



# RULE-1 KING ORDER

SR-103 (June 2004)  
(implements RCW 34.05.360)

Agency: Department of Licensing

- Permanent Rule
- Emergency Rule

**Effective date of rule:**

**Permanent Rules**

- 31 days after filing.
- Other (specify) July 1, 2006 (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.
- Later (specify) \_\_\_\_\_

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

- Yes
  - No
- If Yes, explain:

**Purpose:** To implement legislative requirement that licensed land surveyors must complete continuing education credits starting July 2006.

**Citation of existing rules affected by this order:**

Repealed:  
 Amended: WAC 196-16  
 Suspended:

**Statutory authority for adoption:** RCW 18.43.035

**Other authority :**

**PERMANENT RULE ONLY (Including Expedited Rule Making)**

Adopted under notice filed as WSR 06-06-061 on February 28, 2006 (date).  
 Describe any changes other than editing from proposed to adopted version:

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: \_\_\_\_\_ phone ( ) \_\_\_\_\_  
 Address: \_\_\_\_\_ fax ( ) \_\_\_\_\_  
 e-mail \_\_\_\_\_

**EMERGENCY RULE ONLY**

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

**Date adopted:** April 27, 2006

**NAME (TYPE OR PRINT)**

George A. Twiss

**SIGNATURE**

**TITLE**

Executive Director

**CODE REVISER USE ONLY**

STATE OF WASHINGTON  
 DEPARTMENT OF LICENSING  
 FILED

MAY 1 2006

TIME: 1:43:45 AM  
 WSR 06 11 119 PM

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

|   |     |           |         |       |          |       |
|---|-----|-----------|---------|-------|----------|-------|
| <b>Federal statute:</b>                 | New | _____     | Amended | _____ | Repealed | _____ |
| <b>Federal rules or standards:</b>      | New | _____     | Amended | _____ | Repealed | _____ |
| <b>Recently enacted state statutes:</b> | New | <u>13</u> | Amended | _____ | Repealed | _____ |

**The number of sections adopted at the request of a nongovernmental entity:**

|     |       |         |       |          |       |
|-----|-------|---------|-------|----------|-------|
| New | _____ | Amended | _____ | Repealed | _____ |
|-----|-------|---------|-------|----------|-------|

**The number of sections adopted in the agency's own initiative:**

|     |       |         |       |          |       |
|-----|-------|---------|-------|----------|-------|
| New | _____ | Amended | _____ | Repealed | _____ |
|-----|-------|---------|-------|----------|-------|

**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

|     |       |         |       |          |       |
|-----|-------|---------|-------|----------|-------|
| New | _____ | Amended | _____ | Repealed | _____ |
|-----|-------|---------|-------|----------|-------|

**The number of sections adopted using:**

|                                       |     |           |         |       |          |       |
|---------------------------------------|-----|-----------|---------|-------|----------|-------|
| <b>Negotiated rule making:</b>        | New | <u>13</u> | Amended | _____ | Repealed | _____ |
| <b>Pilot rule making:</b>             | New | _____     | Amended | _____ | Repealed | _____ |
| <b>Other alternative rule making:</b> | New | _____     | Amended | _____ | Repealed | _____ |

**AMENDMENTS TO  
CHAPTER 196-16 WAC**

**CONTINUING PROFESSIONAL DEVELOPMENT  
FOR PROFESSIONAL LAND SURVEYORS**

(New Section)

**WAC 196-16-100 Purpose and Effective Date.** The purpose of the continuing professional development requirement is to encourage licensed professional land surveyors, under chapter 18.43 RCW, to maintain competency in their practice. On July 1, 2007 and thereafter, licensed land surveyors must meet the requirements of this chapter as a condition of continued licensure.

(New Section)

**WAC 196-16-105 Definitions.** Terms used in this section are defined as follows:

1. Professional Development Hour (PDH) - An hour engaged in a qualifying activity.
2. Continuing Education Unit (CEU) - Unit of credit customarily used for continuing education courses. One continuing education unit equals 10 Professional Development Hours.
3. College/Unit Semester/Unit Quarter - Completion of courses in college level curriculums satisfactory to the Board.
4. Qualifying activity - Any activity that is related to land surveying or will help the licensee maintain competency in their practice as a professional land surveyor.
5. Year - That 12-month period between the anniversaries of the licensee's birth date.
6. Board - The Board of Registration for Professional Engineers and Land Surveyors.

(New Section)

**WAC 196-16-110 Requirements.** Starting on July 1, 2006, all licensed professional land surveyors wishing to maintain lawful practice must accumulate 15 PDH per year of a two-year renewal cycle. All renewals for licensure as a professional land surveyor occurring on or after July 1, 2007 are subject to audit by the Board.

(New Section)

**WAC 196-16-115 Qualifying Activities.** The Board believes that individuals licensed as professional land surveyors should have the discretion to make independent choices on what activities help them to be improved practitioners. While the Board will not provide advance approvals for selected activities or vendors they do expect licensees to seek out qualifying activities that can be demonstrated to the satisfaction of the Board that they are relevant to the licensee's continuing professional development.

