
SUBSTITUTE SENATE BILL 5443

State of Washington

66th Legislature

2019 Regular Session

By Senate State Government, Tribal Relations & Elections (originally sponsored by Senators Van De Wege and Zeiger)

READ FIRST TIME 02/22/19.

1 AN ACT Relating to the state board of registration for
2 professional engineers and land surveyors; amending RCW 18.43.020,
3 18.43.050, 18.43.060, 18.43.070, 18.43.080, 18.43.100, 18.43.110,
4 18.43.130, 18.43.150, 18.210.010, 18.210.050, 18.210.120, 18.210.140,
5 18.43.035, 70.118.120, 18.235.010, and 18.210.200; adding a new
6 section to chapter 18.43 RCW; and creating a new section.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

8 NEW SECTION. **Sec. 1.** The legislature intends to separate the
9 state board of registration for professional engineers and land
10 surveyors from the department of licensing and establish the board as
11 a separate, independent state agency.

12 **Sec. 2.** RCW 18.43.020 and 2007 c 193 s 2 are each amended to
13 read as follows:

14 The definitions in this section apply throughout this chapter
15 unless the context clearly requires otherwise.

16 (1) "Engineer" means a professional engineer as defined in this
17 section.

18 (2) "Professional engineer" means a person who, by reason of his
19 or her special knowledge of the mathematical and physical sciences
20 and the principles and methods of engineering analysis and design,

1 acquired by professional education and practical experience, is
2 qualified to practice engineering as defined in this section, as
3 attested by his or her legal registration as a professional engineer.

4 (3) "Engineer-in-training" means a candidate who: (a) Has
5 satisfied the experience requirements in RCW 18.43.040 for
6 registration; (b) has successfully passed the examination in the
7 fundamental engineering subjects; and (c) is enrolled by the board as
8 an engineer-in-training.

9 (4) "Engineering" means the "practice of engineering" as defined
10 in this section.

11 (5) (a) "Practice of engineering" means any professional service
12 or creative work requiring engineering education, training, and
13 experience and the application of special knowledge of the
14 mathematical, physical, and engineering sciences to such professional
15 services or creative work as consultation, investigation, evaluation,
16 planning, design, and supervision of construction for the purpose of
17 assuring compliance with specifications and design, in connection
18 with any public or private utilities, structures, buildings,
19 machines, equipment, processes, works, or projects.

20 (b) A person shall be construed to practice or offer to practice
21 engineering, within the meaning and intent of this chapter, who
22 practices any branch of the profession of engineering; or who, by
23 verbal claim, sign, advertisement, letterhead, card, or in any other
24 way represents himself or herself to be a professional engineer, or
25 through the use of some other title implies that he or she is a
26 professional engineer; or who holds himself or herself out as able to
27 perform, or who does perform, any engineering service or work or any
28 other professional service designated by the practitioner or
29 recognized by educational authorities as engineering.

30 (c) The practice of engineering does not include the work
31 ordinarily performed by persons who operate or maintain machinery or
32 equipment.

33 (6) "Land surveyor" means a professional land surveyor.

34 (7) "Professional land surveyor" means a person who, by reason of
35 his or her special knowledge of the mathematical and physical
36 sciences and principles and practices of land surveying, which is
37 acquired by professional education and practical experience, is
38 qualified to practice land surveying and as attested to by his or her
39 legal registration as a professional land surveyor.

1 (8) "Land-surveyor-in-training" means a candidate who: (a) Has
2 satisfied the experience requirements in RCW 18.43.040 for
3 registration; (b) successfully passes the examination in the
4 fundamental land surveying subjects; and (c) is enrolled by the board
5 as a land-surveyor-in-training.

6 (9) "Practice of land surveying" means assuming responsible
7 charge of the surveying of land for the establishment of corners,
8 lines, boundaries, and monuments, the laying out and subdivision of
9 land, the defining and locating of corners, lines, boundaries, and
10 monuments of land after they have been established, the survey of
11 land areas for the purpose of determining the topography thereof, the
12 making of topographical delineations and the preparing of maps and
13 accurate records thereof, when the proper performance of such
14 services requires technical knowledge and skill.

15 (10) "Board" means the state board of registration for
16 professional engineers and land surveyors, provided for by this
17 chapter.

