

State of Washington

BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

(name of governing body)

(agency name, if applicable)

Resolution No. _____

Administrative Order No. PL 454

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

that it does adopt the annexed rules relating to:

Amending WAC 196-08-085, 196-12-010, 196-12-020, 196-12-030, 196-12-050, 196-12-060, 196-12-085, 196-16-007, 196-16-010, 196-16-020, 196-16-031, 196-20-010, 196-20-030, 196-24-030, 196-24-040, 196-24-050, 196-24-080; adding New Sections WAC 196-27-010, 196-27-020.

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

This action is taken pursuant to Notice No. WSR 83-22-078 filed with the code reviser on 11-2-83. These rules shall take effect: thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2). at a later date, such date being _____

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

We, _____, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is:

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

(3) Pursuant to the requirements of RCW 34.04.026¹ that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" fill in statement (a), (b), or (c) as appropriate:

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

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

_____ (agency) has authority to implement the provisions of _____ (name of act or RCW citation)

(c) This rule is promulgated under the general rule-making authority of the _____ (agency)

as authorized in RCW _____

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

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

APPROVED AND ADOPTED December 9, 1984

STATE OF WASHINGTON FILED

JAN 25 1984

CODE REVISER'S OFFICE WSR 84-04-027

By Quentin H. Gateley
Quentin H. Gateley, P.E.
Executive Secretary

Title

WASHINGTON STATE BOARD OF REGISTRATION FOR
PROFESSIONAL ENGINEERS AND LAND SURVEYORS

- I. NAME OF AGENCY: Washington State Board of Registration for Professional Engineers and Land Surveyors

DESCRIPTION OF RULES: Rules of procedure regarding examinations given by the board, disciplinary matters before the board and rules of professional conduct for licensees. Also minor changes are made in several rules found within WAC chapter 196.08, chapter 196-12, chapter 196-16, chapter 196-20 and chapter 196-24.

STATUTORY AUTHORITY: RCW 18.43.035

II. SUMMARY OF RULES

1. WAC 196-08-085 defines the word "preferred" found in RCW 18.43.110, in order to clarify the time during which a formal administrative hearing must be held by the board in disciplinary matters.
2. WAC 196-12-010 requires a new complete application, every five years, from an applicant for licensure, in order to make the board aware of the activities of an individual applicant, until such time as that applicant is issued a license.
3. WAC 196-12-020 requires that all applicants must pass the first stage/engineer-in-training examination before taking the branch examination.
4. WAC 196-12-030 deletes portions of the present rule in order to conform this rule to WAC 196-12-020.
5. WAC 196-12-050 changes the language of the current WAC 196-16-050 to conform to the changes in WAC 196-12-020.
6. WAC 196-12-060 changes the language of the current WAC 196-16-060 to conform to the change in WAC 196-12-020.
7. WAC 196-12-085 adds the definition of "designated engineer" and "full-time employee."
8. WAC 196-16-007 requires a new complete application from an applicant every five years, which advises the board of the applicant's activities, until a license is issued.
9. WAC 196-16-020 updates the language used to designate the two examinations given to engineer applicants.
10. WAC 196-16-010 changes requirements for licensure as a professional land surveyor to include field work and responsible charge office work. Rule changes also define what work experience is acceptable to the board.

11. WAC 196-16-031 updates rules relating to reciprocal registration as land surveyors by out-of-state licensees.
12. WAC 196-20-070 deletes certain specific requirements for engineer-in-training applicants.
13. WAC 196-20-030 changes language in existing WAC 196-20-030 to comply with the change in WAC 196-12-020.
14. WAC 196-24-030 makes minor housekeeping changes in the current WAC section.
15. WAC 196-24-040 makes minor housekeeping changes in the current WAC section.
16. WAC 196-24-050 makes minor housekeeping changes in current WAC section.
17. WAC 196-24-080 makes minor housekeeping changes in current WAC section.
18. WAC 196-26-010 sets forth the purpose for and definitions of the rules of professional conduct proposed in WAC 196-26-020.
19. WAC 196-26-020 establishes rules of professional conduct for all registered professional engineers and registered professional land surveyors.

