Chapter 672

1979 REPLACEMENT PART

Professional Engineers; Land Surveyors; Geologists

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PROFESSIONAL ENGINEERS AND LAND SURVEYORS

Note: Section 15, chapter 842, Oregon Laws 1977, is operative July 1, 1982, and provides:

Sec. 15. ORS 672.002, 672.005, 672.007, 672.020, 672.025, 672.030, 672.035, 672.045, 672.050, 672.060, 672.090, 672.095, 672.100, 672.110, 672.120, 672.125, 672.135, 672.145, 672.155, 672.160, 672.170, 672.180, 672.190, 672.200, 672.205, 672.210, 672.215, 672.240, 672.250, 672.255, 672.300, 672.310 and 672.991 relating to engineering are repealed.

(General Provisions)

672.002 Definitions for ORS 672.002 to 672.310. As used in ORS 672.002 to 672.310, unless the context requires otherwise:

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

(2) "Engineer" means a person who has knowledge of mathematics, physical, chemical and other sciences and the principles and methods of engineering analysis and design acquired by engineering education and engineering experience.

(3) "Engineer-in-training" means a person certified by the board as having passed an examination in the fundamental engineering subjects.

(4) "Land surveyor" means a person who has knowledge of the principles of mathematics, physical and applied sciences, the techniques of measurement necessary to the various surveying branches and the relevant requirements of law for adequate evidence, which are all requisite to surveying of real property.

(5) "Land surveyor-in-training" means a person certified by the board as having passed an examination in the fundamental land surveying subjects.

(6) "Registered professional engineer" means an engineer who is registered in this state and holds a valid certificate to practice his branch of engineering in this state as provided by ORS 672.002 to 672.310.

(7) "Registered professional land surveyor" means a land surveyor who is registered in this state and holds a valid certificate to practice land surveying in this state as provided by ORS 672.002 to 672.310.

(8) "Responsible charge" means:

(a) To have control of the engineering design of works or to be charged with responsible inspection of construction work as to conformance with engineering drawings and specifications; or

(b) To be charged with responsible supervision of land surveying work for the purpose of conformance to the relevant requirements of law for adequate evidence of a survey of land. [1971 c.751 §1]

672.005 "Practice of engineering," "practice of land surveying" defined. As used in ORS 672.002 to 672.310, unless the context requires otherwise:

(1) "Practice of engineering" means any professional service or creative work requiring engineering education, training and experience and the application of special knowledge of the mathematical, physical and engineering sciences to such professional services or creative work as consultation, investigation, evaluation, planning, design and services during construction for the purpose of assuring compliance with specifications and design, in connection with any public or private utilities, structures, buildings, machines, equipment, processes, works or projects.

(2) "Practice of engineering" does not include the execution of work designed by a professional engineer or the supervision of the construction of such work as a foreman or superintendent.

(3) "Practice of land surveying" means that branch of the practice of engineering in which:

(a) Surveys are made to determine area or topography, to establish or reestablish land boundaries, corners or monuments or to subdivide or plot land; or

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

(c) Consultation, investigation, evaluation or planning relating to land surveying matters is required.

(4) "Practice of land surveying" does not include services performed by the landowner or by his regular employe as part of his official duties within the boundaries of the land of the employer. [1971 c.751 §2; 1973 c.531 §1; 1977 c.620 §1]

672.007 Acts constituting practice of engineering, land surveying. (1) Within the meaning of ORS 672.002 to 672.310, a person shall be considered practicing or offering to

practice engineering who:

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

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

(c) Represents himself as able to perform, or who does perform, any service or work which is defined by ORS 672.005 as the practice of engineering.

(2) Within the meaning of ORS 672.001 to 672.310 a person is practicing or offering to practice land surveying who:

(a) By verbal claim, sign, advertisement, letterhead, card or in any other way implies that he is or represents himself to be a land surveyor;

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

(c) Represents himself as able to perform, or who does perform, any land surveying service or work or any other service which is defined by ORS 672.005 as the practice of land surveying. [1971 c.751 §3]

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

672.020 Practice of engineering without registration prohibited; seal requirement; approval of maps, drawings and other materials. (1) In order to safeguard life, health and property, no person shall practice or offer to practice engineering in this state unless he is registered and has a valid certificate to practice engineering issued under ORS 672.002 to 672.310.