18 (11) "Significant structures" include:

19 (a) Hazardous facilities, defined as: Structures housing,
20 supporting, or containing sufficient quantities of explosive
21 substances to be of danger to the safety of the public if released;

22 (b) Essential facilities that have a ground area of more than
23 five thousand square feet and are more than twenty feet in mean roof
24 height above average ground level. Essential facilities are defined
25 as:

26 (i) Hospitals and other medical facilities having surgery and
27 emergency treatment areas;

28 (ii) Fire and police stations;

29 (iii) Tanks or other structures containing, housing, or
30 supporting water or fire suppression material or equipment required
31 for the protection of essential or hazardous facilities or special
32 occupancy structures;

33 (iv) Emergency vehicle shelters and garages;

34 (v) Structures and equipment in emergency preparedness centers;

35 (vi) Standby power-generating equipment for essential facilities;

36 (vii) Structures and equipment in government communication
37 centers and other facilities requiring emergency response;

38 (viii) Aviation control towers, air traffic control centers, and
39 emergency aircraft hangars; and

1 (ix) Buildings and other structures having critical national
2 defense functions;

3 (c) Structures exceeding one hundred feet in height above average
4 ground level;

5 (d) Buildings that are customarily occupied by human beings and
6 are five stories or more above average ground level;

7 (e) Bridges having a total span of more than two hundred feet and
8 piers having a surface area greater than ten thousand square feet;
9 and

10 (f) Buildings and other structures where more than three hundred
11 people congregate in one area.

12 (12) "Director" means the executive director of the Washington
13 state board of registration for professional engineers and land
14 surveyors.

15 **Sec. 3.** RCW 18.43.050 and 1995 c 356 s 3 are each amended to
16 read as follows:

17 Application for registration shall be on forms prescribed by the
18 board and furnished by the director, shall contain statements made
19 under oath, showing the applicant's education and detail summary of
20 his or her technical work and shall contain not less than five
21 references, of whom three or more shall be engineers having personal
22 knowledge of the applicant's engineering experience.

23 The registration fee for professional engineers shall be
24 determined by the (~~director as provided in RCW 43.24.086~~) board,
25 which shall accompany the application and shall include the cost of
26 examination and issuance of certificate. The fee for engineer-in-
27 training shall be determined by the (~~director as provided in RCW~~
28 ~~43.24.086~~) board, which shall accompany the application and shall
29 include the cost of examination and issuance of certificate.

30 The registration fee for professional land surveyors shall be
31 determined by the (~~director as provided in RCW 43.24.086~~) board,
32 which shall accompany the application and shall include the cost of
33 examination and issuance of certificate. The fee for land-surveyor-
34 in-training shall be determined by the (~~director as provided in RCW~~
35 ~~43.24.086~~) board, which shall accompany the application and shall
36 include the cost of examination and issuance of certificate.

37 Should the board find an applicant ineligible for registration,
38 the registration fee shall be retained as an application fee.

1 **Sec. 4.** RCW 18.43.060 and 1991 c 19 s 4 are each amended to read
2 as follows:

3 When oral or written examinations are required, they shall be
4 held at such time and place as the board shall determine. If
5 examinations are required on fundamental engineering subjects (such
6 as ordinarily given in college curricula) the applicant shall be
7 permitted to take this part of the professional examination prior to
8 his or her completion of the requisite years of experience in
9 engineering work. The board shall issue to each applicant upon
10 successfully passing the examination in fundamental engineering
11 subjects a certificate stating that the applicant has passed the
12 examination in fundamental engineering subjects and that his or her
13 name has been recorded as an engineer-in-training.

14 The scope of the examination and the methods of procedure shall
15 be prescribed by the board with special reference to the applicant's
16 ability to design and supervise engineering works so as to insure the
17 safety of life, health and property. Examinations shall be given for
18 the purpose of determining the qualifications of applicants for
19 registration separately in engineering and in land surveying. A
20 candidate failing an examination may apply for reexamination.
21 Subsequent examinations will be granted upon payment of a fee to be
22 determined by the (~~director as provided in RCW 43.24.086~~) board.

23 **Sec. 5.** RCW 18.43.070 and 2011 c 336 s 482 are each amended to
24 read as follows:

25 The (~~director of licensing~~) board shall issue a certificate of
26 registration upon payment of a registration fee as provided for in
27 this chapter, to any applicant who, in the opinion of the board, has
28 satisfactorily met all the requirements of this chapter. In case of a
29 registered engineer, the certificate shall authorize the practice of
30 "professional engineering" and specify the branch or branches in
31 which specialized, and in case of a registered land surveyor, the
32 certificate shall authorize the practice of "land surveying."

33 In case of engineer-in-training, the certificate shall state that
34 the applicant has successfully passed the examination in fundamental
35 engineering subjects required by the board and has been enrolled as
36 an "engineer-in-training." In case of land-surveyor-in-training, the
37 certificate shall state that the applicant has successfully passed
38 the examination in fundamental surveying subjects required by the
39 board and has been enrolled as a "land-surveyor-in-training." All

1 certificates of registration shall show the full name of the
2 registrant, shall have a serial number, and shall be signed by the
3 chair and the secretary of the board and by the director (~~of~~
4 ~~licensing~~)).

