BEELS 1-2015

Secretary of State
Certificate and Order for Filing

PERMANENT ADMINISTRATIVE RULES

FILED
2-3-15 11:10 AM
ARCHIVES DIVISION
SECRETARY OF STATE

I certify that the attached copies are true, full and correct copies of the PERMANENT Rule(s) adopted on 09/09/2014 by the

Board of Examiners for Engineering and Land Surveying	820
Agency and Division	Administrative Rules Chapter Number
Mari Lopez	(503) 362-2666
Rules Coordinator	Telephone
670 Hawthorne Ave. SE, Suite 220, Salem, OR 97301	
Address	

To become effective Upon filing. Rulemaking Notice was published in the August 2014 Oregon Bulletin.

RULE CAPTION

Amend rules related to the continuing education requirements, use of title, renewals, and examinations.

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

BEELS 1-2015

RULEMAKING ACTION

Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

ADOPT:

AMEND:
820-010-0417, 820-010-0463, 820-010-0505, 820-010-0520, 820-010-0730, 820-015-0026, 820-050-0010

REPEAL:

RENUMBER:

AMEND AND RENUMBER:

Statutory Authority:
ORS 672.007, 672.020, 672.160, 672.170, 672.255

Other Authority:
ORS 670.310

Statutes Implemented:
ORS 672.002 - 672.325

RULE SUMMARY

OAR 820-010-0417 - Removes the requirement to obtain a passing grade for the buildings portion of the structural examination due to the implementation of the 16-hour structural examination administered by NCEES.
OAR 820-010-0463 - Includes language that the cutoff score for the California geotechnical examination is established by the California board.
OAR 820-010-0505 and 820-010-0520 - Includes language to clarify that failure to pay any fees, including the delinquent fee will place a registration in the "delinquent status."
OAR 820-010-0730 - Includes language to allow for a PLS registered in another jurisdiction to use the title in Oregon.
OAR 815-0026 and 820-050-0010 - Clarifies process related to requesting the grace period for completing continuing professional development.

Mari Lopez	LopezM@osbeels.org
Rules Coordinator Name	Email Address

Authorization Page

Generated on February 3, 2015 10:54AM

PERMANENT ADMINISTRATIVE RULES

Board of Examiners for Engineering and Land Surveying	820
Agency and Division	Administrative Rules Chapter Number
Mari Lopez	LopezM@osbeels.org
Rules Coordinator	Email Address
670 Hawthorne Ave. SE, Suite 220, Salem, OR 97301	503-362-2666
Address	Telephone
09/09/2014	
Adopted on	
Upon filing.	
Effective date	

RULE CAPTION

Amend rules related to the continuing education requirements, use of title, renewals, and examinations.

Not more than 15 words

RULEMAKING ACTION

ADOPT:

AMEND:

820-010-0417,820-010-0463,820-010-0505,820-010-0520,820-010-0730,820-015-0026,820-050-0010

REPEAL:

RENUMBER:

AMEND & RENUMBER:

Stat. Auth.: ORS 672.007, 672.020, 672.160, 672.170, 672.255

Other Auth.: ORS 670.310

Stats. Implemented: ORS 672.002 - 672.325

RULE SUMMARY

OAR 820-010-0417 - Removes the requirement to obtain a passing grade for the buildings portion of the structural examination due to the implementation of the

16-hour structural examination administered by NCEES.
OAR 820-010-0463 - Includes language that the cutoff score for the California geotechnical examination is established by the California board.
OAR 820-010-0505 and 820-010-0520 - Includes language to clarify that failure to pay any fees, including the delinquent fee will place a registration in the 'delinquent status.'
OAR 820-010-0730 - Includes language to allow for a PLS registered in another jurisdiction to use the title in Oregon.
OAR 815-0026 and 820-050-0010 - Clarifies process related to requesting the grace period for completing continuing professional development.

Authorized Signer	Printed Name	Date
		2/3/2015

Authorization Page replaces the ink signature on paper filings. Have your authorized signer sign and date, then scan and attach it to your filing. You must complete this step before submitting your Permanent and Temporary filings.

