OFFICE OF THE SECRETARY OF STATE
SHEMIA FAGAN
SECRETARY OF STATE

CHERYL MYERS
DEPUTY SECRETARY OF STATE

ARCHIVES DIVISION
STEPHANIE CLARK
DIRECTOR

800 SUMMER STREET NE
SALEM, OR 97310
503-373-0701

TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

BEELS 8-2021
CHAPTER 820
BOARD OF EXAMINERS FOR ENGINEERING AND LAND SURVEYING

FILED
11/10/2021 3:05 PM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Align the renewal language to support the new online process.

EFFECTIVE DATE: 11/10/2021 THROUGH 05/08/2022

AGENCY APPROVED DATE: 11/09/2021

CONTACT: Jenn Gilbert
503-934-2107
Jenn.Gilbert@oregon.gov

670 Hawthorne Avenue, SE
Salem,OR 97301

Filed By:
Jenn Gilbert
Rules Coordinator

NEED FOR THE RULE(S):

We are launching a new online database so this rule needs to be updated to ensure the renewal process aligns with the new online process.

JUSTIFICATION OF TEMPORARY FILING:

(1) If these rules are not in place before December 2021, some of our registrants would be out of compliance with our agency rules;
2) Our registrants would be impacted;
3) These rules need to be in place prior to the end of December and there is not enough time to go through the permanent rulemaking process.
4) These temporary rules would make our rules effective immediately while we go through the permanent rulemaking process.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

AMEND: 820-010-0505

RULE TITLE: Biennial Renewal of Registration or Certification

RULE SUMMARY: The proposed changes remove the "postmark or hand delivered" deadline. With the launch of the agency's new online database, proposed changes ensure the language aligns with the features of the new online processes for renewing professional licensing.

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 in the renewal application and fee must be received by 11:59 p.m. Pacific Time (PT) on the day of the expiration date of the registration. The biennial fee to renew a registration is described below:

(a) Professional Engineer — $230.00;
(b) Professional Land Surveyor — $230.00;
(c) Professional Photogrammetrist — $230.00.
(2) Certification as a certified water right examiner is on a biennial renewal schedule. The fee must be received by 11:59 p.m. Pacific Time (PT) on the day of the expiration date of the certification. The biennial fee to renew a certification as a water right examiner is $80.00.
(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