5 The issuance of a certificate of registration by the (~~director~~
6 ~~of licensing~~) board shall be prima facie evidence that the person
7 named therein is entitled to all the rights and privileges of a
8 registered professional engineer or a registered land surveyor, while
9 the said certificate remains unrevoked and unexpired.

10 Each registrant hereunder shall upon registration obtain a seal
11 of the design authorized by the board, bearing the registrant's name
12 and the legend "registered professional engineer" or "registered land
13 surveyor." Plans, specifications, plats, and reports prepared by the
14 registrant shall be signed, dated, and stamped with said seal or
15 facsimile thereof. Such signature and stamping shall constitute a
16 certification by the registrant that the same was prepared by or
17 under his or her direct supervision and that to his or her knowledge
18 and belief the same was prepared in accordance with the requirements
19 of the statute. It shall be unlawful for anyone to stamp or seal any
20 document with said seal or facsimile thereof after the certificate of
21 registrant named thereon has expired or been revoked, unless said
22 certificate shall have been renewed or reissued.

23 **Sec. 6.** RCW 18.43.080 and 2005 c 29 s 1 are each amended to read
24 as follows:

25 (1) Certificates of registration, and certificates of
26 authorization and renewals thereof, shall expire on the last day of
27 the month of December following their issuance or renewal and shall
28 become invalid on that date unless renewed. It shall be the duty of
29 the (~~administrator of the division of professional licensing~~) board
30 to notify every person, firm, or corporation registered under this
31 chapter of the date of the expiration of his or her certificate and
32 the amount of the renewal fee that shall be required for its renewal
33 for one year. Such notice shall be mailed at least thirty days before
34 the end of December of each year. Renewal may be effected during the
35 month of December by the payment of a fee determined by the
36 (~~director as provided in RCW 43.24.086~~) board. In case any
37 professional engineer and/or land surveyor registered under this
38 chapter shall fail to pay the renewal fee hereinabove provided for,
39 within ninety days from the date when the same shall become due, the

1 renewal fee shall be the current fee plus an amount equal to one
2 year's fee.

3 (2) Beginning July 1, 2007, the (~~department of licensing~~) board
4 may not renew a certificate of registration for a land surveyor
5 unless the registrant verifies to the board that he or she has
6 completed at least fifteen hours of continuing professional
7 development per year of the registration period. By July 1, 2006, the
8 board shall adopt rules governing continuing professional development
9 for land surveyors that are generally patterned after the model rules
10 of the national council of examiners for engineering and surveying.

11 **Sec. 7.** RCW 18.43.100 and 1991 c 19 s 7 are each amended to read
12 as follows:

13 The board may, upon application and the payment of a fee
14 determined by the (~~director as provided in RCW 43.24.086~~) board,
15 issue a certificate without further examination as a professional
16 engineer or land surveyor to any person who holds a certificate of
17 qualification of registration issued to the applicant following
18 examination by proper authority, of any state or territory or
19 possession of the United States, the District of Columbia, or of any
20 foreign country, provided: (1) That the applicant's qualifications
21 meet the requirements of the chapter and the rules established by the
22 board, and (2) that the applicant is in good standing with the
23 licensing agency in said state, territory, possession, district, or
24 foreign country.

25 **Sec. 8.** RCW 18.43.110 and 2002 c 86 s 226 are each amended to
26 read as follows:

27 The board shall have the exclusive power to discipline the
28 registrant and sanction the certificate of registration of any
29 registrant.

30 Any person may file a complaint alleging unprofessional conduct,
31 as set out in RCW (~~18.235.130 and~~) 18.43.105, against any
32 registrant. The complaint shall be in writing and shall be sworn to
33 in writing by the person making the allegation. A registrant against
34 whom a complaint was made must be immediately informed of such
35 complaint by the board.

36 The board, for reasons it deems sufficient, may reissue a
37 certificate of registration to any person whose certificate has been
38 revoked or suspended, providing a majority of the board vote in favor

1 of such issuance. A new certificate of registration to replace any
2 certificate revoked, lost, destroyed, or mutilated may be issued,
3 subject to the rules of the board, and a charge determined by the
4 (~~director as provided in RCW 43.24.086~~) board shall be made for
5 such issuance.

6 In addition to the imposition of disciplinary action under RCW
7 18.235.110 and 18.43.105, the board may refer violations of this
8 chapter to the appropriate prosecuting attorney for charges under RCW
9 18.43.120.

