

State of Washington

Board of Registration For Professional Engineers and Land Surveyors

(name of governing body)

(agency name, if applicable)

Resolution No. _____

Administrative Order No. PM 709

(1) Be it resolved by the State of Washington Board of Registration For Professional Engineers and Land Surveyors acting at Seattle, Washington (place)

that it does adopt the annexed rules relating to:

The organization of the Board of Registration For Professional Engineers and Land Surveyors; the Chief Executive of the Board. (WAC 196-04-030); Applications (196-12-010; 196-12-085; 196-16-007, and 196-20-010)

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. _____ filed with the code reviser on _____. These rules shall take effect: thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2). at a later date, such date being _____.

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

We, the Board of Registration For Professional Engineers and Land Surveyors, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is: The board has been without the services of a Registrar for approximately sixteen months, and a dispute exists between the board and the

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser. (over)

(3) Pursuant to the requirements of RCW 34.04.026 that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" fill in statement (a), (b), or (c) as appropriate:

(a) This rule is promulgated pursuant to RCW 18.43.035 and is intended to administratively implement that statute.

(b) This rule is promulgated pursuant to RCW _____ which directs that the

_____ (agency) has authority to implement the provisions of

_____ (name of act or RCW citation)

(c) This rule is promulgated under the general rule-making authority of the State of Washington Board of Registration For Professional Engineers and Land Surveyors (agency)

as authorized in RCW 18.43.035

(4) The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

(5) This order, after being first recorded in the order register of this governing body, is herewith transmitted to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED _____ February 16, 19 88

STATE OF WASHINGTON FILED

By Willard R. Notestine

FEB 17 1988

ACTING REGISTRAR
Title

CODE REVISER'S OFFICE
WSR 88-05-064

NOTE:

¹RCW 34.04.026 provides:

"(1) In addition to the provisions of RCW 34.04.025(1)(a)(i), every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules:

(a) The most specific reference shall be to a section of law which the rule is implementing, and shall be quoted as follows: "This rule is promulgated pursuant to RCW _____ and is intended to administratively implement that statute."

(b) The next specific reference, and one which shall be used only if paragraph (a) of this subsection is not applicable, shall be to that portion of an act which directs an agency to adopt rules and regulations as necessary to implement the act, and shall be quoted as follows: "This rule is promulgated pursuant to RCW _____ which directs that the (agency) has authority to implement the provisions of (name of act or RCW citation)."

(c) The least specific reference, and one which shall be used only if paragraphs (a) and (b) of this subsection are not applicable, is one which indicates that the rule is promulgated under the agency's broad rule-making authority—either in the agency enabling legislation or chapter 34.04 RCW, and shall be quoted as follows: "This rule is promulgated under the general rule-making authority of the (agency) as authorized in RCW _____"

(2) The code reviser is directed to develop a format for placing such specific language in each rule, and agencies shall then comply with the code reviser's direction, and shall include the same in the final rule.

(3) During the promulgation hearings process the public may question whether such rule should have a more specific reference, and the agency shall, pursuant to RCW 34.04.025(1)(b), give consideration to such requests."

Department of Licensing over who hires the Registrar; who directs employee activities and the status of the relationship between the board and the Department of Licensing. These rules implement the legal opinion given by the Attorney General in 1986 AGO No. 14.

NEW SECTION

WAC 196-04-025 BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS, POWERS AND DUTIES. (1) Pursuant to RCW 18.43.035, the Board of Registration for Professional Engineers and Land Surveyors shall have the following powers and duties incidental to its regulation of professional engineers, engineers-in-training, and professional land surveyors. Such powers shall include, but not be necessarily limited to, the following:

(a) The board shall have the exclusive power to hire its registrar, subject to the provisions of ch. 41.06 RCW. The board shall also have the exclusive power to review the performance of its registrar, subject to the provisions of ch. 41.06 RCW, on a regular basis, but in any event at least once every twelve months.

(b) The board or its registrar shall hire, subject to the provisions of ch. 41.06 RCW, such other employees as may be necessary to carry out its responsibilities under the law.