820-010-0417
Nature of Examination for Structural Engineer
(1) An applicant to qualify for registration must:
(a) Obtain a passing grade for a written examination in engineering fundamentals for qualification as an EI as covered in OAR 820-010-0420, unless exempted from this examination under 820-010-0455. Such examination may be taken at any scheduled examination period but must be passed in order to be admitted to the branch examination as covered in (1)(b) of this rule; and
(b) Obtain a passing grade for a written examination in a professional branch of engineering covering practical engineering problems in branches listed in OAR 820-010-0450; and
(c) Obtain at least two years of progressive responsibility in structural engineering experience. These two years of structural experience are in addition to the required years of engineering experience required to be registered as a professional engineer. The structural engineering experience must be supervised by a registered professional engineer in the branch of structural engineering or a registered professional engineer with substantial structural engineering work experience; and
(d) After receiving a license as an Oregon registered professional engineer, obtain a passing grade for the 16-hour Structural Examination, administered by NCEES.
Stat. Auth.: ORS 670.310 & 672.255
Stats. Implemented: ORS 672.002 – 672.325

820-010-0463
Cutoff Scores for Examinations
(1) The cutoff scores for the FE, FLS, PE, PLS, and Structural 16-hour examinations are established by NCEES.
(2) The cutoff scores for the acoustical, forest, and four-hour Oregon specific land surveying examinations are 70 points out of 100 points.
(3) The cutoff score for the photogrammetric mapping examination is established by the Colonial States Board of Surveyor Registration (CSBSR).
(4) The cutoff score for the California Geotechnical examination is established by the California Board for Professional Engineers, Land Surveyors, and Geologists (California Board).
Stat. Auth.: ORS 670.310 & 672.255
Stats. Implemented: ORS 672.002 - 672.325

820-010-0505
Biennial Renewal of Registration or Certification
(1) Registration as a professional engineer, professional land surveyor, or professional photogrammetrist with the Board is on a biennial renewal schedule. As a condition of registration renewal, registrants must comply with the continuing professional development requirements in OAR 820-010-0635. Certification of completing the required professional development requirements on the CPD Organizational Form and fee must be postmarked or hand delivered by 5:00 p.m. on the day of the expiration date of the registration. The biennial fee to renew a registration is described below:
(a) Professional Engineer — $150.00;
(b) Professional Land Surveyor — $150.00;
(c) Professional Photogrammetrist — $150.00;
(2) Certification as a certified water right examiner is on a biennial renewal schedule. The fee must be postmarked or hand delivered by 5:00 p.m. on the day of the expiration date of the certification. The biennial fee to renew a certification as a water right examiner is $40.00
(3) A delinquent fee of $80.00 will be assessed on the first day following the expiration date of each registration or certification, for each biennial renewal period in which payment or certification of completing the required continuing professional development hours is not submitted. Failure to pay the delinquent fee will place a registration or certificate in the "delinquent" status.
(4) Registrations or certificates in the delinquent or retired status for a period of 5 years or more may not be renewed. Delinquent or retired registrants or certificate holders must re-apply and re-take any applicable examination to obtain their certificate of registration or other certificate after a period of 5 years.

Stat. Auth.: ORS 670.310, 672.160, 672.170, & 672.255
Stats. Implemented: ORS 672.002 - 672.325