10 **Sec. 9.** RCW 18.43.130 and 2002 c 86 s 227 are each amended to
11 read as follows:

12 This chapter shall not be construed to prevent or affect:

13 (1) The practice of any other legally recognized profession or
14 trade; or

15 (2) The practice of a person not a resident and having no
16 established place of business in this state, practicing or offering
17 to practice herein the profession of engineering or land surveying,
18 when such practice does not exceed in the aggregate more than thirty
19 days in any calendar year: PROVIDED, Such person has been determined
20 by the board to be legally qualified by registration to practice the
21 said profession in his or her own state or country in which the
22 requirements and qualifications for obtaining a certificate of
23 registration are not lower than those specified in this chapter. The
24 person shall request such a determination by completing an
25 application prescribed by the board and accompanied by a fee
26 determined by the (~~director~~) board. Upon approval of the
27 application, the board shall issue a permit authorizing temporary
28 practice; or

29 (3) The practice of a person not a resident and having no
30 established place of business in this state, or who has recently
31 become a resident thereof, practicing or offering to practice herein
32 for more than thirty days in any calendar year the profession of
33 engineering or land surveying, if he or she shall have filed with the
34 board an application for a certificate of registration and shall have
35 paid the fee required by this chapter: PROVIDED, That such person is
36 legally qualified by registration to practice engineering or land
37 surveying in his or her own state or country in which the
38 requirements and qualifications of obtaining a certificate of
39 registration are not lower than those specified in this chapter. Such

1 practice shall continue only for such time as the board requires for
2 the consideration of the application for registration; or

3 (4) The work of an employee or a subordinate of a person holding
4 a certificate of registration under this chapter, or an employee of a
5 person practicing lawfully under provisions of this section:
6 PROVIDED, That such work does not include final design or decisions
7 and is done under the direct responsibility, checking, and
8 supervision of a person holding a certificate of registration under
9 this chapter or a person practicing lawfully under the provisions of
10 this section; or

11 (5) The work of a person rendering engineering or land surveying
12 services to a corporation, as an employee of such corporation, when
13 such services are rendered in carrying on the general business of the
14 corporation and such general business does not consist, either wholly
15 or in part, of the rendering of engineering services to the general
16 public: PROVIDED, That such corporation employs at least one person
17 holding a certificate of registration under this chapter or
18 practicing lawfully under the provisions of this chapter; or

19 (6) The practice of officers or employees of the government of
20 the United States while engaged within the state in the practice of
21 the profession of engineering or land surveying for the government of
22 the United States; or

23 (7) Nonresident engineers employed for the purpose of making
24 engineering examinations; or

25 (8) The practice of engineering or land surveying, or both, in
26 this state by a corporation or joint stock association: PROVIDED,
27 That

28 (a) The corporation has filed with the board an application for
29 certificate of authorization upon a form to be prescribed by the
30 board and containing information required to enable the board to
31 determine whether such corporation is qualified in accordance with
32 this chapter to practice engineering or land surveying, or both, in
33 this state;

34 (b) For engineering, the corporation has filed with the board a
35 certified copy of a resolution of the board of directors of the
36 corporation that shall designate a person holding a certificate of
37 registration under this chapter as responsible for the practice of
38 engineering by the corporation in this state and shall provide that
39 full authority to make all final engineering decisions on behalf of
40 the corporation with respect to work performed by the corporation in

1 this state shall be granted and delegated by the board of directors
2 to the person so designated in the resolution. For land surveying,
3 the corporation has filed with the board a certified copy of a
4 resolution of the board of directors of the corporation which shall
5 designate a person holding a certificate of registration under this
6 chapter as responsible for the practice of land surveying by the
7 corporation in this state and shall provide full authority to make
8 all final land surveying decisions on behalf of the corporation with
9 respect to work performed by the corporation in this state be granted
10 and delegated by the board of directors to the person so designated
11 in the resolution. If a corporation offers both engineering and land
12 surveying services, the board of directors shall designate both a
13 licensed engineer and a licensed land surveyor. If a person is
14 licensed in both engineering and land surveying, the person may be
15 designated for both professions. The resolution shall further state
16 that the bylaws of the corporation shall be amended to include the
17 following provision: "The designated engineer or land surveyor,
18 respectively, named in the resolution as being in responsible charge,
19 or an engineer or land surveyor under the designated engineer or land
20 surveyor's direct supervision, shall make all engineering or land
21 surveying decisions pertaining to engineering or land surveying
22 activities in the state of Washington." However, the filing of the
23 resolution shall not relieve the corporation of any responsibility or
24 liability imposed upon it by law or by contract;

