

HOUSE BILL REPORT

SB 5266

As Reported By House Committee On:
Commerce & Labor

Title: An act relating to regulating engineers and land surveyors.

Brief Description: Regulating engineers and land surveyors.

Sponsors: Senators Horn, Fraser, Newhouse and Schow; by request of Department of Licensing.

Brief History:

Committee Activity:

Commerce & Labor: 3/20/97, 3/31/97 [DPA].

HOUSE COMMITTEE ON COMMERCE & LABOR

Majority Report: Do pass as amended. Signed by 9 members: Representatives McMorris, Chairman; Honeyford, Vice Chairman; Conway, Ranking Minority Member; Wood, Assistant Ranking Minority Member; Boldt; Clements; Cole; Hatfield and Lisk.

Staff: Selwyn Walters (786-7117).

Background: The state Board of Registration for Professional Engineers and Land Surveyors regulates persons and business entities involved in the practice of engineering and land surveying, or both. The Governor appoints the seven-member board for five-year staggered terms. The responsibilities of the board include establishing requirements for registering engineers, engineers-in-training, land surveyors, and land surveyors-in-training. The board issues certificates of authorization to business entities performing engineering services, investigates complaints against registered engineers and land surveyors, and revokes or suspends the registration of an engineer or land surveyor under certain conditions. Any person may file a complaint with the secretary of the board.

The board permits the practice of engineering by a corporation, provided the corporation obtains a certificate of authorization from the board. The practice of land surveying by a corporation is not regulated.

Regulation of corporations: The board requires a corporation to file an application, corporate resolution, and an affidavit before issuing a certificate of authorization. In evaluating the application, the board reviews the corporation's

- by laws,
- engineering experience,
- certified financial statement,
- professional records of registered engineers, and
- ability to provide engineering services in the public interest.

In its application, the corporation must designate a registered engineer in responsible charge— of each project and each major branch of the corporation's engineering activities. After favorable consideration of the application, the board issues a certificate of authorization that specifies the major branches of engineering for which the corporation has designated a person in responsible charge. Plans, specifications, and reports must be prepared under the responsible charge of a registered engineer.

The board regulates professional engineering corporations. The board issues a certificate of authorization to an engineering professional service corporation based only on a review of each engineer's professional record.

Regulation of partnerships: In engineering firms that are partnerships, a majority of partners must be engineers, land surveyors, or architects with one partner being a registered professional engineer or land surveyor. In an application for a certificate of authorization, the partnership must designate a person in charge of the partnership's practice of engineering. The designated person must meet the same qualifications as a person designated by a corporation.

Summary of Amended Bill: The board chair may appoint, with the approval of the director of the Department of Licensing, up to two temporary members to the state Board of Registration for Professional Engineers and Land Surveyors for no more than 180 days.

The application requirements for a certificate of authorization by an engineering corporation are clarified and revised. The board may allow the practice of land surveying by a corporation. In considering the corporation's application for a certificate of authorization, the board is required to consider

- whether the designated engineer or land surveyor has a current Washington registration;
- whether the corporation is a Washington corporation and holds a Unified Business Identifier number; and
- whether the corporation has the ability and competence to furnish engineering and land surveying services in the public interest.

The requirement is deleted that the certificate of authorization must specify the major branches of engineering of which the corporation has designated a person in charge. Plans, specifications, and reports must be prepared under the direct supervision of a registered engineer or land surveyor.

Engineering and land surveying professional service corporations are exempted from applying for certificates of authorization. After July 1, 1998, the board will not regulate partnerships.

The practice of engineering by limited liability corporations is regulated by the board in the same manner as corporations.

Amended Bill Compared to Original Bill: The amended bill deletes language that the state Board of Registration for Engineers and Land Surveyors may initiate an investigation of a registered engineer or land surveyor on its own motion.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Amended Bill: Ninety days after adjournment of session in which bill is passed, except for section 4 which takes effect July 1, 1998.

Testimony For: It is the responsibility of the Board of Registration for Engineers and Land Surveyors to investigate violations of the registration law. It is the responsibility of the Board to protect the public health, safety, and welfare from the registered land surveyors and engineers who are incompetent. In order to carry out this mandate of the law, the board must be able to conduct investigations when they discover violations of the law, or rules. All registered engineers and land surveyors must be subject to the board's ability to initiate investigations when violations are discovered, rather than waiting for a complaint from another registrant or citizen. This process is a consumer protection mechanism.

Testimony Against: This bill gives the Board of Registration excessive powers. Eliminated is the right of professional engineers and land surveyors to confront their accuser. The investigative section of the board has repeatedly complained about being overworked and underfunded. By changing the rules, there would be an increase in frivolous investigations and a greater strain on the present resources and personnel. The threat of 'witch hunts' is great.

Testified: (In support) Alan Rathbon, Washington State Department of Licensing; Al Hebrank, Board of Registry for Private Engineers and Land Surveyors; Patrick Beehler, Land Surveyors Association of Washington; Ken McGowan, Washington Society of Professional Engineers; and Cliff Webster, Architects and Engineers

Legislative Council. (Opposed) Robert Bennett; James Nims; and Bert Kutty.