(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 final drawings, specifications, designs, reports, maps and plans issued by a registrant, shall be stamped and signed by the registrant. The signature and stamp of a registrant constitute a certification that the document was prepared by him or under his direct supervision.

(3) Every map, plan and drawing required by law to be certified or approved by an engineer shall be stamped with the seal of, and signed by, a professional engineer registered as required by ORS 672.002 to 672.310. [Amended by 1971 c.751 §6]

672.025 Practice of land surveying without registration prohibited; seal requirement; approval of maps, drawings and other materials. (1) No person shall practice land surveying in this state unless:

(a) He is registered and has a valid certificate to practice land surveying issued under ORS 672.002 to 672.310; or

(b) He is a registered professional engineer.

(2) Every registered professional land surveyor 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 land surveyor." Every map, drawing and narrative 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 reviewed by the registrant or prepared by him or under his direct supervision.

(3) Every map, drawing, document or narrative required by law to be certified or approved by a land surveyor shall be stamped with the seal of, and signed by, a registered professional land surveyor or by a registered professional engineer.

(4) Notwithstanding the provisions of paragraph (b) of subsection (1) of this section, 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]

672.030 Practice by corporation, firm or partnership; requirement as to documents. (1) A corporation, firm or partnership may engage in the practice of engineering in this state upon payment of the required fee if:

(a) The corporation, firm or partnership designates and annually reports to the board the registered professional engineers responsible for the engineering activities and engineering decisions of the corporation; and

(b) All professional documents named in subsection (2) of ORS 672.020, issued by the corporation, firm or partnership, bear the seal

and signature of at least one of the designated engineers.

(2) A corporation, firm or partnership may engage in the practice of land surveying upon payment of the required fee if:

(a) The corporation, firm or partnership designates and annually reports to the board, the registered professional land surveyors or registered professional engineers responsible for the land surveying activities and land surveying decisions of the corporation; and

(b) All professional documents referred to in subsection (3) of ORS 672.020, issued by the corporation, firm or partnership, bear the seal and signature of at least one of the designated land surveyors or engineers. [Amended by 1971 c.751 §9; 1979 c.681 §1]

672.035 Responsibility of business entity for conduct of employes. A corporation, firm or partnership shall not be relieved of responsibility for the conduct or acts of its agents, employes or officers by reason of its compliance with ORS 672.030, nor shall a registered professional engineer or registered professional land surveyor be relieved of responsibility for professional services performed by reason of his employment by or relationship with such corporation, firm or partnership. [1971 c.751 §10]

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

672.045 Prohibited activities relating to practices of engineering and land surveying. A person shall not:

(1) Engage in the practice of engineering or land surveying without having a valid certificate or permit to so practice issued in accordance with ORS 672.002 to 672.310.

(2) Falsely represent, by any means, that he is authorized to practice engineering or land surveying.

(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 or land surveying when not qualified.

(7) Buy, sell or fraudulently obtain any certificate or permit required by this chapter.

(8) Aid or abet the buying, selling or fraudulently obtaining of any certificate or permit required by ORS 672.002 to 672.310.

(9) Engage in the practice of engineering or land surveying 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 board or to any member thereof in obtaining or attempting to obtain a certificate or permit required by ORS 672.002 to 672.310. [1971 c.751 §36]

672.050 Registration of supervising engineer employed by nonresident required. Any engineer in responsible charge of engineering works by reason of which the public health and safety is involved, employed by a nonresident engineer, shall be registered as a professional engineer as provided by ORS 672.002 to 672.310. [Amended by 1971 c.751 §5]

672.060 Exceptions to application of ORS 672.002 to 672.310. ORS 672.002 to 672.310 do not apply to:

(1) An employe of the United States Government with respect to any work performed by him for the United States Government.

(2) Any registered architect practicing architecture.

(3) Any registered landscape architect practicing landscape architecture.

(4) Any registered sanitarian or registered sanitarian trainee working under the supervision of a registered sanitarian practicing environmental sanitation.

(5) Any person practicing engineering under the supervision of a registered professional engineer.

(6) Any person practicing land surveying under the supervision of a registered professional land surveyor or registered professional engineer.