25 (c) If there is a change in the designated engineer or designated
26 land surveyor, the corporation shall notify the board in writing
27 within thirty days after the effective date of the change. If the
28 corporation changes its name, the corporation shall submit a copy of
29 its amended certificate of authority or amended certificate of
30 incorporation as filed with the secretary of state within thirty days
31 of the filing;

32 (d) Upon the filing with the board the application for
33 certificate for authorization, certified copy of resolution and an
34 affidavit, the designation of a designated engineer or designated
35 land surveyor, or both, specified in (b) of this subsection, a
36 certificate of incorporation or certificate of authorization as filed
37 with the secretary of state, and a copy of the corporation's current
38 Washington business license, the board shall issue to the corporation
39 a certificate of authorization to practice engineering or land

1 surveying, or both, in this state upon a determination by the board
2 that:

3 (i) The designated engineer or designated land surveyor, or both,
4 hold a certificate of registration in this state in accordance with
5 this chapter and the certificate is in force;

6 (ii) The designated engineer or designated land surveyor, or
7 both, are not designated in responsible charge for another
8 corporation or a limited liability company; and

9 (iii) The corporation is licensed with the secretary of state and
10 holds a current unified business identification number and the board
11 determines, based on evaluating the findings and information in this
12 section, that the applicant corporation possesses the ability and
13 competence to furnish engineering or land surveying services, or
14 both, in the public interest.

15 The board may exercise its discretion to take any of the actions
16 under RCW 18.235.110 or this chapter with respect to a certificate of
17 authorization issued to a corporation if the board finds that any of
18 the officers, directors, incorporators, or the stockholders holding a
19 majority of stock of such corporation has engaged in unprofessional
20 conduct as defined in RCW 18.43.105 or 18.235.130 or has been found
21 personally responsible for unprofessional conduct under (f) and (g)
22 of this subsection.

23 (e) Engineers or land surveyors organized as a professional
24 service corporation under chapter 18.100 RCW are exempt from applying
25 for a certificate of authorization under this chapter.

26 (f) Any corporation authorized to practice engineering under this
27 chapter, together with its directors and officers for their own
28 individual acts, are responsible to the same degree as an individual
29 registered engineer, and must conduct its business without
30 unprofessional conduct in the practice of engineering as defined in
31 this chapter and RCW 18.235.130.

32 (g) Any corporation that is certified under this chapter is
33 subject to the authority of the board as provided in RCW 18.43.035,
34 18.43.105, 18.43.110, 18.43.120, and chapter 18.235 RCW.

35 (h) All plans, specifications, designs, and reports when issued
36 in connection with work performed by a corporation under its
37 certificate of authorization shall be prepared by or under the direct
38 supervision of and shall be signed by and shall be stamped with the
39 official seal of a person holding a certificate of registration under
40 this chapter.

1 (i) For each certificate of authorization issued under this
2 subsection (8) there shall be paid an initial fee determined by the
3 (~~director as provided in RCW 43.24.086~~) board and an annual renewal
4 fee determined by the (~~director as provided in RCW 43.24.086~~)
5 board.

6 (9) The practice of engineering and/or land surveying in this
7 state by a partnership if the partnership employs at least one person
8 holding a valid certificate of registration under this chapter to
9 practice engineering or land surveying, or both. The board shall not
10 issue certificates of authorization to partnerships after July 1,
11 1998. Partnerships currently registered with the board are not
12 required to pay an annual renewal fee after July 1, 1998.

13 (10) The practice of engineering or land surveying, or both, in
14 this state by limited liability companies: Provided, That

15 (a) The limited liability company has filed with the board an
16 application for certificate of authorization upon a form to be
17 prescribed by the board and containing information required to enable
18 the board to determine whether the limited liability company is
19 qualified under this chapter to practice either or both engineering
20 or land surveying in this state.

21 (b) The limited liability company has filed with the board a
22 certified copy of a resolution by the company manager or managers
23 that shall designate a person holding a certificate of registration
24 under this chapter as being responsible for the practice of
25 engineering or land surveying, or both, by the limited liability
26 company in this state and that the designated person has full
27 authority to make all final engineering or land surveying decisions
28 on behalf of the limited liability company with respect to work
29 performed by the limited liability company in this state. The
30 resolution shall further state that the limited liability company
31 agreement shall be amended to include the following provision: "The
32 designated engineer or land surveyor, respectively, named in the
33 resolution as being in responsible charge, or an engineer or land
34 surveyor under the designated engineer or land surveyor's direct
35 supervision, shall make all engineering or land surveying decisions
36 pertaining to engineering or land surveying activities in the state
37 of Washington." However, the filing of the resolution shall not
38 relieve the limited liability company of responsibility or liability
39 imposed upon it by law or by contract.

1 (c) The designated engineer for the limited liability company
2 must hold a current professional engineer license issued by this
3 state.

