

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1176

Chapter 442, Laws of 2019

66th Legislature
2019 Regular Session

CERTAIN BUSINESSES AND PROFESSIONS--VARIOUS PROVISIONS

EFFECTIVE DATE: July 28, 2019

Passed by the House April 22, 2019
Yeas 96 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 10, 2019
Yeas 45 Nays 1

CYRUS HABIB

President of the Senate

Approved May 21, 2019 1:49 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1176** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

May 21, 2019

**Secretary of State
State of Washington**

HOUSE BILL 1176

AS AMENDED BY THE SENATE

Passed Legislature - 2019 Regular Session

State of Washington **66th Legislature** **2019 Regular Session**

By Representatives Hoff and Kirby; by request of Department of Licensing

Read first time 01/16/19. Referred to Committee on Consumer Protection & Business.

1 AN ACT Relating to providing consistency and efficiency in the
2 regulation of auctioneers and auction companies, engineering and land
3 surveying, real estate, funeral directors, and cosmetology; amending
4 RCW 18.11.085, 18.11.095, 18.43.130, 18.85.171, 18.43.050, 18.39.070,
5 18.16.030, 18.43.020, 18.43.060, 18.43.070, 18.43.080, 18.43.100,
6 18.43.110, 18.43.150, 18.210.010, 18.210.050, 18.210.120, 18.210.140,
7 18.43.035, 70.118.120, 18.235.010, and 18.210.200; and adding a new
8 section to chapter 18.43 RCW.

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

10 **Sec. 1.** RCW 18.11.085 and 2002 c 86 s 206 are each amended to
11 read as follows:

12 Every individual, before acting as an auctioneer, shall obtain an
13 auctioneer certificate of registration. To be licensed as an
14 auctioneer, an individual shall meet all of the following
15 requirements:

16 (1) Be at least eighteen years of age or sponsored by a licensed
17 auctioneer.

18 (2) File with the department a completed application on a form
19 prescribed by the director.

1 (3) (~~Show that the proper tax registration certificate required~~
2 ~~by~~) Be registered with the department of revenue pursuant to RCW
3 82.32.030 (~~has been obtained from the department of revenue~~).

4 (4) Pay the auctioneer registration fee required under the agency
5 rules adopted pursuant to this chapter.

6 (5) Except as otherwise provided under RCW 18.11.121, file with
7 the department an auctioneer surety bond in the amount and form
8 required by RCW 18.11.121 and the agency rules adopted pursuant to
9 this chapter.

10 (6) Have no disqualifications under RCW 18.11.160 or 18.235.130.

11 **Sec. 2.** RCW 18.11.095 and 2002 c 86 s 207 are each amended to
12 read as follows:

13 Every person, before operating an auction company as defined in
14 RCW 18.11.050, shall obtain an auction company certificate of
15 registration.

16 (1) Except as provided in subsection (2) of this section, to be
17 licensed as an auction company, a person shall meet all of the
18 following requirements:

19 (a) File with the department a completed application on a form
20 prescribed by the director.

21 (b) Sign a notarized statement included on the application form
22 that all auctioneers hired by the auction company to do business in
23 the state shall be properly registered under this chapter.

24 (c) (~~Show that the proper tax registration certificate required~~
25 ~~by~~) Be registered with the department of revenue pursuant to RCW
26 82.32.030 (~~has been obtained from the department of revenue~~) and,
27 if an ownership entity other than sole proprietor or general
28 partnership, be registered with the secretary of state.

29 (d) Pay the auction company registration fee required under the
30 agency rules adopted pursuant to this chapter.

31 (e) File with the department an auction company surety bond in
32 the amount and form required by RCW 18.11.121 and the agency rules
33 adopted pursuant to this chapter.

34 (f) Have no disqualifications under RCW 18.11.160 or 18.235.130.