III. The Board of Registration for Professional Engineers and Land Surveyors and its professional and clerical staff have responsibility for drafting, implementing and enforcing the rules.

Washington State Board for the Registration of Professional Engineers and Land Surveyors:

John Wallace, Jr., Chairman
Alfred Byrn
Harvey Dodd
Robert Clark
Roy Avent

Registrar of the Board: Quentin H. Gateley, P.E.

Assistant Registrar: Alan Rathbun, P.E.

Board Address and Phone:

Washington State Board of Registration for Professional Engineers
and Land Surveyors
P.O. Box 9649
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IV. These rules were proposed by the Board of Registration for Professional Engineers and Land Surveyors.

- V. A small business impact statement is not required for these rules. The Board of Registration for Professional Engineers and Land Surveyors has reviewed the impact that the amendments to WAC 196-08-085, 196-12-010, 196-12-020, 196-12-030, 196-12-050, 196-12-060, 196-12-085, 196-16-007, 196-16-010, 196-16-020, 196-16-031, 196-20-010, 196-20-030, 196-24-030, 196-24-040, 196-24-050, 196-24-080 and adoption of new WAC 196-27-010 and 196-27-020 would have on engineers and land surveyors. We find that a small business impact statement is not required. Engineers and land surveyors are classed in SIC Code 891, Engineering, Architectural and Surveying Services. They are less than 20 percent of all firms and individuals in all industries. The amendments and adoptions will have economic impact on less than 10 percent of the industry classified in SIC Code 891, Engineering, Architectural and Surveying Services.
- VI. These rules are promulgated pursuant to RCW 18.43.035.

AMENDATORY SECTION (Amending Rule .08.081, filed 7/6/60)

WAC 196-08-085 HEARINGS ON CHARGES TO BE HEARD WITHIN THREE MONTHS. All charges, unless dismissed by the board as unfounded or trivial, shall be heard by the board within three months after the date on which they have been preferred. The date preferred shall be defined as the date of issuance of a formal statement of charges by the board or its designee(s).

AMENDATORY SECTION (Amending Order 81-10, filed 12/18/81)

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

AMENDATORY SECTION (Amending Order 81-10, filed 12/18/81)

WAC 196-12-020 EXPERIENCE RECORDS. (1) Evaluation of records: The basic requirement for registration as a professional engineer is a specific record of eight years or more of approved experience in engineering work of a professional grade. The provisions of the law are that any experience by college study, as defined below, must be substantiated by an official transcript, the supplying of which is the responsibility of the applicant.

(a) Graduation in an approved engineering college curriculum of four years is equivalent to four years of the required experience.

(b) Satisfactory completion of each year of such an approved engineering curriculum is equivalent to one year of experience.

(c) Graduation in a curriculum other than engineering will be evaluated by the board.

(d) Postgraduate study in engineering may be given credit up to one year.

(e) Engineering teaching of a character satisfactory to the board may be recognized as engineering experience, up to a maximum of two years.

(2) Colleges recognized by the board: All student's credits from curricula approved by the accreditation board for engineering and technology are accepted. In the state of Washington student's credits from other curricula than those approved by the accreditation board for engineering and technology may be accepted at the discretion of the board.

(3) An applicant must have passed the first stage of the examination and be enrolled as an E.I.T. in accordance with WAC 196-12-050 before applying for the second stage or branch examination.

AMENDATORY SECTION (Amending Order 81-10, filed 12/18/81)

WAC 196-12-030 EXAMINATIONS. (1) The examination((s-are)) is given in two parts((:--(a)-Fundamentals-and-(b)-branch,--each--of--one days--duration,--The--fundamental--and--branch--examinations--consists--of two--sessions,--one--in--the--morning--and--one--in--the--afternoon,--An--applicant--failing--either--the--fundamental--or--branch--examinations--and--passing--the--other--has--only--to--repeat--the--examination--failed,--Once--approved--an

~~applicant may choose to take either the fundamental or branch examination during one examination period. The remaining examination may be taken at a subsequent examination following proper notification.~~ All examinations are given with open book unless otherwise specified by the board.