4 The designated land surveyor for the limited liability company
5 must hold a current professional land surveyor license issued by this
6 state.

7 If a person is licensed as both a professional engineer and as a
8 professional land surveyor in this state, then the limited liability
9 company may designate the person as being in responsible charge for
10 both professions.

11 If there is a change in the designated engineer or designated
12 land surveyor, the limited liability company shall notify the board
13 in writing within thirty days after the effective date of the change.
14 If the limited liability company changes its name, the company shall
15 submit to the board a copy of the certificate of amendment filed with
16 the secretary of state's office.

17 (d) Upon the filing with the board the application for
18 certificate of authorization, a certified copy of the resolution, an
19 affidavit from the designated engineer or the designated land
20 surveyor, or both, specified in (b) and (c) of this subsection, a
21 copy of the certificate of formation as filed with the secretary of
22 state, and a copy of the company's current business license, the
23 board shall issue to the limited liability company a certificate of
24 authorization to practice engineering or land surveying, or both, in
25 this state upon determination by the board that:

26 (i) The designated engineer or designated land surveyor, or both,
27 hold a certificate of registration in this state under this chapter
28 and the certificate is in force;

29 (ii) The designated engineer or designated land surveyor, or
30 both, are not designated in responsible charge for another limited
31 liability company or a corporation;

32 (iii) The limited liability company is licensed with the
33 secretary of state and has a current unified business identification
34 number and that the board determines, based on evaluating the
35 findings and information under this subsection, that the applicant
36 limited liability company possesses the ability and competence to
37 furnish either or both engineering or land surveying services in the
38 public interest.

39 The board may exercise its discretion to take any of the actions
40 under RCW 18.235.110 and 18.43.105 with respect to a certificate of

1 authorization issued to a limited liability company if the board
2 finds that any of the managers or members holding a majority interest
3 in the limited liability company has engaged in unprofessional
4 conduct as defined in RCW 18.43.105 or 18.235.130 or has been found
5 personally responsible for unprofessional conduct under the
6 provisions of (f) and (g) of this subsection.

7 (e) Engineers or land surveyors organized as a professional
8 limited liability company are exempt from applying for a certificate
9 of authorization under this chapter.

10 (f) Any limited liability company authorized to practice
11 engineering or land surveying, or both, under this chapter, together
12 with its manager or managers and members for their own individual
13 acts, are responsible to the same degree as an individual registered
14 engineer or registered land surveyor, and must conduct their business
15 without unprofessional conduct in the practice of engineering or land
16 surveying, or both.

17 (g) A limited liability company that is certified under this
18 chapter is subject to the authority of the board as provided in RCW
19 18.43.035, 18.43.105, 18.43.110, 18.43.120, and chapter 18.235 RCW.

20 (h) All plans, specifications, designs, and reports when issued
21 in connection with work performed by a limited liability company
22 under its certificate of authorization shall be prepared by or under
23 the direct supervision of and shall be signed by and shall be stamped
24 with the official seal of a person holding a certificate of
25 registration under this chapter.

26 (i) For each certificate of authorization issued under this
27 subsection (10) there shall be paid an initial fee determined by the
28 (~~director as provided in RCW 43.24.086~~) board and an annual renewal
29 fee determined by the (~~director as provided in RCW 43.24.086~~)
30 board.

31 **Sec. 10.** RCW 18.43.150 and 2016 sp.s. c 36 s 913 are each
32 amended to read as follows:

33 The board shall set fees at a level adequate to pay the costs of
34 administering this chapter. All fees collected under the provisions
35 of RCW 18.43.050, 18.43.060, 18.43.080, 18.43.100, and 18.43.130 and
36 fines collected under RCW 18.43.110 shall be paid into the
37 professional engineers' account, which account is hereby established
38 in the state treasury to be used to carry out the purposes and
39 provisions of RCW 18.43.050, 18.43.060, 18.43.080, 18.43.100,

1 18.43.110, 18.43.120, 18.43.130, and all other duties required for
2 operation and enforcement of this chapter. During the 2013-2015 and
3 2015-2017 fiscal (~~(biennium [biennia])~~) biennia, the legislature may
4 transfer moneys from the professional engineers' account to the state
5 general fund such amounts as reflect the excess fund balance of the
6 fund.

7 **Sec. 11.** RCW 18.210.010 and 2011 c 256 s 1 are each amended to
8 read as follows:

9 The definitions in this section apply throughout this chapter
10 unless the context clearly requires otherwise.

11 (1) "Board" means the board of registration for professional
12 engineers and land surveyors as defined in chapter 18.43 RCW.