35 (2) An auction company shall not be charged a license fee if it
36 is a sole proprietorship or a partnership owned by an auctioneer or
37 auctioneers, each of whom is licensed under this chapter, and if it
38 has in effect a surety bond or bonds or other security approved by
39 the director in the amount that would otherwise be required for an

1 auction company to be granted or to retain a license under RCW
2 18.11.121.

3 **Sec. 3.** RCW 18.43.130 and 2002 c 86 s 227 are each amended to
4 read as follows:

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

6 (1) The practice of any other legally recognized profession or
7 trade; or

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

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

35 (4) The work of an employee or a subordinate of a person holding
36 a certificate of registration under this chapter, or an employee of a
37 person practicing lawfully under provisions of this section:
38 PROVIDED, That such work does not include final design or decisions
39 and is done under the direct responsibility, checking, and

1 supervision of a person holding a certificate of registration under
2 this chapter or a person practicing lawfully under the provisions of
3 this section; or

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

12 (6) The practice of officers or employees of the government of
13 the United States while engaged within the state in the practice of
14 the profession of engineering or land surveying for the government of
15 the United States; or

16 (7) Nonresident engineers employed for the purpose of making
17 engineering examinations; or

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

21 (a) The corporation has filed with the board an application for
22 certificate of authorization upon a form to be prescribed by the
23 board and containing information required to enable the board to
24 determine whether such corporation is qualified in accordance with
25 this chapter to practice engineering or land surveying, or both, in
26 this state;

27 (b) For engineering, the corporation has filed with the board a
28 certified copy of a resolution of the board of directors of the
29 corporation that shall designate a person holding a certificate of
30 registration under this chapter as responsible for the practice of
31 engineering by the corporation in this state and shall provide that
32 full authority to make all final engineering decisions on behalf of
33 the corporation with respect to work performed by the corporation in
34 this state shall be granted and delegated by the board of directors
35 to the person so designated in the resolution. For land surveying,
36 the corporation has filed with the board a certified copy of a
37 resolution of the board of directors of the corporation which shall
38 designate a person holding a certificate of registration under this
39 chapter as responsible for the practice of land surveying by the
40 corporation in this state and shall provide full authority to make

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

18 (c) If there is a change in the designated engineer or designated
19 land surveyor, the corporation shall notify the board in writing
20 within thirty days after the effective date of the change. If the
21 corporation changes its name, the corporation shall submit a copy of
22 its amended certificate of authority or amended certificate of
23 incorporation as filed with the secretary of state within thirty days
24 of the filing;

25 (d) Upon the filing with the board the application for
26 certificate for authorization, certified copy of resolution and an
27 affidavit, and the designation of a designated engineer or designated
28 land surveyor, or both, specified in (b) of this subsection, (~~a
29 certificate of incorporation or certificate of authorization as filed
30 with the secretary of state, and a copy of the corporation's current
31 Washington business license,~~) the board shall issue to the
32 corporation a certificate of authorization to practice engineering or
33 land surveying, or both, in this state upon a determination by the
34 board that:

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

38 (ii) The designated engineer or designated land surveyor, or
39 both, are not designated in responsible charge for another
40 corporation or a limited liability company; (~~and~~)

1 (iii) The corporation is licensed with the secretary of state and
2 holds a current unified business identification number and the board
3 determines, based on evaluating the findings and information in this
4 section, that the applicant corporation possesses the ability and
5 competence to furnish engineering or land surveying services, or
6 both, in the public interest; and

7 (iv) The corporation is registered with the department of revenue
8 pursuant to RCW 82.32.030.

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

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

20 (f) Any corporation authorized to practice engineering under this
21 chapter, together with its directors and officers for their own
22 individual acts, are responsible to the same degree as an individual
23 registered engineer, and must conduct its business without
24 unprofessional conduct in the practice of engineering as defined in
25 this chapter and RCW 18.235.130.

26 (g) Any corporation that is certified under this chapter is
27 subject to the authority of the board as provided in RCW 18.43.035,
28 18.43.105, 18.43.110, 18.43.120, and chapter 18.235 RCW.

