punishable, upon conviction, by a fine of not less than $25 nor more than $100 or by imprisonment in the county jail not to exceed three months.

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.

Done at Salem, Oregon,
on December 1, 1963.

Sam R. Haley
Legislative Counsel