13 (2) "Certificate of competency" or "certificate" means a
14 certificate issued to employees of local health jurisdictions
15 indicating that the certificate holder has passed the licensing
16 examination required under this chapter.

17 (3) "Designer" or "licensee" means an individual authorized under
18 this chapter to perform design services for on-site wastewater
19 treatment systems.

20 (4) "Director" means the executive director of the Washington
21 state (~~(department of licensing)~~) board of registration for
22 professional engineers and land surveyors.

23 (5) "Engineer" means a professional engineer licensed under
24 chapter 18.43 RCW.

25 (6) "License" means a license to design on-site wastewater
26 treatment systems under this chapter.

27 (7) "Local health jurisdiction" or "jurisdictional health
28 department" means an administrative agency created under chapter
29 70.05, 70.08, or 70.46 RCW, that administers the regulation and codes
30 regarding on-site wastewater treatment systems.

31 (8) "On-site wastewater design" means the development of plans,
32 details, specifications, instructions, or inspections by application
33 of specialized knowledge in analysis of soils, on-site wastewater
34 treatment systems, disposal methods, and technologies to create an
35 integrated system of collection, transport, distribution, treatment,
36 and disposal of on-site wastewater.

37 (9) "On-site wastewater treatment system" means an integrated
38 system of components that: Convey, store, treat, and/or provide
39 subsurface soil treatment and disposal of wastewater effluent on the

1 property where it originates or on adjacent or other property and
2 includes piping, treatment devices, other accessories, and soil
3 underlying the disposal component of the initial and reserve areas,
4 for on-site wastewater treatment under three thousand five hundred
5 gallons per day when not connected to a public sewer system.

6 (10) "Practice of engineering" has the meaning set forth in RCW
7 18.43.020(5).

8 **Sec. 12.** RCW 18.210.050 and 2011 c 256 s 4 are each amended to
9 read as follows:

10 The ((~~director~~)) board may:

11 (1) Employ administrative, clerical, and investigative staff as
12 necessary to administer and enforce this chapter;

13 (2) Establish fees for applications, examinations, and renewals
14 in accordance with chapter ((~~43.24~~)) 18.43 RCW;

15 (3) Issue licenses to applicants who meet the requirements of
16 this chapter; and

17 (4) Exercise rule-making authority to implement this section.

18 **Sec. 13.** RCW 18.210.120 and 2011 c 256 s 7 are each amended to
19 read as follows:

20 (1) Application for licensure must be on forms prescribed by the
21 board and furnished by the director. The application must contain
22 statements, made under oath, demonstrating the applicant's education
23 and work experience.

24 (2) Applicants shall provide not less than two verifications of
25 experience. Verifications of experience may be provided by licensed
26 professional engineers, licensed on-site wastewater treatment system
27 designers, or state/local regulatory officials in the on-site
28 wastewater treatment field who have direct knowledge of the
29 applicant's qualifications to practice in accordance with this
30 chapter and who can verify the applicant's work experience.

31 (3) The ((~~director, as provided in RCW 43.24.086~~)) board, shall
32 determine an application fee for licensure as an on-site wastewater
33 treatment system designer. A nonrefundable application fee must
34 accompany the application. The ((~~director~~)) board shall ensure that
35 the application fee includes the cost of the examination and the cost
36 issuance of a license and certificate. A candidate who fails an
37 examination may apply for reexamination. The ((~~director~~)) board shall
38 determine the fee for reexamination.

1 **Sec. 14.** RCW 18.210.140 and 2011 c 256 s 8 are each amended to
2 read as follows:

3 (1) Licenses and certificates issued under this chapter are valid
4 for a period of time as determined by the (~~director~~) board and may
5 be renewed under the conditions described in this chapter. An expired
6 license or certificate is invalid and must be renewed. Any licensee
7 or certificate holder who fails to pay the renewal fee within ninety
8 days following the date of expiration shall be assessed a penalty fee
9 as determined by the (~~director~~) board and must pay the penalty fee
10 and the base renewal fee before the license or certificate may be
11 renewed.

12 (2) Any license issued under this chapter that is not renewed
13 within two years of its date of expiration must be canceled.
14 Following cancellation, a person seeking to renew must reapply as a
15 new applicant under this chapter.

16 (3) The (~~director, as provided in RCW 43.24.086,~~) board shall
17 determine the fee for applications and for renewals of licenses and
18 certificates issued under this chapter. For determining renewal fees,
19 the pool of licensees and certificate holders under this chapter must
20 be combined with the licensees established in chapter 18.43 RCW.