29 (h) All plans, specifications, designs, and reports when issued
30 in connection with work performed by a corporation under its
31 certificate of authorization shall be prepared by or under the direct
32 supervision of and shall be signed by and shall be stamped with the
33 official seal of a person holding a certificate of registration under
34 this chapter.

35 (i) For each certificate of authorization issued under this
36 subsection (8) there shall be paid an initial fee determined by the
37 (~~director as provided in RCW 43.24.086~~) board and an annual renewal
38 fee determined by the (~~director as provided in RCW 43.24.086~~)
39 board.

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

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

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

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

35 (c) The designated engineer for the limited liability company
36 must hold a current professional engineer license issued by this
37 state.

38 The designated land surveyor for the limited liability company
39 must hold a current professional land surveyor license issued by this
40 state.

1 If a person is licensed as both a professional engineer and as a
2 professional land surveyor in this state, then the limited liability
3 company may designate the person as being in responsible charge for
4 both professions.

5 If there is a change in the designated engineer or designated
6 land surveyor, the limited liability company shall notify the board
7 in writing within thirty days after the effective date of the change.
8 If the limited liability company changes its name, the company shall
9 submit to the board a copy of the certificate of amendment filed with
10 the secretary of state's office.

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

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

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

26 (iii) The limited liability company is licensed with the
27 secretary of state and has a current unified business identification
28 number and that the board determines, based on evaluating the
29 findings and information under this subsection, that the applicant
30 limited liability company possesses the ability and competence to
31 furnish either or both engineering or land surveying services in the
32 public interest; and

33 (iv) The limited liability company is registered with the
34 department of revenue pursuant to RCW 82.32.030.

35 The board may exercise its discretion to take any of the actions
36 under RCW 18.235.110 and 18.43.105 with respect to a certificate of
37 authorization issued to a limited liability company if the board
38 finds that any of the managers or members holding a majority interest
39 in the limited liability company has engaged in unprofessional
40 conduct as defined in RCW 18.43.105 or 18.235.130 or has been found

1 personally responsible for unprofessional conduct under the
2 provisions of (f) and (g) of this subsection.

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

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

13 (g) A limited liability company that is certified under this
14 chapter is subject to the authority of the board as provided in RCW
15 18.43.035, 18.43.105, 18.43.110, 18.43.120, and chapter 18.235 RCW.

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

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

27 **Sec. 4.** RCW 18.85.171 and 2008 c 23 s 17 are each amended to
28 read as follows:

29 (1) A person desiring a license as a real estate firm shall apply
30 on a form prescribed by the director. A person desiring a license as
31 a real estate broker or managing broker must pay an examination fee
32 and pass an examination. The person shall apply for an examination
33 and for a license on a form prescribed by the director. Concurrently,
34 the applicant shall meet the following requirements:

35 (a) Furnish other proof as the director may require concerning
36 the honesty, truthfulness, and good reputation, as well as the
37 identity, which may include fingerprints and criminal background
38 checks, of any applicants for a license, or of the officers of a
39 corporation, limited liability company, other legally recognized

1 business entity, or the partners of a limited liability partnership
2 or partnership, making the application;

3 ~~(b) ((If the applicant is a corporation, furnish a certified copy~~
4 ~~of its articles of incorporation, and a list of its officers and~~
5 ~~directors and their addresses. If the applicant is a foreign~~
6 ~~corporation, the applicant shall furnish a certified copy of~~
7 ~~certificate of authority to conduct business in the state of~~
8 ~~Washington, a list of its officers and directors and their addresses,~~
9 ~~and evidence of current registration with the secretary of state. If~~
10 ~~the applicant is a limited liability company or other legally~~
11 ~~recognized business entity, the applicant shall furnish a list of the~~
12 ~~members and managers of the company and their addresses.))~~ If the
13 applicant is a legally recognized business entity, except a general
14 partnership, it must be registered with the secretary of state and
15 must furnish a list of governors that includes:

16 (i) For corporations, a list of officers and directors and their
17 addresses;

18 (ii) For limited liability companies, a list of members and
19 managers and their addresses;

20 (iii) For limited liability partnerships, a list of the partners
21 and their addresses; or

22 (iv) For other legal business entities, a list of the governors
23 and their addresses.

