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TEMPORARY ADMINISTRATIVE ORDER

INCLUDING STATEMENT OF NEED & JUSTIFICATION

BEELS 10-2019

CHAPTER 820
BOARD OF EXAMINERS FOR ENGINEERING AND LAND SURVEYING

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ARCHIVES DIVISION
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& LEGISLATIVE COUNSEL

FILING CAPTION: Clarify requirements for applicants applying after Oregon registration was revoked or delinquent after 5 years.

EFFECTIVE DATE: 12/11/2019 THROUGH 06/07/2020

AGENCY APPROVED DATE: 11/12/2019

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NEED FOR THE RULE(S):

To clarify requirements for applicants who are applying for registration after a registration has been delinquent for 5 years or more due to suspension or a refusal to renew.

JUSTIFICATION OF TEMPORARY FILING:

Filing this rule as a temporary rule while the permanent rulemaking progresses immediately clarifies the requirements to apply for registration for applicants that have an Oregon registration in the delinquent status for a period of 5 years or more due to suspension or a refusal to renew. This temporary rule will also allow the Board to be consistent in determinations.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

Board and committee meeting minutes are available on the Board's website or upon request.

RULES:
820-010-0505, 820-010-1000, 820-010-2000, 820-010-4000

AMEND: 820-010-0505

RULE TITLE: Biennial Renewal of Registration or Certification

RULE SUMMARY: Revisions clarify the requirements for a registration in the delinquent status for a period of 5 years or more due to suspension or a refusal to renew may obtain registration. These requirements are different than a registration in the delinquent status for a period of 5 years or more for reasons other than a suspension or a refusal to renew.

RULE TEXT:
(1) Registration with the Board as a professional engineer, professional land surveyor, or professional photogrammetrist is on a biennial renewal schedule. As a condition of registration renewal, registrants must demonstrate compliance with the continuing professional development requirements in OAR 820-010-0635.

Verification of completing the required professional development requirements 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 — $190.00;
(b) Professional Land Surveyor — $190.00;
(c) Professional Photogrammetrist — $190.00.
(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 renewal fee payment or verification of having timely completed the required continuing professional development hours has not been submitted.
(a) A registration or certification that is delinquent for failure to pay the renewal fee will remain in “delinquent” status until all delinquent fees that are due, and the required renewal fee, are paid.
(b) A registration or certification that is delinquent for failure to submit verification of having timely completed the required continuing professional development hours, when such hours have been completed, will remain in “delinquent” status until the delinquent fee is paid and the verification is submitted.
(c) A registration or certification that is suspended or for which renewal is refused because of failure to complete the required continuing professional development hours cannot be returned to active status or renewed until any delinquent fees and any biennial renewal fees due are paid, in addition to any conditions imposed by the Board for renewal or lifting of the suspension.
(4) Registrations in the delinquent status for a period of 5 years or more due to suspension or a refusal to renew shall not be renewed. After a registration has been delinquent for 5 years or more due to suspension or a refusal to renew, the delinquent registrant must apply for a new certificate of registration. The branches of engineering recognized by the board for a registrant who has been delinquent for 5 years or more due to suspension or a refusal to renew are those in OAR 820-010-1010(1) to (3) when the applicant has passed the examination no more than one year before applying for a new registration.
(5) Registrations in the delinquent or retired status for reasons other than due to suspension or a refusal to renew for a period of 5 years or more may not be renewed (See ORS 672.170(4)). After a registration has been delinquent or retired for five years or more, the delinquent or retired registrants must apply for a new certificate of registration, under the qualification laws and rules that are in place at the time the new application is submitted.

STATUTORY/OTHER AUTHORITY: ORS 670.310, 672.168, 672.170, 672.255

STATUTES/OTHER IMPLEMENTED: ORS 672.002 - 672.325

AMEND: 820-010-1000

RULE TITLE: Qualifications for Registration as a Professional Engineer

RULE SUMMARY: Revisions clarify the requirement for applicants who are applying for a registration after their Oregon registration was revoked, or delinquent for 5 years or more due to refusal to renew or suspension.