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

(8) The performance of engineering work by any person, firm or corporation, or by full-time employes of any of them, provided such work is in connection with or incidental to the operations of such persons, firms or corporations, and provided that the engineering work is not offered directly to the public. [Amended by 1971 c.751 §4]

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]

(Certificates)

672.090 Issuance of certificates by board; examinations. (1) The board shall issue certificates of registration and in-training certificates as provided by ORS 672.002 to 672.310. All certificates shall be signed by the president and secretary 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 stated or special meetings of the board 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 shall be written or written and oral. [Amended by 1971 c.751 §26(2), (3); 1975 c.429 §9]

672.095 Content of certificate; requirement of good moral character. (1) If an applicant has the qualifications for examination prescribed by the board under ORS 672.255, upon payment of the required examination fee, the board shall examine the applicant for registration on his qualifications to practice engineering or land surveying. The board shall specify on the certificate to practice, when issued to the applicant, the branch or branches of engineering in which the applicant is especially qualified.

(2) No person is eligible for registration or to receive a certificate to practice as a professional unless he is of good moral character. [1971 c.751 §11]

672.100 Certification of examination results; notice to candidates. As soon as practicable after the close of each examination the members of the board who conducted the examination shall 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. [Amended by 1971 c.751 §12]

672.110 Numbering and recording of certificates. Each certificate issued by the board shall be numbered. A record of each certificate issued, and the number, shall be entered in the records of the board. [Amended by 1971 c.751 §13]

672.120 Payment of fee required before issuance of certificate. Upon receipt of the required fee the board shall issue to any applicant who has been certified as having passed an examination for registration a certificate. [Amended by 1959 c.336 §11; 1971 c.751 §14]

672.125 Certificate issuance without examination to persons licensed in other jurisdictions. (1) Upon payment of the required fee, the board may without examination issue a certificate of registration to practice engineering to an applicant who meets the other necessary qualifications for registration under ORS 672.002 to 672.310:

(a) If the applicant 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 the requirements of the other authority are substantially equivalent to the requirements provided under ORS 672.002 to 672.310; or

(b) If the applicant holds a certificate of qualification issued by the National Council of Engineering Examiners, Committee on National Engineering Certification.

(2) Upon payment of the required fee, the board may issue a certificate of registration to practice land surveying to an applicant who meets the other necessary qualifications for registration under ORS 672.002 to 672.310.

(a) If the applicant 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, and the requirements of the other

authority are substantially equivalent to the requirements provided under ORS 672.002 to 672.310 as determined by the board; and

(b) If the applicant satisfactorily passes an examination covering questions on laws, procedures and practices pertaining to practice in this state. [1971 c.751 §19]

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

672.135 Temporary permits to practice engineering. (1) Upon payment of the required fee, the board may without examination issue a temporary permit to a person to practice engineering in this state. 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 672.310.

(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. [1971 c.751 §18]

672.140 [Repealed by 1971 c.751 §39]

672.145 Training certificates for engineers and surveyors; examination; fee. (1) If an applicant for an engineer-in-training certificate has the qualifications for examination and pays the required examination fee, the board shall examine the applicant on the applicant's qualifications. If an applicant satisfactorily passes the examination, the applicant shall be issued an engineer-in-training certificate upon payment of the certificate fee.

(2) If an applicant for a land surveyor-in-training certificate has the qualifications for examination and pays the required examination fee, the board shall examine the applicant on the applicant's qualifications. If the applicant satisfactorily passes the examination, the applicant shall be issued a land surveyor-in-training certificate upon payment of the certificate fee. [1971 c.751 §8; 1979 c.495 §1]

672.150 [Repealed by 1971 c.751 §39]

672.155 Fees. Fees required to be paid to the board shall be paid in amounts determined by the board and approved by the Executive Department, except that no fee shall exceed the following:

(1) For examination for registration as an engineer-in-training, $20; for an engineer-in-training certificate, $5.

(2) For examination for registration as a registered professional engineer when the applicant has an engineer-in-training certificate, $30; when the applicant does not have an engineer-in-training certificate, $50; for the first registered professional engineer certificate, $10; for renewal, $15 each year.

(3) For examination for registration as a land surveyor-in-training, $20; for a land surveyor-in-training certificate, $5.