24 (c) If the applicant is a ((limited liability partnership or))
25 general partnership, the applicant shall furnish a copy of the signed
26 partnership agreement and a list of the partners thereof and their
27 addresses;

28 ~~((e))~~ (d) Unless the applicant is a corporation or limited
29 liability company, complete a fingerprint-based background check
30 through the Washington state patrol criminal identification system
31 and through the federal bureau of investigation. The applicant must
32 submit the fingerprints and required fee for the background check to
33 the director for submission to the Washington state patrol. The
34 director may consider the recent issuance of a license that required
35 a fingerprint-based national criminal information background check,
36 or recent employment in a position that required a fingerprint-based
37 national criminal information background check, in addition to
38 fingerprints to accelerate the licensing and endorsement process. The
39 director may adopt rules to establish a procedure to allow a person

1 covered by this section to have the person's background rechecked
2 under this subsection upon application for a renewal license.

3 (2) The director must develop by rule a procedure and schedule to
4 ensure all applicants for licensure have a fingerprint and background
5 check done on a regular basis.

6 **Sec. 5.** RCW 18.43.050 and 1995 c 356 s 3 are each amended to
7 read as follows:

8 Application for registration shall be on forms prescribed by the
9 board and furnished by the director, shall contain statements made
10 under oath, showing the applicant's education and detail summary of
11 his or her technical work and shall contain (~~not less than five~~
12 ~~references, of whom three or more shall be~~) verification of the
13 technical work from professional engineers (~~having~~) that supervised
14 the applicant's technical work and have personal knowledge of the
15 applicant's engineering experience.

16 The registration fee for professional engineers shall be
17 determined by the (~~director as provided in RCW 43.24.086~~) board,
18 which shall accompany the application and shall include the cost of
19 examination and issuance of certificate. The fee for engineer-in-
20 training shall be determined by the (~~director as provided in RCW~~
21 ~~43.24.086~~) board, which shall accompany the application and shall
22 include the cost of examination and issuance of certificate.

23 The registration fee for professional land surveyors 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 land-surveyor-
27 in-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 Should the board find an applicant ineligible for registration,
31 the registration fee shall be retained as an application fee.

32 **Sec. 6.** RCW 18.39.070 and 2005 c 365 s 5 are each amended to
33 read as follows:

34 (1) License examinations shall be held by the director at least
35 once each year at a time and place to be designated by the director.
36 Application to take an examination shall be filed with the director
37 at least fifteen days prior to the examination date. The department
38 shall give each applicant written notice of the time and place of the

1 next examination. The applicant shall be deemed to have passed an
2 examination if the applicant attains a grade of not less than
3 seventy-five percent in each examination. (~~Any applicant who fails
4 an examination shall be entitled, at no additional fee, to one retake
5 of that examination.~~)

6 (2) An applicant for a license may take his or her written
7 examination after completing the educational requirements and before
8 completing the course of training required under RCW 18.39.035.

9 **Sec. 7.** RCW 18.16.030 and 2015 c 62 s 2 are each amended to read
10 as follows:

11 In addition to any other duties imposed by law, including RCW
12 18.235.030 and 18.235.040, the director shall have the following
13 powers and duties:

14 (1) To set all license, examination, and renewal fees in
15 accordance with RCW 43.24.086;

16 (2) To adopt rules necessary to implement this chapter;

17 (3) To prepare and administer or approve the preparation and
18 administration of licensing examinations;

19 (4) To establish minimum safety and sanitation standards for
20 schools, instructors, cosmetologists, barbers, hair designers,
21 manicurists, estheticians, master estheticians, salons/shops,
22 personal services, and mobile units;