820-010-0520
Registrants or Certificate Holders Not Qualified to Practice
Registrants or certificate holders who are delinquent, retired, inactive, suspended or revoked by the Board, are not authorized to engage in the professional practice of engineering, land surveying, photogrammetric mapping, or the professional activities of a certified water right examiner as defined in ORS Chapter 537 and OAR chapter 690. Except as provided in section (2), registrants or certificate holders who are delinquent, retired, inactive, suspended or revoked may not hold out as professional engineers, professional land surveyors, professional photogrammetrists, or certified water right examiners.
(1) Delinquent registrants or certificate holders. Registrants or certificate holders become delinquent because they fail, within a period of five years from the renewal date, to renew their certificate of registration or to pay their renewal or delinquent fees, or satisfy the required PDH units. A delinquent registrant or certificate holder may return to active status:
(a) Upon application to the Board;
(b) By paying any delinquent renewal fee required by OAR 820-010-0305(3);
(c) By paying any biennial renewal fee required by OAR 820-010-0505; and
(d) By satisfying and submitting proof of completion on a form approved by the Board of all delinquent PDH units, at a rate of 15 PDH units per year delinquent, to a maximum of 30 PDH units as stated in OAR 820-010-0635.
(2) Retired registrants or certificate holders. Registrants or certificate holders may retire once they notify the Board that they are not providing engineering, land surveying, photogrammetric mapping services, or professional activities of a certified water right examiner to the public and they request retired status. Registrants or certificate holders who are retired may not use their seal. However, retired registrants may sign documents, listing after their name the designation "PE (Retired)," "SE (Retired)," "PLS (Retired)," "Photogrammetrist (Retired)," or "CWRE (Retired)," as appropriate. A retired registrant or certificate holder may, within a period of 5 years from retirement, return to active status:
(a) Upon application to the Board,
(b) Successfully pass a take at home examination on the laws and rules in Oregon;
(c) By paying the reinstatement fee required by OAR 820-010-0305(3);
(d) By paying the biennial renewal fee required by OAR 820-010-0505; and
(e) By satisfying and submitting proof of completion on a form approved by the Board of 15 PDH units per year for each year (or part of a year) retired, to a maximum of 30 PDH units as stated in OAR 820-010-0635.
(3) Inactive registrants or certificate holders. Registrants or certificate holders may place their license or certification on inactive status if the registrant or certificate holder has suffered a debilitating mental or physical illness, injury or disease that prevents the registrant or certificate holder from engaging in the professional practice. Registrants or certificate holders must request to be placed on inactive status. Registrants or certificate holders making such requests must provide documentation prepared by a licensed physician that the registrant or certificate holder suffers from a specific, named debilitating mental or physical illness, injury or disease that prevents the registrant or certificate holder from engaging in the professional practice, and an estimate of the period of time during when the illness, injury or disease will last or whether it is of an unlimited duration. An inactive registrant or certificate holder may, within a period of 5 years from inactive, return to active status:
(a) Upon application to the Board;
(b) Successfully pass a take at home examination on the laws and rules in Oregon;
(c) By paying the reinstatement fee required by OAR 820-010-0305(3);
(d) By paying the biennial renewal fee required by OAR 820-010-0505; and
(e) By satisfying and submitting proof of completion on a form approved by the Board of 15 PDH units per year for each year (or part of a year) inactive, to a maximum of 30 PDH units as stated in OAR 820-010-0635.
Stat. Auth: ORS 672.255(1)(g)
Stats. Implemented: ORS 672.170(4), 672.180 & 672.255(1)(g)

820-010-0730

Use of Title if Registered in Other Jurisdiction

(1) A person who is not registered in Oregon as a professional engineer, but holds a substantially equivalent unexpired certificate of registration in another state, territory or possession of the United States, the District of Columbia, or a foreign country, may use the title, "engineer," "professional engineer," "registered professional engineer," or any of its derivations provided that the jurisdiction(s) in which they are registered is written/printed after the title so as not to mislead the public regarding their credentials.

(2) Other than as described in subsection (1) of this rule, no persons may hold themselves out as an engineer in Oregon by use of the title "professional engineer," "registered professional engineer," or any of their abbreviations or derivatives;

(3) Unless registered as a professional engineer in Oregon, no persons may;

(a) Hold themselves out as an "engineer" other than as described in subsection (1) of this rule or in ORS 672.060;

(b) Offer to practice engineering; or

(c) Engage in the practice of engineering.

(4) A person who is not registered in Oregon as a professional land surveyor, but holds a substantially equivalent unexpired certificate of registration in another state, territory or possession of the United States, the District of Columbia, or a foreign country, may use the title, "land surveyor," "professional land surveyor," "registered professional land surveyor," or any of its derivations provided that the jurisdiction(s) in which they are registered is written/printed after the title so as not to mislead the public regarding their credentials.

(5) Other than as described in subsection (4) of this rule, no persons may hold themselves out as a land surveyor in Oregon by use of the title "professional land surveyor," "registered professional land surveyor," or any of their abbreviations or derivatives;

(6) Unless registered as a professional land surveyor in Oregon, no persons may;

(a) Hold themselves out as a "land surveyor" other than as described in subsection (4) of this rule or in ORS 672.060;

(b) Offer to practice land surveying; or

(c) Engage in the practice of land surveying.