(4) For examination for registration as a registered professional land surveyor when the applicant has a land surveyor-in-training certificate, $30; when the applicant does not have a land surveyor-in-training certificate, $50; for the first registered professional land surveyor certificate, $10; for renewal, $15 each year.

(5) For registration of a nonresident engineer without examination under ORS 672.125, $50.

(6) For registration of a nonresident land surveyor under ORS 672.125, $50.

(7) For a temporary permit issued under ORS 672.135, $25.

(8) For reissuance of a lost or mutilated certificate, for a registered professional engineer or a registered professional land surveyor, $10.

(9) For registration as a corporation, firm or partnership qualified to engage in the practice of engineering or land surveying, $15; for renewal, $15 each year. [1971 c.751 §34; 1975 c.429 §10; 1979 c.495 §2; 1979 c.681 §2a]

672.160 Expiration date of certificates. (1) Except as provided by subsection (2) or (3) 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 board 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) In-training certificates expire as follows:

(a) Engineer-in-training certificates, upon qualification as a registered professional engineer.

(b) Land surveyor-in-training certificates, upon qualification as a registered professional land surveyor.

(3) 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]

672.170 Renewal of certificates; increased fees for delinquent renewals. (1) Renewal of a certificate except in-training certificates may be effected at any time prior to the renewal date by paying the required renewal fee to the secretary of the board.

(2) Subject to subsection (4) of this section, the failure of a registrant to renew his certificate before the renewal date does not deprive him 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 not to exceed $5 for each half year or fraction thereof that the renewal fee payment is late, but in no case shall the late-payment charge exceed $50.

(4) No certificate shall be renewed that has been delinquent for more than five years. [Amended by 1967 c.401 §5; 1971 c.751 §16; 1973 c.832 §36; 1975 c.429 §12]

672.180 Exemption from fees of engineer or surveyor over 65. A registered professional engineer or a registered professional land surveyor who has reached the age of 65 years and has retired from the active practice of engineering or land surveying may, upon application and at the discretion of the board, be exempted from payment of annual renewal fees thereafter. [Amended by 1971 c.751 §17]

672.190 Replacement of certificate. A new certificate to replace any certificate lost, destroyed or mutilated may be issued, subject to the rules and regulations of the board, upon payment of the required fee. [Amended by 1971 c.751 §20]

(Revocation or Denial of Certificates)

672.200 Grounds for denial of certificate. The board may refuse to issue or renew, or may suspend or revoke a certificate or permit, or reprimand any person holding a certificate or permit:

(1) For violation of any provision of ORS 672.045;

(2) For gross negligence or incompetence in the practice of engineering or land surveying;

(3) For conviction of a felony, or of a misdemeanor involving moral turpitude; or

(4) For any violation of the rules of professional conduct prescribed by the board. [Amended by 1971 c.751 §21]

672.205 Denial of certificate proceedings. (1) Where the board proposes to refuse to issue or renew a certificate of registration, or proposes to revoke or suspend a certificate of registration, opportunity for hearing shall be accorded as provided in ORS 183.310 to 183.500.

(2) Judicial review of orders under subsection (1) of this section shall be in accordance with ORS 183.310 to 183.500. [1971 c.734 §111]

672.210 Procedure for suspension or revocation of certificate; hearing; majority of board members required to take action. (1) Proceedings for the suspension or revocation of a certificate or a permit may be initiated by filing with the board written charges against the accused. The charges may be preferred by any person, or by the board on its own motion. Charges shall be heard by the board within three months after the date on which filed.

(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 or certificate of the accused.

(5) The power of the board to suspend a certificate 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]

672.215 Review of board decisions; proceedings to enjoin violations of ORS 672.002 to 672.310. (1) Any person aggrieved by a decision of the board under ORS 672.200 or 672.210 is entitled to judicial review of the decision in accordance with the procedure for contested cases provided by ORS 183.310 to 183.500.

(2) If the board 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 672.310, 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]

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 Engineering Examiners; appointment; qualification; officers. (1) There is created in the Department of Commerce a State Board of Engineering Examiners consisting of 11 members appointed by the Director of Commerce.