23 (5) To establish curricula for the training of students and
24 apprentices under this chapter;

25 (6) To maintain the official department record of applicants and
26 licensees;

27 (7) To establish by rule the procedures for an appeal of an
28 examination failure;

29 (8) To set license expiration dates and renewal periods for all
30 licenses consistent with this chapter; and

31 (~~(9) ((To ensure that all informational notices produced and
32 mailed by the department regarding statutory and regulatory changes
33 affecting any particular class of licensees are mailed to each
34 licensee in good standing or on inactive status in the affected class
35 whose mailing address on record with the department has not resulted
36 in mail being returned as undeliverable for any reason; and~~

37 ~~(10))~~) To make information available to the department of revenue
38 to assist in collecting taxes from persons required to be licensed
39 under this chapter.

1 **Sec. 8.** RCW 18.43.020 and 2007 c 193 s 2 are each amended to
2 read as follows:

3 The definitions in this section apply throughout this chapter
4 unless the context clearly requires otherwise.

5 (1) "Engineer" means a professional engineer as defined in this
6 section.

7 (2) "Professional engineer" means a person who, by reason of his
8 or her special knowledge of the mathematical and physical sciences
9 and the principles and methods of engineering analysis and design,
10 acquired by professional education and practical experience, is
11 qualified to practice engineering as defined in this section, as
12 attested by his or her legal registration as a professional engineer.

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

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

20 (5)(a) "Practice of engineering" means any professional service
21 or creative work requiring engineering education, training, and
22 experience and the application of special knowledge of the
23 mathematical, physical, and engineering sciences to such professional
24 services or creative work as consultation, investigation, evaluation,
25 planning, design, and supervision of construction for the purpose of
26 assuring compliance with specifications and design, in connection
27 with any public or private utilities, structures, buildings,
28 machines, equipment, processes, works, or projects.

29 (b) A person shall be construed to practice or offer to practice
30 engineering, within the meaning and intent of this chapter, who
31 practices any branch of the profession of engineering; or who, by
32 verbal claim, sign, advertisement, letterhead, card, or in any other
33 way represents himself or herself to be a professional engineer, or
34 through the use of some other title implies that he or she is a
35 professional engineer; or who holds himself or herself out as able to
36 perform, or who does perform, any engineering service or work or any
37 other professional service designated by the practitioner or
38 recognized by educational authorities as engineering.

1 (c) The practice of engineering does not include the work
2 ordinarily performed by persons who operate or maintain machinery or
3 equipment.

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

5 (7) "Professional land surveyor" means a person who, by reason of
6 his or her special knowledge of the mathematical and physical
7 sciences and principles and practices of land surveying, which is
8 acquired by professional education and practical experience, is
9 qualified to practice land surveying and as attested to by his or her
10 legal registration as a professional land surveyor.

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

16 (9) "Practice of land surveying" means assuming responsible
17 charge of the surveying of land for the establishment of corners,
18 lines, boundaries, and monuments, the laying out and subdivision of
19 land, the defining and locating of corners, lines, boundaries, and
20 monuments of land after they have been established, the survey of
21 land areas for the purpose of determining the topography thereof, the
22 making of topographical delineations and the preparing of maps and
23 accurate records thereof, when the proper performance of such
24 services requires technical knowledge and skill.

25 (10) "Board" means the state board of registration for
26 professional engineers and land surveyors, provided for by this
27 chapter.