(7) A person who is not registered in Oregon as a professional photogrammetrist, but holds a substantially equivalent unexpired certificate of registration in another state, territory or possession of the United States, the District of Columbia, or a foreign country, may use the title, "photogrammetrist" or any of its derivations provided that the jurisdiction(s) in which they are registered is written/printed after the title so as not to mislead the public regarding their credentials.

(8) Other than as described in subsection (7) of this rule, no persons may hold themselves out as a photogrammetrist in Oregon by use of the title "photogrammetrist," or any abbreviations or derivatives;

(9) Unless registered as a professional photogrammetrist in Oregon, no persons may;

(a) Hold themselves out as a "photogrammetrist" other than as described in subsection (7) of this rule or in ORS 672.060;

(b) Offer to practice photogrammetric mapping; or

(c) Engage in the practice of photogrammetric mapping.

Stat. Auth.: ORS 672.007, 672.020 & 672.255

Stats. Implemented: ORS 672.002 - 672.325

820-015-0026

Failure to Comply with Continuing Professional Development Requirements

(1) Any registrant who fails to satisfy the Continuing Professional Development requirements in OAR 820-010-0635 will be subject to suspension of or refusal to renew the registrant's license. Failure to satisfy the Continuing Professional Development requirements will not be the sole basis for license revocation.

(2) Before suspending or refusing to renew a registrant's license, the Board shall allow a grace period of up to one year for a registrant who qualifies for the grace period to satisfy the requirements of OAR 820-010-0635(1). When a grace period is allowed, the registrant must complete all deficient Continuing Professional Development requirements and satisfy all current Continuing Professional Development requirements within the grace period.

If the registrant fails to obtain all required deficient and current PDH units within the grace period, the Board shall suspend the registrant's license.
(3) To qualify for the grace period in subsection (2), a registrant must:
(a) Respond to Board notifications;
(b) Complete a Continuing Education Request for a Grace Period Form;
(c) Not otherwise be subject to Board investigation, audit, or discipline; and
(d) Have failed to satisfy the Continuing Professional Development requirements by 15 or fewer PDH units.
Stat. Auth.: ORS 670.310 & 672.255
Stats. Implemented: ORS 672.002 - 672.325

820-050-0010
Continuing Professional Development Requirements: Failure to Comply
(1) Requirements:
(a) Certified Water Right Examiners are required to obtain 10 professional development hour (PDH) units in subjects related to the practice of water right examination. As used in this rule, "Water Right Examination" includes: courses or study related to water right applications and claims of beneficial use, Water Resources Department programs, water law, or other subjects related to the work of a Water Right Examiner.
(b) For persons who hold registration as an engineer, land surveyor, or both, the number of PDH units required shall remain 30 PDH units per renewal period and may include the 10 PDH units required in OAR 820-050-0010(1)(a).
(c) Any Certified Water Right Examiner who fails to satisfy the Continuing Professional Development requirements in subsection (1)(a) shall be subject to suspension or refusal to renew the certificate. Failure to satisfy the Continuing Professional Development requirements shall not be the sole basis for revocation of certificate.
(2) Before suspending or refusing to renew the certificate of a Water Right Examiner, the Board shall allow a grace period of up to one year for a certificate holder who qualifies for the grace period to satisfy these Continuing Professional Development requirements. When a grace period is allowed under subsection (3), the certificate holder must complete all deficient Continuing Professional Development requirements and satisfy all current Continuing Professional Development requirements within the grace period. If the certificate holder fails to obtain all required deficient and current PDH units within the grace period, the Board shall suspend the registrant's certificate.
(3) To qualify for the grace period in subsection (2), a certificate holder must:
(a) Respond to Board notifications;
(b) Complete a Continuing Education Request for a Grace Period Form;
(c) Not otherwise be subject to Board investigation, audit, or discipline; and
(d) Have failed to satisfy the Continuing Professional Development requirements by 5 or fewer PDH units related to the practice of water right examination.
Stat. Auth.: ORS 670.310 & 672.255
Stats. Implemented: ORS 672.002 - 672.325