(2) Two members shall be members of the general public. Two members shall be registered professional land surveyors. Seven members shall be registered professional engineers. Each engineer and land surveyor member of the board shall have been a resident of this state for at least three years immediately preceding appointment and shall have been practicing as a registered professional engineer or as a registered professional land surveyor for at least 10 years immediately preceding appointment.

(3) 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]

672.250 Term; certificate of appointment; oath; removal; vacancies. (1) Upon the expiration of the term of any board member, the Director of Commerce, with the approval of the Governor, shall appoint a person possessing the qualifications prescribed by subsection (2) of ORS 672.240 as a member of the board 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 Director of Commerce and before beginning the 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 caused by death, resignation or removal from office. [Amended by 1963 c.580 §33; 1971 c.751 §25; 1979 c.147 §2]

672.255 Rulemaking authority of board. (1) The board shall adopt rules:

(a) Establishing fees, within the maximum limits provided by ORS 672.002 to 672.310, for certificates and permits issued by the board.

(b) Providing a procedure for the issuance, denial, suspension or revocation of certificates and permits.

(c) Prescribing standards of professional conduct for professional engineers, professional land surveyors, engineers-in-training and land surveyors-in-training.

(d) Specifying branches in which examinations are offered and for registration of individuals and for issuance of certificates and temporary permits to individuals under ORS 672.002 to 672.310.

(e) Prescribing standards and intellectual, educational and technical qualifications for examination in addition to those prescribed in subsections (3) and (4) of this section.

(2) In adopting rules under paragraphs (c) and (d) of subsection (1) of this section, the board shall give consideration to national practices as well as local practices. Adoption of rules shall be in accordance with ORS 183.310 to 183.500.

(3) As minimum evidence of qualification for registration as a professional engineer, an applicant shall successfully pass a written, or written and oral, examination, prescribed by the board, with one part devoted to basic engineering subjects and a second part devoted to practical engineering problems and provide evidence of:

(a) 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; or

(b) 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; or

(c) Certification as an engineer-in-training under subsection (4) of this section 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.

(4) As minimum evidence of qualification for certification as an engineer-in-training, an applicant shall successfully pass a written, or written and oral, examination, prescribed by the board and devoted to basic engineering subjects and provide evidence of:

(a) Graduation in an approved engineering curriculum of four years or more from a school or college approved by the board as of satisfactory standing; or

(b) A specific record of four years or more of active practice in engineering work of a character satisfactory to the board.

(5) As minimum evidence of qualification for registration as a professional land surveyor, an applicant shall successfully pass a written, or written and oral, examination, prescribed by the board, with one part devoted to basic land surveying subjects and a second part devoted to practical land surveying problems and provide evidence of:

(a) Graduation in an approved land surveying 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 land surveying work of a character satisfactory to the board and indicating that the applicant is competent to be placed in responsible charge of such work; or

(b) A specific record of eight years or more of active practice in land surveying work of a character satisfactory to the board and indicating that the applicant is competent to be placed in responsible charge of such work; or

(c) Certification as a land surveyor-in-training under subsection (6) of this section and a specific record of four years or more of active practice in land surveying work of a character satisfactory to the board and indicating that the applicant is competent to be placed in responsible charge of such work.

(6) As minimum evidence of qualification for certification as a land surveyor-in-training, an applicant shall successfully pass a written, or written and oral, examination, prescribed by the board and devoted to basic land surveying subjects and provide evidence of:

(a) Graduation in an approved land surveying curriculum of four years or more from a school or college approved by the board as of satisfactory standing; or

(b) A specific record of four years or more of active practice in land surveying work of a character satisfactory to the board. [1971 c.751 §32; 1975 c.429 §12a; 1979 c.495 §4]

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 board shall carefully investigate any complaints or information relating to violations of ORS 672.002 to 672.310 and shall treat the complaint or information as confidential if the person filing it so requests. [Amended by 1971 c.753 §29]

672.310 Investigation of identity of person claiming to be registered. The board may inquire into the identity of any person claiming to be a registered professional engineer or a registered professional land surveyor 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 prac-

tice engineering or land surveying, as the case may be, under the certificate of registration by virtue of which he claims to be such a professional. 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, it shall reduce its findings to writing and file them in its office. 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]

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

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

(General Provisions)

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) "Department" means the Department of Commerce.

(4) "Director" means the Director of Commerce.

(5) "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.