28 (11) "Significant structures" include:

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

32 (b) Essential facilities that have a ground area of more than
33 five thousand square feet and are more than twenty feet in mean roof
34 height above average ground level. Essential facilities are defined
35 as:

36 (i) Hospitals and other medical facilities having surgery and
37 emergency treatment areas;

38 (ii) Fire and police stations;

39 (iii) Tanks or other structures containing, housing, or
40 supporting water or fire suppression material or equipment required

1 for the protection of essential or hazardous facilities or special
2 occupancy structures;

3 (iv) Emergency vehicle shelters and garages;

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

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

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

8 (viii) Aviation control towers, air traffic control centers, and
9 emergency aircraft hangars; and

10 (ix) Buildings and other structures having critical national
11 defense functions;

12 (c) Structures exceeding one hundred feet in height above average
13 ground level;

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

16 (e) Bridges having a total span of more than two hundred feet and
17 piers having a surface area greater than ten thousand square feet;
18 and

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

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

24 **Sec. 9.** RCW 18.43.060 and 1991 c 19 s 4 are each amended to read
25 as follows:

26 When oral or written examinations are required, they shall be
27 held at such time and place as the board shall determine. If
28 examinations are required on fundamental engineering subjects (such
29 as ordinarily given in college curricula) the applicant shall be
30 permitted to take this part of the professional examination prior to
31 his or her completion of the requisite years of experience in
32 engineering work. The board shall issue to each applicant upon
33 successfully passing the examination in fundamental engineering
34 subjects a certificate stating that the applicant has passed the
35 examination in fundamental engineering subjects and that his or her
36 name has been recorded as an engineer-in-training.

37 The scope of the examination and the methods of procedure shall
38 be prescribed by the board with special reference to the applicant's
39 ability to design and supervise engineering works so as to insure the

1 safety of life, health and property. Examinations shall be given for
2 the purpose of determining the qualifications of applicants for
3 registration separately in engineering and in land surveying. A
4 candidate failing an examination may apply for reexamination.
5 Subsequent examinations will be granted upon payment of a fee to be
6 determined by the (~~director as provided in RCW 43.24.086~~) board.

7 **Sec. 10.** RCW 18.43.070 and 2011 c 336 s 482 are each amended to
8 read as follows:

9 The (~~director of licensing~~) board shall issue a certificate of
10 registration upon payment of a registration fee as provided for in
11 this chapter, to any applicant who, in the opinion of the board, has
12 satisfactorily met all the requirements of this chapter. In case of a
13 registered engineer, the certificate shall authorize the practice of
14 "professional engineering" and specify the branch or branches in
15 which specialized, and in case of a registered land surveyor, the
16 certificate shall authorize the practice of "land surveying."

17 In case of engineer-in-training, the certificate shall state that
18 the applicant has successfully passed the examination in fundamental
19 engineering subjects required by the board and has been enrolled as
20 an "engineer-in-training." In case of land-surveyor-in-training, the
21 certificate shall state that the applicant has successfully passed
22 the examination in fundamental surveying subjects required by the
23 board and has been enrolled as a "land-surveyor-in-training." All
24 certificates of registration shall show the full name of the
25 registrant, shall have a serial number, and shall be signed by the
26 chair and the secretary of the board and by the director (~~of
27 licensing~~)).

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

33 Each registrant hereunder shall upon registration obtain a seal
34 of the design authorized by the board, bearing the registrant's name
35 and the legend "registered professional engineer" or "registered land
36 surveyor." Plans, specifications, plats, and reports prepared by the
37 registrant shall be signed, dated, and stamped with said seal or
38 facsimile thereof. Such signature and stamping shall constitute a
39 certification by the registrant that the same was prepared by or

1 under his or her direct supervision and that to his or her knowledge
2 and belief the same was prepared in accordance with the requirements
3 of the statute. It shall be unlawful for anyone to stamp or seal any
4 document with said seal or facsimile thereof after the certificate of
5 registrant named thereon has expired or been revoked, unless said
6 certificate shall have been renewed or reissued.