~~((The engineering fundamentals examination covers mathematics, physical sciences and other general engineering related subjects. A detailed list of the subjects to be tested is available by contacting the board office.))~~

For the specific branch of engineering in which the applicant desires to qualify, and for the times and places of such examinations, see WAC 196-24-050.

(2) The following rules shall apply:

(a) Applicants ~~((who hold Washington))~~ must be enrolled as an engineer-in-training ((certificates)) and are ~~((only))~~ required to take the examination in the specific branch of engineering under which they desire to qualify.

(b) Applicants who ~~((hold))~~ are enrolled as E.I.T.s ((certificates issued to them by)) in other states by virtue of a written examination comparable to that given by the state of Washington may be exempt from taking ~~((either the E-I-T or))~~ the ~~((fundamental))~~ first stage of the examination.

(c) All qualified applicants are required to take the examination in the specific branch of engineering in which they desire to become registered.

AMENDATORY SECTION (Amending Order 81-10, filed 12/18/81)

WAC 196-12-050 EVALUATION OF CANDIDATES FOR ENGINEERING LICENSES. (1) A candidate who ~~((has received his))~~ is enrolled as an E.I.T. ((registration by examination is excused from the fundamentals examination and)) is required to write only the ~~((branch))~~ examination ((with a minimum grade of seventy percent)) in the branch approved by the board.

(2) ~~((Candidates who have not passed an E-I-T examination and who write fundamental and branch examinations, must receive a grade of at least seventy percent in each examination.~~

~~(3))~~ Candidates holding a baccalaureate degree in an accredited engineering curriculum who have had at least seventeen additional years of experience satisfactory to the board (after the statutory eight years of experience) may ~~((have))~~ request the fundamental examination waived and may be permitted to write the branch examination only. ~~((These candidates must attain seventy percent minimum in this examination.~~

~~(4) Registration in any additional branch of engineering (see WAC 196-24-050) requires a minimum passing grade of seventy percent on the written examination in that branch.~~

~~(5))~~ (3) A professional land surveyor seeking registration as a professional engineer should refer to WAC 196-12-020.

AMENDATORY SECTION (Amending Order 81-10, filed 12/18/81)

WAC 196-12-060 ~~((HOLDERS OF E-I-T CERTIFICATES))~~ PERSONS ENROLLED AS E.I.T.S. ~~((1) At))~~ Any time ((after the holder of)) an individual enrolled as an E.I.T. ((certificate)) has fulfilled the requirements of ~~((four additional))~~ a total of eight years of approved professional experience, ~~((he may submit))~~ a new application must be

submitted for registration completely filled out, notarized and accompanied by the required fee. (~~The portion of the application, "professional experience", shall be filled out in detail, giving names and addresses of employers and names of those familiar with work performed and indicating level of responsibility in each engagement.~~) Washington state E.I.T. (^{ts}) enrollees are not required to submit a second transcript of college record except for additional postgraduate study claimed as professional experience. IT IS ABSOLUTELY ESSENTIAL FOR THE APPLICANT TO INDICATE CLEARLY IN HIS PROFESSIONAL APPLICATION THE FACT THAT HE (~~HOLDS~~) IS ENROLLED AS AN E.I.T. (REGISTRATION), AND THE YEAR AND STATE IN WHICH HE OBTAINED SUCH REGISTRATION (~~otherwise he may not receive credit for his E.I.T. examination~~).