(c) The board and its registrar shall prepare its operating budget in a manner consistent with state law and any applicable rules, procedures and guidelines from the Office of Financial Management. Consistent with rules, policies and/or guidelines of the Office of Financial Management, the board shall also oversee the spending of budgeted funds for budgeted board tasks.

(d) The board shall determine the physical location of its files, papers, records and other equipment used by the board to implement its responsibilities under ch. 18.43 RCW.

(e) The board shall determine the appropriate form and content of all forms and correspondence used by the board, pursuant to its duties under ch. 18.43 RCW.

(f) The board shall be responsible for all aspects of any examination which the board is required or authorized to administer under ch. 18.43 RCW.

(g) The board may designate an official mailing address for official correspondence directed to the board, its registrar or any other board employee.

(h) The board may contract with the department of licensing for any services required to be provided by the board under ch. 18.43 RCW.

AMENDATORY SECTION (Amending Order PL 512 filed 1/31/85.)

WAC 196-04-030 CHIEF EXECUTIVE OF THE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS--DUTIES, QUALIFICATIONS. (1) The chief executive of the staff of the board of registration for professional engineers and land surveyors, (~~hereinafter~~) referred to in this chapter as the "registrar," shall have the following duties:

(a) Setting policy, supervising and directing all work-related activities of board employees including but not limited to (~~for the daily~~) clerical work of receiving and processing applications, complaints, investigations and general correspondence;

(b) Reviewing the performance of all board employees, who shall be under the direction and control of the registrar. Such review shall be in accordance with the provisions of ch. 41.06 RCW, and any rules adopted thereto, and shall be performed on a regular basis, but at least once every year.

(c) Overseeing the examination and grading process, including personnel and site selection;

~~((e))~~ (d) Directing investigations of violations or alleged violations of all laws applicable to the practice of professional engineering or land surveying;

~~((a))~~ (e) Directing the preparation of the board's budget and the monitoring of expenditures;

~~((e))~~ (f) Scheduling, preparation and minute-keeping of board meetings;

~~((f))~~ (g) Maintaining liaison with other state board of engineering examiners in order to be conversant with the laws, policies and procedures of other states, so as to facilitate reciprocity provisions of chapter 18.43 RCW;

~~((g))~~ (h) Performing other duties, as may from time to time be required; ~~((and))~~

~~((h))~~ (i) Making the initial review of all applications, renewals and other general correspondence received by the board; and

(j) Performing duties requested by the board.

(2) The registrar of the state board of registration for professional engineers and land surveyors shall possess the following minimum qualifications:

(a) Said registrar shall hold a valid registration, issued pursuant to chapter 18.43 RCW, as a professional engineer in the state of Washington.

(b) Said registrar shall possess at least three years of supervisory experience satisfactory to the board.

(3) Said registrar shall report solely and directly to the board; and all board employees shall report solely to the registrar of the board.

AMENDATORY SECTION (Amending Order PM 606, filed 6-4-87)

WAC 196-12-010 APPLICATIONS. All applications shall be sent to the registrar of the board, at the board's official address, on forms provided by the board. The deadline for receipt of applications properly filled out and accompanied by the application fee is four months before the date of the examination. Verification of the applicant's claimed experience must be in the board office three months before the date of the examination. Applications received after the deadline will be held for consideration for a later examination. Lack of verification of experience will also cause the application to be held for a later examination. Those who have previously taken the examination and failed or those who qualified and did not appear for the examination are required to notify the board office in writing three months before the next examination which they intend to take. An entire application is not required where an applicant has taken the examination and failed or who has filed and failed to appear for the previous examination. However, a new application is required every five years, after board approval of the initial application, to reactivate an application or maintain examination eligibility.