7 **Sec. 11.** RCW 18.43.080 and 2005 c 29 s 1 are each amended to
8 read as follows:

9 (1) Certificates of registration, and certificates of
10 authorization and renewals thereof, shall expire on the last day of
11 the month of December following their issuance or renewal and shall
12 become invalid on that date unless renewed. It shall be the duty of
13 the (~~administrator of the division of professional licensing~~) board
14 to notify every person, firm, or corporation registered under this
15 chapter of the date of the expiration of his or her certificate and
16 the amount of the renewal fee that shall be required for its renewal
17 for one year. Such notice shall be mailed at least thirty days before
18 the end of December of each year. Renewal may be effected during the
19 month of December by the payment of a fee determined by the
20 (~~director as provided in RCW 43.24.086~~) board. In case any
21 professional engineer and/or land surveyor registered under this
22 chapter shall fail to pay the renewal fee hereinabove provided for,
23 within ninety days from the date when the same shall become due, the
24 renewal fee shall be the current fee plus an amount equal to one
25 year's fee.

26 (2) Beginning July 1, 2007, the (~~department of licensing~~) board
27 may not renew a certificate of registration for a land surveyor
28 unless the registrant verifies to the board that he or she has
29 completed at least fifteen hours of continuing professional
30 development per year of the registration period. By July 1, 2006, the
31 board shall adopt rules governing continuing professional development
32 for land surveyors that are generally patterned after the model rules
33 of the national council of examiners for engineering and surveying.

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

36 The board may, upon application and the payment of a fee
37 determined by the (~~director as provided in RCW 43.24.086~~) board,
38 issue a certificate without further examination as a professional

1 engineer or land surveyor to any person who holds a certificate of
2 qualification of registration issued to the applicant following
3 examination by proper authority, of any state or territory or
4 possession of the United States, the District of Columbia, or of any
5 foreign country, provided: (1) That the applicant's qualifications
6 meet the requirements of the chapter and the rules established by the
7 board, and (2) that the applicant is in good standing with the
8 licensing agency in said state, territory, possession, district, or
9 foreign country.

10 **Sec. 13.** RCW 18.43.110 and 2002 c 86 s 226 are each amended to
11 read as follows:

12 The board shall have the exclusive power to discipline the
13 registrant and sanction the certificate of registration of any
14 registrant.

15 Any person may file a complaint alleging unprofessional conduct,
16 as set out in RCW ((18.235.130—and)) 18.43.105, against any
17 registrant. The complaint shall be in writing and shall be sworn to
18 in writing by the person making the allegation. A registrant against
19 whom a complaint was made must be immediately informed of such
20 complaint by the board.

21 The board, for reasons it deems sufficient, may reissue a
22 certificate of registration to any person whose certificate has been
23 revoked or suspended, providing a majority of the board vote in favor
24 of such issuance. A new certificate of registration to replace any
25 certificate revoked, lost, destroyed, or mutilated may be issued,
26 subject to the rules of the board, and a charge determined by the
27 ((director as provided in RCW 43.24.086)) board shall be made for
28 such issuance.

29 In addition to the imposition of disciplinary action under RCW
30 18.235.110 and 18.43.105, the board may refer violations of this
31 chapter to the appropriate prosecuting attorney for charges under RCW
32 18.43.120.

33 **Sec. 14.** RCW 18.43.150 and 2016 sp.s. c 36 s 913 are each
34 amended to read as follows:

35 The board shall set fees at a level adequate to pay the costs of
36 administering this chapter. All fees collected under the provisions
37 of RCW 18.43.050, 18.43.060, 18.43.080, 18.43.100, and 18.43.130 and
38 fines collected under RCW 18.43.110 shall be paid into the

1 professional engineers' account, which account is hereby established
2 in the state treasury to be used to carry out the purposes and
3 provisions of RCW 18.43.050, 18.43.060, 18.43.080, 18.43.100,
4 18.43.110, 18.43.120, 18.43.130, and all other duties required for
5 operation and enforcement of this chapter. During the 2013-2015 and
6 2015-2017 fiscal (~~(biennium [biennia])~~) biennia, the legislature may
7 transfer moneys from the professional engineers' account to the state
8 general fund such amounts as reflect the excess fund balance of the
9 fund.

10 **Sec. 15.** RCW 18.210.010 and 2011 c 256 s 1 are each amended to
11 read as follows:

12 The definitions in this section apply throughout this chapter
13 unless the context clearly requires otherwise.

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

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

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

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

26 (5) "Engineer" means a professional engineer licensed under
27 chapter 18.43 RCW.