~~((2) Holders of E.I.T. certificates will appear for examination in the specific branch of engineering under which they desire registration.)~~

AMENDATORY SECTION (Amending Order 81-10, Filed 12/18/81)

WAC 196-12-085 CORPORATION OR JOINT STOCK ASSOCIATIONS. Corporations or joint stock associations shall file:

(1) A letter of application containing a brief statement of the corporation's origin, activities, and principals. Said letter should also state the type, or types, of engineering practiced, or to be practiced by such corporation. Type or types are limited to the branches currently being issued by the board. Application shall be signed and attested by a corporate officer.

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

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

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

(5) A certified copy of the section of the by-laws of the corporation containing provisions that all engineering decisions pertaining

to any project or engineering activities in this state shall be made by the ~~((specified))~~ designated engineer in responsible charge ~~((or other--responsible-engineer-under-his-direction-or-supervision))~~ named in the resolution of the board of directors.

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

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

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

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

(10) In the case of change or increase in the engineers named as being in responsible charge (subsection (3) above), a certified copy of a resolution of the board of directors of the corporation which shall designate said person or persons shall be filed with the board within thirty days after the effective date of such changes. The professional history of newly named engineers will also be required.

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

AMENDATORY SECTION (Amending Order 81-10, filed 12/18/81)

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

AMENDATORY SECTION (Amending Order 81-10, filed 12/18/81)

WAC 196-16-010 EXPERIENCE RECORDS. The first requirement of the law for registration as a professional land surveyor is a minimum of six years of approved professional experience in land surveying (~~((of which two years must be in boundary--surveying--in--the--field))~~). One year of the required experience must be in responsible charge of boundary surveying in the field and one year must be in a supervisory capacity in the office, which includes but is not limited to preparation of legal descriptions and record documents, survey and description research, computations and client/public contact. The provisions of the law are that:

- (1) Graduation in a recognized land surveying curriculum of four years or more from a college recognized by the board is equivalent to four years of the required experience.
- (2) Satisfactory completion of each year of such recognized course is equivalent to one year of experience.
- (3) Graduation in any curriculum not recognized in (1) or (2) above will be evaluated by the board. It is the responsibility of the applicant to see that the board is furnished an official transcript of his college record when education is claimed as experience.
- (4) Teaching of a character satisfactory to the board may be recognized as surveying experience up to a maximum of one year.
- (5) Construction staking shall not be applicable toward the required six years of experience.
- (6) A registered professional engineer who applies to be examined to become registered as a land surveyor must meet the requirements stated within this section.

AMENDATORY SECTION (Amending Order 81-10, filed 12/18/81)

WAC 196-16-020 EXAMINATIONS. (~~((The land--surveying--examination consists--of--two--full--eight--hour--days--given--at--the--regular--examination--period--))~~) The examinations are given in two parts: (1) Fundamentals and (2) principles and practice, each of one day's duration. The fundamentals and principles and practice consist of two sessions, one in the morning and one in the afternoon. All examinations will be open book unless otherwise specified by the board. (~~((The examination is written and consists of two separate parts in two consecutive days--~~

~~Each day is divided into two sessions, one in the morning and one in the afternoon.~~

~~(1) First --- Land surveying --- Rules and legal questions.~~

~~(2) Second --- Land surveying --- Applied surveying problems.)~~

A candidate may elect to sit for the examination in two consecutive days or may sit for one part ((at)) of one examination and the other part at a subsequent examination.

((Each day's examination is graded separately.--An applicant)) A candidate failing either the ((rules)) fundamentals or ((applied problems)) principles and practice and passing the other has only to repeat the part failed.

((A candidate must receive a grade of at least 70% in each of the examinations described in (1) and (2) above.))

AMENDATORY SECTION (Amending Order 81-10, filed 12/18/81)

WAC 196-16-031 RECIPROCITY. ((1)) Applicants for registration as a land surveyor by reciprocity, who have been qualified by a written sixteen-hour examination, in a state that gives like consideration to Washington registrants, and are in good standing with the examining state, will be exempt from the ((applied surveying test.--All applicants are required to sit for rules and legal questions.

(2) ~~One registration as a professional engineer and/or land surveyor will be issued by reciprocity.--Each designation requires an application)~~ Washington state sixteen-hour written examination. All candidates will be required to pass a written examination as prescribed by the board.

