February 10, 2017

The Honorable Charles McCall  
Speaker of the House  
2300 N. Lincoln Blvd.  
Room 401  
Oklahoma City, OK 73105

The Honorable Mike Schulz  
Senate President Pro Tempore  
2300 N. Lincoln Blvd.  
Room 422  
Oklahoma City, OK 73105

Dear Speaker McCall and Senate President Pro Tempore Schulz:

On behalf of the National Society of Professional Engineers (NSPE) and the Oklahoma Society of Professional Engineers (OSPE), we write to you today concerning HB 1282 and its implications for the practice of engineering and engineering licensure in Oklahoma.

While HB 1282 seeks many revisions to the State Board of Licensure for Professional Engineers and Land Surveyors, to which NSPE and OSPE offer no objection, both societies oppose the introduction of the separate discipline-specific licensure of Professional Structural Engineer. The licensing of engineers began in Wyoming in 1907 to protect the public from untrained individuals practicing engineering and surveying. Today, all states and territories license professional engineers to protect the public health, safety, and welfare. This well-tested approach to the regulation of engineering practice has been protecting the public for decades. Layers of licensing requirements, including multiple titles for licensed engineers, cloud that perspective and create uncertainty and confusion for the public. Professional engineers who are not fully competent to perform structural engineering are already ethically obligated not to do so, just as they are obligated not to practice in any areas that are beyond their established expertise and competence.

We are very concerned that HB 1282 will negatively impact the practice of engineering in the state of Oklahoma and interfere with the capacity for qualified professional engineers to continue their practice within the state in service to the public health, safety and welfare. The proposed legislation restricts the title and practice of structural engineering. Specifically, HB 1282 defines a professional structural engineer as “an individual who has been duly licensed as a professional
engineer by the Board, and who has been further authorized by the Board to use the title Professional Structural Engineer, P.E., S.E. or S.E. and perform structural engineering analysis and design services for ‘significant structures’, as defined by Board rule, based upon education, experience and examinations as described in subsection D of Section 9 of this act.” Currently, the Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors does not define “structural engineering” or “significant structures”, which creates alarming regulatory ambiguity, both for professional engineers and for the public.

This proposed legislation raises major concerns about its impact on professional engineers in Oklahoma who currently perform structural engineering (as we assume it may be defined, but given the fact that “structural engineering” and “significant structures” are not defined in the State of Oklahoma, regulatory ambiguity persists), competently and successfully, but have not taken the 16-hour SE exam. It is important to note that the NCEES 16-hour Structural Engineering exam has only been offered since 2011.

Efforts to weaken engineering licensure by carving particular niches within the profession undermine a system of laws designed to protect the health, safety, and welfare of the public. The obligation to stay current and practice in one’s own field is the bedrock of PE licensure and is not limited to or required by separate discipline-specific licensure. Layers of licensing requirements would cloud that perspective and create uncertainty. NSPE and OSPE request that all language pertaining to structural engineering be rescinded from HB 1282.

NSPE and the professional engineers we represent have a foremost responsibility to ensure public health, safety, and welfare in the practice of engineering. Thank you for this opportunity to provide comment. If we can answer any questions or respond to any comments, please contact Arielle Eiser, Senior Manager of Government Relations, at aeiser@nspe.org.

Sincerely,

Kodi Jean Verhalen, P.E., Esq., F. NSPE
President, 2016-2017
National Society of Professional Engineers

Brian Kennell, P.E.
President, 2015-2017
Oklahoma Society of Professional Engineers