AMENDATORY SECTION (Amending Order PL 454, filed 1/25/84)

WAC 196-12-085 CORPORATION OR JOINT STOCK ASSOCIATIONS. Corporations or joint stock associations shall file with the registrar at the board's official address: (1) A letter of application containing a brief statement of the corporation's origin, activities, and principals. Said letter should also state the type, or types, of engineering practiced, or to be practiced by such corporation. Type or types are limited to

the branches currently being issued by the board. Applications shall be signed and attested by a corporate officer.

(2) The application for certificate of authorization shall state the experience of the corporation, if any, in furnishing engineering services during the preceding five year period and state the experience of the corporation, if any, in the furnishing of all feasibility and advisory studies made within the state of Washington.

(3) A certified copy of a resolution of the board of directors of the corporation which shall designate a person holding a certificate of registration under this chapter as responsible for the practice of engineering by said corporation in this state and shall provide that full authority to make all final engineering decisions on behalf of said corporation with respect to work performed by the corporation in this state shall be granted and delegated by the board of directors to the person so designated in said resolution: PROVIDED, That the filing of such resolution shall not relieve the corporation of any responsibility or liability imposed upon it by law or by contract. The designated engineer responsible for the practice of engineering by said corporation shall be a full-time employee of the corporation. Full-time employee is defined as an individual whose main place of business and major income is derived from said corporation. No individual will be the designated engineer at more than one place of business or one company at any one time.

(4) A designation in writing setting forth the name or names of a person or persons holding certificates of registration under this chapter who shall be in responsible charge of each project and each major branch of the engineering activities in which the corporation shall specialize in this state. The engineers in charge of major branch or project shall be full-time employees of the corporation. Full-time employee is defined as an individual whose main place of business and major income is derived from said corporation. No individual will be an engineer in charge of branch or project at more than one place of business or company at any one time. In the event there shall be a change in the person or persons in responsible charge of any project or major branch of the engineering activities, such changes shall be designated in writing and filed with the board within thirty days after the effective date of such changes.

(5) A certified copy of the section of the bylaws of the corporation containing provisions that all engineering decisions pertaining to any project or engineering activities in this state shall be made by the designated engineer in responsible charge named in the resolution of the board of directors.

(6) A current certified financial statement accurately reflecting the financial condition of the corporation. Certification shall be by an officer of the corporation or a public accountant.

(7) The professional records of the designated person or persons under (3) above who shall be in responsible charge of all the engineering activities of the corporation.

(8) A copy of the articles of incorporation as filed with the secretary of state for the state of Washington and bearing his acceptance stamp.

(9) A copy of the corporation bylaws and any revisions to the bylaws, that may affect the ability of the designated engineer to make all engineering decisions as set forth in (5) above.

(10) In the case of change or increase in the engineers named as being in responsible charge (subsection (3) above), a certified copy of a resolution of the board of directors of the

corporation which shall designate said person or persons shall be filed with the board within thirty days after the effective date of such changes. The professional history of newly named engineers will also be required.

(11) Application fee as determined by the director of the department of licensing.

AMENDATORY SECTION (Amending Order PM 606, filed 6-4-87)

WAC 196-16-007 APPLICATIONS. All applications must be filed with the registrar at the board's official address. The deadline for receipt of a properly completed application accompanied by the required application fee is four months prior to the date of the examination. Response from applicant's references must be in hand three months before the date of the examination. Applications received after the deadline will be held for consideration for a later examination. Late responses from references will also cause the application to be held for consideration for a later examination. Those who have previously taken the examination and failed or those who qualified and did not appear for the examination are required to notify the board office in writing three months before the examination which they intend to take. A new application is not required where an applicant has taken the previous examination and failed or has filed and failed to appear for the previous examination. However, a new complete application is required every five years after approval by the board until registration in Washington state is obtained.

AMENDATORY SECTION (Amending Order PL 454, filed 1/25/84)

WAC 196-20-010 APPLICATIONS. All applications must be filed with the registrar at the board's official address. The deadline for properly completed applications accompanied by the statutory fee is four months prior to the date of the examination. Applications received after the deadline will be held for consideration for a later examination.

Official transcripts of college record, if not attached to the application, shall be forwarded to the board office as soon as they are available.