(6) "Geologist" means a person engaged in the practice of geology.

(7) "Geology" refers to that science which treats of the earth in general; investigation of the earth's crust and the rocks and other materials which compose it; and the applied science of utilizing knowledge of the earth and its constituent rocks, minerals, liquids, gases, and other materials for the benefit of mankind.

(8) "Public practice of geology" means the performance of geological service or work for the general public. This includes consultation, investigation, surveys, evaluation, planning, mapping, and inspection of geological work, in which the performance 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. A person shall be construed to publicly practice or offer to publicly practice geology, within the meaning and intent of ORS 672.505 to 672.705, who practices any branch of the profession of geology; or who by verbal claim, sign, advertisement, letterhead, card, or in any other way represents himself to be a registered geologist, or through the use of some other title implies that he is a registered geologist or that he is registered under ORS 672.505 to 672.705; or who offers to provide any geological services or work recognized as geology for a fee or other compensation.

(9) "Qualified nonregistered geologist" means a person who possesses all the qualifications specified in ORS 672.505 to 672.705 for registration except that he is not registered in this state.

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

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

(12) "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.

(13) "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]

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 is 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)

672.525 When geologist to be certified. (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, or to use in connection with his name or otherwise assume or advertise any title or description tending to convey the impression that he 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 his certificate of registration, and shall not be transferable.

(3) One year after July 21, 1977, 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 "registered geologist" or the title of any registered certified specialty geologist 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 as his own 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 board to obtain a certificate of registration. [1977 c.612 §3]

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 employes of the United States of America, practicing solely as such officers or employes; or

(3) A subordinate to a geologist registered under ORS 672.505 to 672.705 in so far as he acts solely in such capacity. This exemption, however, does not permit any such subordinate to practice geology for others in his own right 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 board, on or before entering the state for commencing such work, a statement giving his name, residence, the number of his license or certificate of registration, 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 certification. (1) An application for registration as a geologist or certification in a specialty shall show the applicant's education and a detailed summary of his geologic work.

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

(a) Have graduated from an accredited college or university with either a major in geology, engineering geology or geological engineering, or related geological sciences; or have completed 45 quarter hours or the equivalent in geological science courses leading to a major in geology, of which at least 36 hours or the equivalent were taken in the third or fourth year, or in graduate courses. The board shall waive academic requirements for a person already practicing geology on July 21, 1977, provided application for registration is made not later than one year after appointment of the board, and the applicant can provide evidence to satisfy the board that he is competent to practice public geology.

(b) Have at least seven years of geological work which shall include 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. However, prior to the date one year after the appointment of the board, professional geological work shall qualify under this subsection if it is under the supervision of a qualified geologist. The following criteria of education and experience qualify toward accumulation of the required seven years of professional geological work:

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

(B) Total credit for undergraduate and graduate study shall in no event 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 of 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 ability of the applicant shall have been demonstrated by his having performed the work in a responsible position as determined by the board. The adequacy of the required supervision and experience shall be determined by the board in accordance with standards set forth in regulations adopted by it.

(c) Successfully pass such examinations, 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. The board shall waive the examination requirement for registration as a geologist or certification in a specialty of an applicant who makes a written application to the board not later than one year after appointment of the board and who otherwise meets the qualifications of this subsection. [1977 c.612 §§6, 7]

672.560 [Repealed by 1971 c.751 §39]

672.565 Certification in specialty. (1) In addition to registering as a geologist, qualified persons also may be eligible for certification in a specialty. Such specialties may be created by the board 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 ap-

proved 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 such special requirements as the board may establish by regulation, normally including a written examination and, in addition, his seven years of geological work shall include one of the following:

(a) A minimum of three years performed under the supervision of a geologist registered and certified in the specialty for which he is seeking certification with the exception on timing noted in paragraph (b) of subsection (2) of ORS 672.555; 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 such professional affairs committees, as needed, to represent each of the specialties into which the board determines certification of registration may be divided. Each such committee shall establish qualifications, which shall include a written examination, for certification in its specialty, and shall establish a definition of that specialty, subject to approval of the board; and shall advise the board on professional affairs in which the committee is concerned. Membership of each such committee shall be made up exclusively of geologists certified or qualified in the particular specialty involved.