21 **Sec. 15.** RCW 18.43.035 and 2002 c 86 s 224 are each amended to
22 read as follows:

23 (1) The board may adopt and amend bylaws establishing its
24 organization and method of operation, including but not limited to
25 meetings, maintenance of books and records, publication of reports,
26 code of ethics, and rosters, and adoption and use of a seal.

27 (2) Four members of the board shall constitute a quorum for the
28 conduct of any business of the board.

29 (3) The governor shall appoint an executive director of the
30 board. The executive director must hold a valid Washington license as
31 a professional engineer or professional land surveyor.

32 (4) The board may employ such persons as are necessary to carry
33 out its duties under this chapter.

34 (5) It may adopt rules reasonably necessary to administer the
35 provisions of this chapter. The board shall submit to the governor
36 (~~such~~) periodic reports as may be required. A roster, showing the
37 names and places of business of all registered professional engineers
38 and land surveyors may be published for distribution, upon request,

1 to professional engineers and land surveyors registered under this
2 chapter and to the public.

3 **Sec. 16.** RCW 70.118.120 and 1999 c 263 s 22 are each amended to
4 read as follows:

5 (1) The local board of health shall ensure that individuals who
6 conduct inspections of on-site wastewater treatment systems or who
7 otherwise conduct reviews of such systems are qualified in the
8 technology and application of on-site sewage treatment principles. A
9 certificate of competency issued by the (~~department of licensing~~)
10 state board of registration for professional engineers and land
11 surveyors is adequate demonstration that an individual is competent
12 in the engineering aspects of on-site wastewater treatment system
13 technology.

14 (2) A local board of health may allow noncertified individuals to
15 review designs of, and conduct inspections of, on-site wastewater
16 treatment systems for a maximum of two years after the date of hire,
17 if a certified individual reviews or supervises the work during that
18 time.

19 **Sec. 17.** RCW 18.235.010 and 2017 c 281 s 36 are each amended to
20 read as follows:

21 The definitions in this section apply throughout this chapter
22 unless the context clearly requires otherwise.

23 (1) "Board" means those boards specified in RCW 18.235.020(2)(b).

24 (2) "Department" means the department of licensing.

25 (3) (a) "Director" means the:

26 (i) Executive director of the state board of registration for
27 professional engineers and land surveyors for matters under the
28 authority of the state board of registration for professional
29 engineers and land surveyors established under chapter 18.43 RCW; or

30 (ii) Director of the department or the director's designee in all
31 other contexts.

32 (b) The director of the department has no authority under this
33 chapter over the state board of registration for professional
34 engineers and land surveyors.

35 (4) "Disciplinary action" means sanctions identified in RCW
36 18.235.110.

37 (5) "Disciplinary authority" means the director, board, or
38 commission having the authority to take disciplinary action against a

1 holder of, or applicant for, a professional or business license upon
2 a finding of a violation of this chapter or a chapter specified under
3 RCW 18.235.020.

4 (6) "License," "licensing," and "licensure" are deemed equivalent
5 to the terms "license," "licensing," "licensure," "certificate,"
6 "certification," and "registration" as those terms are defined in RCW
7 18.118.020. Each of these terms, and the term "commission" under
8 chapter 42.45 RCW, are interchangeable under the provisions of this
9 chapter.

10 (7) "Unlicensed practice" means:

11 (a) Practicing a profession or operating a business identified in
12 RCW 18.235.020 without holding a valid, unexpired, unrevoked, and
13 unsuspended license to do so; or

14 (b) Representing to a person, through offerings, advertisements,
15 or use of a professional title or designation, that the individual or
16 business is qualified to practice a profession or operate a business
17 identified in RCW 18.235.020 without holding a valid, unexpired,
18 unrevoked, and unsuspended license to do so.

19 **Sec. 18.** RCW 18.210.200 and 1999 c 263 s 21 are each amended to
20 read as follows:

21 (1) The board shall set fees at a level adequate to pay the costs
22 of administering this chapter. All fees and fines collected under
23 this chapter shall be paid into the professional engineers' account
24 established under RCW 18.43.150. Moneys in the account may be spent
25 only after appropriation and must be used to carry out all the
26 purposes and provisions of this chapter and chapter 18.43 RCW,
27 including the cost of administering this chapter.

28 (2) The director shall biennially prepare a budget request based
29 on the anticipated cost of administering licensing and certification
30 activities. The budget request shall include the estimated income
31 from fees contained in this chapter.

32 NEW SECTION. **Sec. 19.** A new section is added to chapter 18.43
33 RCW to read as follows:

34 The department of licensing, through an interagency agreement
35 with the board, must provide specified administrative staff support
36 and associated technical services, materials, and equipment to the
37 board. The initial interagency agreement must be for a term of three

1 years and may be renewed by mutual agreement between the department
2 of licensing and the board.

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