AMENDATORY SECTION (Amending Order 81-10, filed 12/18/81)

WAC 196-20-010 APPLICATIONS. ~~((4))~~ The deadline for properly completed applications ~~((properly-filled-out-and))~~ accompanied by the statutory fee is four months ~~((before))~~ prior to the date of the examination. Applications received after the deadline will be held for consideration for a later examination.

~~((2))~~ ~~The application for engineer-in-training shall contain:~~

~~(a) General information~~

~~(b) Education~~

~~(c) Technical examinations~~

~~(d) Affidavit~~

~~(e) Membership in societies~~

~~(f) Professional experience (if not a graduate))~~

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

AMENDATORY SECTION (Amending Order 81-10, filed 12/18/81)

WAC 196-20-030 EXAMINATIONS. (1) The engineer-in-training examination is given twice each year at times and places as will from time to time be designated by the board. The schedule of future examinations may be obtained from the board office. The examination is of one day's duration and consists of two sessions, one in the morning and one in the afternoon. It covers mathematics, physical sciences, and other general engineering related subjects. ~~((The minimum passing grade is seventy percent.))~~

(2) Persons who may normally expect to graduate within three months after a scheduled E.I.T. examination may sit for that examination. In cases where college graduation is claimed ~~((as a prerequisite no certificate will be issued))~~ an applicant who passes the examination will not be enrolled as an E.I.T. until ((a)) an official college transcript showing completion of the four-year requirement is filed with the board office.

(3) Those who pass this examination ~~((receive))~~ will be enrolled as engineers-in-training ((certificates)) and are excused from taking the engineering fundamentals ~~((portion of the regular professional engineering))~~ examination. The E.I.T. passing grade will not be weighted in the professional examination but will be qualifying only.

(4) All examinations will be given with open book unless otherwise specified by the board.

AMENDATORY SECTION (Amending Order 81-10, filed 12/18/81)

WAC 196-24-030 RECIPROCIITY. (~~(1)~~) The Professional Engineers Registration Act provides that the board for professional engineers and land surveyors may, upon application, and payment of a fee, issue a certificate without further examination as a professional engineer to any person who holds a certificate of qualification of registration issued to him following examination by proper authority, of any state, territory or possession of the United States, the District of Columbia, or of any foreign country, provided:

~~((1))~~ (1) That the applicant's qualifications meet the requirements of the chapter and the rules established by the board;

~~((2))~~ (2) That the applicant is in good standing with the licensing agency in said state, territory, possession, district, or foreign country;

~~((3))~~ (3) That the said state, territory, possession, district, or foreign country gives like consideration on a reciprocal basis to those persons who have been registered by examination in this state; and

~~((4))~~ (4) That the license has been granted on the basis of an examination equivalent to that given by the state of Washington.

~~((2)--The-board-will-issue-certificates-of-registration-to-those-who-apply-in-conformance-with-the-act-and-who-have-been-registered-by-the-proper-legal-body-of-the-state,-territory,-possession,-district,-or-country,-whose-qualifications-conform-to-the-law-of-this-state.))~~

AMENDATORY SECTION (Amending Order 81-10, filed 12/18/81)

WAC 196-24-040 APPLICATIONS. (1) All candidates who desire registration in Washington are required to submit their application on a form to be furnished by this board.

(2) This application must be filled out in complete detail and where the applicant desires registration by reciprocity, it is essential that the state where license was issued by exam is given and that said state will verify this registration. (~~(This)~~) It is the responsibility of the applicant to pay any fees required by said state.

(3) The application fee for engineers, land surveyors, engineers-in-training, engineering corporations and engineering partnerships are determined by the director of the department of licensing. A fee schedule can be obtained by contacting the board office.

(4) The applicant must supply the board with an official college transcript of any education listed on his application.