(4) Engineering geology shall be one of the specialties requiring certification. [1977 c.612 §8]

672.570 [Repealed by 1971 c.751 §39]

672.575 Examination. The board 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 board 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 at not less than $10 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]

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

672.595 Registration without examination. A person who holds a certificate of registration to engage in the practice of geology, or a certificate of specialization, issued to him 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 board 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 hereunder, upon issuance of a certificate, shall obtain a seal of the design authorized by the board, bearing the registrant's name and the legend "registered professional 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 which shall have been prepared or approved by a registered geologist or a subordinate employe under his direction for the use of or for delivery to any person or for public record within this state shall be signed by him 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 his responsibility for them. [1977 c.612 §12]

672.610 [Repealed by 1971 c.751 §39]

(State Board)

672.615 State Board of Geologist Examiners; appointment; qualification; term; removal; meetings; administrator; services for board; committees. (1) The State Board of Geologist Examiners is created within the Department of Commerce. The duty of the board shall be to administer the provisions of ORS 672.505 to 672.705. The board shall consist of four geologists and one public member, appointed by the director with approval of 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 the one year immediately preceding his appointment. Each of the first appointed geologist members of the board shall be a qualified nonregistered geologist; each subsequent geologist member 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. In so far as possible the board shall be comprised of members having diverse geological specialties including at least one engineering geologist.

(3) The members of the first board shall be appointed within 90 days after July 21, 1977, to serve the following terms:

(a) One member for one year;

(b) One member for two years; and

(c) Three members for three years.

(4) 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, his successor shall be appointed in like manner for a term of three years.

(5) No person shall serve as a member of the board for two consecutive three-year terms.

(6) The director with approval of the Governor may remove any member of the board for misconduct, incompetency, neglect of duty or any 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.

(7) The board shall hold a meeting within 30 days after its members are first appointed and thereafter shall hold at least two regular meetings each year.

(8) The director shall fix qualifications of and appoint an administrator who shall not be a member of the board. Subject to the applicable provisions of the State Merit System Law, the director shall fix the compensation of the administrator, who shall be in the unclassified service.

(9) The director shall provide the board with the services and employes the board requires to carry out its duties under the provisions of ORS 672.505 to 672.705.

(10) 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, except that until July 21, 1978, qualified geologists may serve. Membership on all such committees is at the pleasure of the board. [1977 c.612 §13]

672.620 [Repealed by 1971 c.751 §39]

672.635 Record of board proceedings; registry. (1) The board shall keep a public record of its proceedings and a register of all applications for registration.

(2) The register shall show the name, the age and residency of each applicant; the date of application; the place of business of such applicant; his education and other qualifications; whether or not an examination was required; whether the applicant was granted registration; whether a certificate of registration and certified specialties were granted; the dates of the action by the board; and such other information as may be deemed necessary by the board. 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 publish a roster showing the names and places of business of all registered geologists and certified specialists before the end of each calendar year. [1977 c.612 §16]

672.645 Appeals filed with board; service on administrator. All appeals from a decision of the board, 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 board 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, and this code shall be published in the roster provided for in ORS 672.505 to 672.705. Such publication shall constitute due notice to all registrants. 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]

672.665 Charges against geologist. Any person may prefer charges of fraud, deceit, 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 board. [1977 c.612 §18]

672.675 Suspension, revocation or refusal to renew certificate. The board shall have the power to suspend, revoke or refuse to renew the certificate of registration of 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 gross negligence, incompetence or misconduct in the practice of geology as a professional 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]

672.685 Reissuance of revoked certificate. The board 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]

(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. The fees required under ORS 672.505 to 672.705 shall be prescribed by the board but shall not exceed the following:

(1) For examination, $50.

(2) For initial or renewal license, $100.

(3) For initial or renewal certification in a specialty, $25.

(4) For restoration of a license or certificate, $10.

(5) For replacing a lost, destroyed or mutilated license or certificate, $3. [1977 c.612 §14]

PENALTIES

672.990 [Repealed by 1971 c.751 §39]

672.991 Penalties. (1) A person who violates a provision of ORS 672.045 shall be punished, upon conviction, by a fine of not more than $500.

(2) 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]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Thomas G. Clifford, 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,
October 1, 1979.

Thomas G. Clifford
Legislative Counsel