RULE TEXT:

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

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

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

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

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

(A) the Geotechnical branch of engineering; or,

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

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

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

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

(a) A completed Registration Application form.

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

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

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

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

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

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

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

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

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

(A) All five references must attest to the Applicant's ability, professional experience, or both. All five references must complete the Reference Details form provided by the Board and submit the completed Reference Details form directly to the Applicant, in a closed and sealed envelope, signed across the sealed flap by the reference.
(B) All of the Applicant's qualifying engineering work must be verified by at least one reference with direct supervision of that work.
(C) Notwithstanding subsection (4)(f)(B) of this rule, if the Applicant has held active PE registration in any NCEES jurisdiction for at least 6 years, qualifying engineering work performed in an NCEES jurisdiction in which the Applicant was licensed may be verified by a reference who was a registered PE in any NCEES jurisdiction at the time the work was performed and who is familiar with the Applicant's qualifying engineering work.
(D) At least three of the five references must hold active Professional Engineer registration in a jurisdiction with NCEES membership.
(E) The Board may, for good cause and upon written application, reduce the number of references required for an Applicant.
(g) For Applicants holding an NCEES Record, in lieu of providing the items listed under (b) to (f) of this subsection, the Applicant may release the Applicant's NCEES Record, if any, to the Board.

NOTE: See http://ncees.org/records/

(h) Any and all professional disciplinary records of the Applicant, including but not limited to final orders, letters of reprimand, stipulations, and settlement agreements.
(i) The required application and wall certificate(s) fees.
(5) Fundamentals of Engineering Exemption. Notwithstanding subsections (1) and (4) of this rule, an Applicant who has held valid registration as a Professional Engineer in another jurisdiction for 25 years or more may make a written request for a waiver from having to provide evidence of having passed a Fundamentals of Engineering examination in order to qualify for registration as a Professional Engineer in Oregon.
(6) Oregon Registrants Qualifying in Additional Branches of Engineering. A registrant who is seeking recognition of special qualification in more than one branch of engineering recognized by the Board under OAR 820-010-1010 must provide:
(a) Proof of successful passage of the NCEES Principles and Practice of Engineering examination or the Oregon Specific examination, for each additional branch; and,
(b) The required fees.
(7) For applicants who are applying after their Oregon registration is revoked, or delinquent for 5 years or more due to refusal to renew or suspension, the branches of professional engineering recognized by the Board are those in OAR 820-010-1010(1) to (3) when the applicant has passed the examination no more than one year before applying for a new registration.

STATUTORY/OTHER AUTHORITY: ORS 670.310, 672.255

STATUTES/OTHER IMPLEMENTED: ORS 672.002 - 672.325

AMEND: 820-010-2000

RULE TITLE: Qualifications for Registration as a Professional Land Surveyor

RULE SUMMARY: Revisions clarify the requirement for applicants who are applying after their Oregon registration is revoked, or delinquent for 5 years or more due to refusal to renew or suspension.

RULE TEXT:

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

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

(2) Evidence satisfactory to the Board of passing or having previously passed a Board approved Principles and Practice of Land Surveying examination administered by NCEES.

(3) Evidence satisfactory to the Board of passing or having previously passed an Oregon specific four-hour land surveying examination, approved by the Board and covering the United States Public Land Survey system, Oregon laws relating to land surveying, and other matters as determined by the Board. For applicants whose Oregon registration has been revoked, or delinquent for 5 years or more due to refusal to renew or suspension, the Oregon specific four-hour land surveying examination approved by the Board is the examination referenced in OAR 820-010-2010 when the applicant has passed the examination no more than one year before applying for a new registration.

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

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

(a) A completed Registration Application form.