AMENDATORY SECTION (Amending Order 81-10, filed 12/18/81)

WAC 196-24-050 EXAMINATIONS. (1) The branches in which certificates of registration are presently issued are: Aeronautical, agricultural, ceramic, chemical, civil, electrical, fire protection, industrial, logging, mechanical, metallurgical, mining, naval architecture and marine engineering, and nuclear. The branches of sanitary and structural engineering are considered to be specialized branches. An applicant for any specialized branch is required to hold a current registration in the state of Washington, in one of the regular branches. (~~(In addition,)~~) Applicants shall have not less than two years of professional experience in the (~~(specialized)~~) additional branch in which the applicant seeks registration, over and above the requirements for professional registration (statutory eight years).

The examination in structural engineering((7)) shall be of two days duration. Examination in sanitary engineering shall be of one day duration.

Certificates of registration will also be issued in land surveying.

All examinations are given at times and places as will be designated by the board. The schedule of future examinations may be obtained from the board office.

(2) Applicants for registration by reciprocity from states, territories, districts, or countries who have been issued certificates of registration without examination or in instances where such governmental body does not grant certificates of registration to regularly qualified registrants of the state of Washington will be required to sit for an examination to test the skill, knowledge, and other professional attributes of the applicant.

(a) The examination will be given in the branch chosen by the applicant from the list of regular branches given by this board.

(b) Such examinations are given after the board has approved the applicant's request.

(c) In cases where an applicant is issued a certificate of registration by his governmental body in a branch not included in the list of regular branches (~~[(7)-of-this-section]~~) (subsection (1) of this section) the board will examine such an applicant in a regular branch of his choice, presumably the one closest to his specialty.

(3) One designation as professional engineer and/or land surveyor will be issued by reciprocity. Each added designation requires a new application. All added branches will be authorized by passing a regular examination, except applicants who may be granted registration without further examination provided they have successfully passed an examination equivalent to that given in the state of Washington, in a state, territory, possession, district, or country, which grants like reciprocity to the state of Washington registrants.

(4) All examinations are given with open book unless otherwise specified by the board.

AMENDATORY SECTION (Amending Order 81-10, filed 12/18/81)

WAC 196-24-080 FEES. All checks or money orders shall be made payable to the state treasurer. Registration: The application must be accompanied with the required fee; with engineers submitting the certificate fee after passage of the exam. Should the board deny the application, the initial fee will be retained as an application fee. An applicant who fails the first scheduled exam may be re-examined once without payment of an additional fee, provided he notifies the board office in writing of his intention to appear for the examination a second time at least ((~~two~~) three) months prior to said examination. Each subsequent examination will be granted upon payment of an examination fee received at least three months prior to said examination. Applicants((7)) who fail to appear for scheduled examinations((7)) will forfeit their re-examination privilege or examination fee.

Chapter 196-27 WAC

RULES OF PROFESSIONAL CONDUCT

NEW SECTION

WAC 196-27-010 PURPOSE AND DEFINITIONS. (1) In order to safeguard life, health, property and to promote the public welfare, the following rules of professional conduct shall apply to every person holding a certificate of registration together with all corporations, partnerships, or other legal entities authorized to perform engineering or land surveying services under chapter 18.43 RCW.

(2) All persons, corporations, and partnerships registered under the provisions of chapter 18.43 RCW are charged with having knowledge of and being familiar with the provisions of the rules of professional conduct.

(3) Violation of these rules of professional conduct is considered misconduct or malpractice as defined by RCW 18.43.105(11). Registrants found guilty of said misconduct or malpractice are subject to disciplinary powers of the board as provided in RCW 18.43.110.

(4) The word "registrant" in these rules of professional conduct shall mean any person holding a certificate of registration issued by this board.

NEW SECTION

WAC 196-27-020 FUNDAMENTAL CANONS AND GUIDELINES FOR PROFESSIONAL PRACTICE. (1) Registrants shall hold paramount the safety, health, and welfare of the public in the performance of their professional duties.