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

30 (7) "Local health jurisdiction" or "jurisdictional health
31 department" means an administrative agency created under chapter
32 70.05, 70.08, or 70.46 RCW, that administers the regulation and codes
33 regarding on-site wastewater treatment systems.

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

1 (9) "On-site wastewater treatment system" means an integrated
2 system of components that: Convey, store, treat, and/or provide
3 subsurface soil treatment and disposal of wastewater effluent on the
4 property where it originates or on adjacent or other property and
5 includes piping, treatment devices, other accessories, and soil
6 underlying the disposal component of the initial and reserve areas,
7 for on-site wastewater treatment under three thousand five hundred
8 gallons per day when not connected to a public sewer system.

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

11 **Sec. 16.** RCW 18.210.050 and 2011 c 256 s 4 are each amended to
12 read as follows:

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

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

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

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

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

21 **Sec. 17.** RCW 18.210.120 and 2011 c 256 s 7 are each amended to
22 read as follows:

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

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

34 (3) The (~~director, as provided in RCW 43.24.086~~) board, shall
35 determine an application fee for licensure as an on-site wastewater
36 treatment system designer. A nonrefundable application fee must
37 accompany the application. The (~~director~~) board shall ensure that
38 the application fee includes the cost of the examination and the cost

1 issuance of a license and certificate. A candidate who fails an
2 examination may apply for reexamination. The ((director)) board shall
3 determine the fee for reexamination.

4 **Sec. 18.** RCW 18.210.140 and 2011 c 256 s 8 are each amended to
5 read as follows:

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

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

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

24 **Sec. 19.** RCW 18.43.035 and 2002 c 86 s 224 are each amended to
25 read as follows:

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

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

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

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

37 (5) It may adopt rules reasonably necessary to administer the
38 provisions of this chapter. The board shall submit to the governor

1 ((such)) periodic reports as may be required. A roster, showing the
2 names and places of business of all registered professional engineers
3 and land surveyors may be published for distribution, upon request,
4 to professional engineers and land surveyors registered under this
5 chapter and to the public.

6 **Sec. 20.** RCW 70.118.120 and 1999 c 263 s 22 are each amended to
7 read as follows:

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

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

22 **Sec. 21.** RCW 18.235.010 and 2017 c 281 s 36 are each amended to
23 read as follows:

24 The definitions in this section apply throughout this chapter
25 unless the context clearly requires otherwise.

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

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

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

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

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

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

1 (4) "Disciplinary action" means sanctions identified in RCW
2 18.235.110.

3 (5) "Disciplinary authority" means the director, board, or
4 commission having the authority to take disciplinary action against a
5 holder of, or applicant for, a professional or business license upon
6 a finding of a violation of this chapter or a chapter specified under
7 RCW 18.235.020.

8 (6) "License," "licensing," and "licensure" are deemed equivalent
9 to the terms "license," "licensing," "licensure," "certificate,"
10 "certification," and "registration" as those terms are defined in RCW
11 18.118.020. Each of these terms, and the term "commission" under
12 chapter 42.45 RCW, are interchangeable under the provisions of this
13 chapter.

14 (7) "Unlicensed practice" means:

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

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

23 **Sec. 22.** RCW 18.210.200 and 1999 c 263 s 21 are each amended to
24 read as follows:

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

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

36 NEW SECTION. **Sec. 23.** A new section is added to chapter 18.43
37 RCW to read as follows:

1 The department of licensing, through an interagency agreement
2 with the board, must provide specified administrative staff support
3 and associated technical services, materials, and equipment to the
4 board. The initial interagency agreement must be for a term of three
5 years and may be renewed by mutual agreement between the department
6 of licensing and the board.

Passed by the House April 22, 2019.

Passed by the Senate April 10, 2019.

Approved by the Governor May 21, 2019.

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