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

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

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

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

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

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

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

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

(C) Notwithstanding subsection (5)(f)(B) of this rule, if the Applicant has held active PLS registration in any NCEES jurisdiction for at least 6 years, qualifying land surveying work performed in an NCEES jurisdiction in which the

Applicant was licensed may be verified by a reference who was a registered PLS in any NCEES jurisdiction at the time the work was performed and who is familiar with the Applicant's qualifying land surveying work.
(D) At least three of the five references must hold active Professional Land Surveyor registration in an NCEES jurisdiction.
(E) The Board may, for good cause and upon written application, reduce the number of references required for an Applicant.
(g) For Applicants holding an NCEES Record, in lieu of providing the items listed under (b) to (f) of this subsection, the Applicant may release the Applicant's NCEES Record, if any, to the Board.

NOTE: See http://ncees.org/records/

(h) Any and all professional disciplinary records of the Applicant, including but not limited to final orders, letters of reprimand, stipulations, and settlement agreements.
(i) The required application and wall certificate fees.

STATUTORY/OTHER AUTHORITY: ORS 670.310, 672.255

STATUTES/OTHER IMPLEMENTED: ORS 672.002 - 672.325

AMEND: 820-010-4000

RULE TITLE: Qualifications for Registration as a Structural Engineer

RULE SUMMARY: Revisions clarify the requirement for applicants whose Oregon registration as a structural engineer has been revoked, or delinquent for 5 years or more due to refusal to renew or suspension.

RULE TEXT:

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

(1) Evidence satisfactory to the Board of active Oregon registration as a Professional Engineer, in good standing.

(2) Evidence satisfactory to the Board of passing or having passed the NCEES 16-hour Structural Examination, or the structural examinations offered during the timeframes as follows:

(a) 1952–2003, the 8-hour Western Region general and 8-hour Western Region in-depth. This examination was also known as the "Western States" or the California 16-hour SE exam;

(b) 1986–October 2005, the 8-hour NCEES general (SE I) and the 8-hour NCEES in-depth (SE II);

(c) 2004–2011, the 8-hour NCEES in-depth (SE II) and:

(A) The 8-hour Washington Structural III; or

(B) The 8-hour California Structural III. This examination was also known as the "California Structural Engineering Seismic Examination (CSESE)," the California Structural Examination 2 (CSE2)," and the "California Structural Engineering Exam."

(3) Evidence satisfactory to the Board of having obtained two years of structural engineering experience, verified by a registered Structural Engineer in a jurisdiction with NCEES membership.

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

(a) A completed Registration Application form.

(b) The Board will verify that the Applicant holds active registration as an Oregon professional engineer, in good standing.

(c) Official verification of successful passage of the NCEES 16-hour Structural Examination, Buildings Modules or the structural examinations listed under subsection (2)(a) through (c). This paragraph of subsection (4) of this rule is effective as of June 25, 2015.

(d) Notwithstanding paragraph (c) of this rule, for applicants whose Oregon registration as a structural engineer has been revoked, or delinquent for 5 years or more due to refusal to renew or suspension, passing the NCEES 16-hour Structural Examination, Buildings Modules, no more than two years before applying for a new registration, is required. Official verification of successful passage of the NCEES 16-hour Structural Examination Buildings Module, taken and passed no more than two years before applying for a new registration, must be included in the single application packet.

NOTE: The 16-hour Structural examinations are written and scored by the NCEES and administered by NCEES Exam Administration Services. Consult NCEES for examination dates, times, locations, cost, and details.

(d) A completed Experience Details form describing active practice in structural engineering, including meaningful work on significant structures.

(e) Five references from individuals with knowledge of the Applicant's structural engineering work on significant structures:

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

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

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

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

(g) The required application and wall certificate fees.

STATUTORY/OTHER AUTHORITY: ORS 670.310, 672.107, 672.255

STATUTES/OTHER IMPLEMENTED: ORS 672.002 - 672.325