(a) Registrants shall recognize that the lives, safety, health, and welfare of the general public are dependent upon engineering/land surveying judgments, decisions, and practices incorporated into structures, machines, products, processes, and devices.

(b) Registrants shall approve or seal only those design documents, prepared by them or under their direct supervision, which are determined to be safe for public health and welfare in conformity with accepted standards.

(c) Registrants whose professional judgment is overruled under circumstances where the safety, health, and welfare of the public are endangered shall inform their clients or employers of the possible consequences.

(d) Registrants who have knowledge or reason to believe that another person or firm may be in violation of any of the provisions of chapter 18.43 RCW or these rules of professional conduct shall present such information to the board in writing and shall cooperate with the board in furnishing such further information or assistance as may be required.

(2) Registrants shall perform services only in areas of their competence.

(a) Registrants shall undertake to perform assignments only when qualified by education or experience in the technical field of engineering or land surveying involved.

(b) Registrants may accept an assignment requiring education or experience outside their own fields of competence, provided their services are restricted to those phases of the project in which they are qualified. All other phases of such project shall be performed by qualified associates, consultants or employees.

(c) Registrants shall not affix their signatures or seals to any plan or document dealing with subject matter in which they lack competence by virtue of education or experience or to any such plan or document not prepared under their supervisory control.

(3) Registrants shall issue public statements only in an objective and truthful manner.

(a) Registrants should endeavor to extend the public knowledge of engineering or land surveying and shall not participate in the dissemination of untrue, unfair, or exaggerated statements regarding said professions.

(b) Registrants shall be objective and truthful in professional reports, statements, or testimony. They shall include all relevant and pertinent information in such reports, statements, or testimony.

(c) Registrants when serving as expert witness, shall express an engineering or land surveying opinion only when it is founded upon adequate knowledge of the facts, upon a background of technical competence, and upon honest conviction.

(d) Registrants shall issue no statements, criticisms, or arguments on engineering or land surveying matters which are inspired or paid for by interested parties, unless they indicate on whose behalf the statements are made.

(4) Registrants shall act in professional matters for each employer or client as faithful agents or trustees, and shall avoid conflicts of interest.

(a) Registrants shall avoid all known or potential conflicts of interest with their employers or clients and shall promptly inform their employers or clients of any business association, interest, or circumstances which could influence their judgment or the quality of their services.

(b) Registrants shall not accept compensation from more than one party for services on the same project, or for services pertaining to the same project, unless the circumstances are fully disclosed to and agreed to, by all interested parties.

(c) Registrants shall not solicit or accept gratuities, directly or indirectly, from contractors, their agents, or other parties dealing with their clients or employers in connection with work for which they are responsible.

(d) Registrants in public service as members, advisors, or employees of a governmental body or department shall not participate in considerations or actions with respect to services solicited or provided by them or their organization in private or public engineering/land surveying practice.

(e) Registrants shall advise their employers or clients when, as a result of their studies, they believe a project will not be successful.

(f) Registrants shall not use confidential information coming to them in the course of their assignments as a means of making personal profit if such action is adverse to the interests of their clients, employers or the public.

(g) Registrants shall not accept professional employment outside of their regular work or interest without the knowledge of their employers.

(5) Registrants shall build their professional reputation on the merit of their services and shall not compete unfairly with others.

(a) Registrants shall not give, solicit or receive either directly or indirectly, any commission, political contribution, or a gift or other consideration in order to secure work, exclusive of securing salaried positions through employment agencies.

(b) Registrants should negotiate contracts for professional services fairly and on the basis of demonstrated competence and qualifications for the type of professional service required.

(c) Registrants shall not request, propose or accept professional commissions on a contingent basis under circumstances in which their professional judgments may be compromised.

(d) Registrants shall not falsify or permit misrepresentation of their academic or professional qualifications or experience.

(e) Registrants may advertise professional services in a way that does not contain self-laudatory or misleading language.

(6) Registrants shall continue their professional development throughout their careers, and shall provide opportunities for the professional development of those individuals under their supervision.