(New Section)

**WAC 196-16-120 Units.** Qualifying activities will accrue PDH as follows:

1. College hours:
  - a. Completion of 1 College semester hour 45 PDH
  - b. Completion of 1 College quarter hour 30 PDH
2. 1 Continuing Education Unit 10 PDH
3. For publication or presentation of each:
  - a. Authored technical paper or article 10 PDH
  - b. Authored Book 30 PDH
4. Membership in professional / technical societies or government committees or boards. 2 ½ PDH  
(Not to exceed 5 PDH /year)
5. For each hour of attendance at professional or technical society meetings with an informational program. 1 PDH  
(Not to exceed 5 PDH/year)
6. For each hour of attendance at meetings or hearings of the Board. 1 PDH  
(Not to exceed 7 ½ PDH/year)
7. For each hour of preparation and subsequent presentation (\*) of a professional development program at seminars, professional/technical meetings, conventions, or conferences. 1 PDH  
(Not to exceed 10 PDH/year)  
*(\*) This credit does not apply to full time faculty*
8. For each hour of participation in committees of organizations whose purpose is to develop codes, standards, examinations and regulations. 1 PDH
9. For each hour of participation in an activity involving substantial and organized peer interaction, excluding time spent during regular employment. 1 PDH  
(Not to exceed 5 PDH/year)
10. For each hour of participation in organized courses, including employer provided courses, on first aid/safety, technical or management skills. 1 PDH

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|--|-------|
| 11. For each hour of participation in sessions, or courses sponsored by technical or professional societies, organizations or the Board. | 1 PDH |
| 12. Each hour of self-study.<br>(Not to exceed 5 PDH/year)   | 1 PDH |

(New Section)

**WAC 196-16-125 Activities that do not qualify for PDH credits.** The following are not considered qualifying activities:

1. Taking courses, specialized instruction or meeting performance criteria that were conditions of a Board order.
2. Attendance or testimony at legislative hearings.
3. Attendance or testimony at city or county council meetings/hearings.
4. Attendance or testimony at civil or criminal trials.
5. Time spent fund raising for scholarships or other society purposes or lobbying for legislation.
6. Attendance at gatherings that are primarily social in nature.
7. Membership and/or attendance in service club meetings.

(New Section)

**WAC 196-16-130 Determination of Credit.** The Board is the final authority with respect to acceptance of claimed qualifying activities and the respective PDH credit. Qualifying activity becomes eligible for credit upon completion of the given activity. Credits gained in excess of the 15 PDH annual requirements may be carried forward to the next renewal period.

(New Section)

**WAC 196-16-135 Record keeping and audits.** The licensee is responsible for maintaining records to be used to support credits claimed. Records should include date of activity, instructor's name, description of activity, number of contact hours and location. The licensee is required to keep their records of continuing education covering the cumulative time in the current renewal period and the full two years of the prior renewal period. All continuing professional development records and supporting documentation must be furnished to the Board upon request.

If an audit disqualifies credits that were reported to the Board by a licensee and results in the licensee failing to complete the PDH requirements, the Board may renew the license and require the shortage to be made up in the subsequent renewal period.

(New Section)

**WAC 196-16-140 Non-compliance with Continuing Professional Development.**

1. A licensed land surveyor who fails to comply with the requirements of this chapter is subject to disciplinary action by the Board.
2. A licensed land surveyor who, through the course of an audit, is found to have falsified continuing professional development documentation to the Board is subject to disciplinary action by the Board.

(New Section)

**WAC 196-16-145 Exemptions.** Individuals who are in "Retired Status" as provided in WAC 196-16-035 or have been approved for "Inactive Status" as provided in WAC 196-16-155 are exempt from the requirements of collecting continuing professional development hours.

(New Section)

**WAC 196-16-150 Waivers.** The Board may grant a waiver to the time requirement for collection of continuing professional development to individuals who qualify. A request for a waiver must be made in writing and clearly state the justification and include any necessary documentation required by the Board. All waivers expire on the next date of license renewal unless the Board grants an extension.

The Board may grant waivers for:

- a. Physical disability, prolonged illness, or other extenuating circumstances that pose a personal hardship.
- b. Individuals who have been placed on active military duty for at least 120 days.

(New Section)

**WAC 196-16-155 Inactive License Status.** Any licensee who signs a Board approved affirmation that they are not engaged in the practice of land surveying is eligible for inactive license status. Those with inactive status are prohibited from land surveying practice as defined in Chapter 18.43 RCW. A licensee on inactive status may reinstate their license to active status by written request to the Board and payment of any applicable fees. In the first year of reactivated practice the licensee may be required by the Board to collect an additional 15 PDH.

(New Section)

**WAC 196-16-160 Comity/Out-of-Jurisdiction Resident** The continuing professional development requirements, as provided for in this chapter, may be satisfied when the Board can verify that a licensee has satisfied continuing professional development requirements in another state, which are judged by the Board as equivalent to the requirements of this chapter.