



RULE-MAKING ORDER (RCW 34.05.360)

CR-103 (10/1/89)

Agency: Board of Registration for Professional Engineers and Land Surveyors

- Permanent Rule
- Emergency Rule

(1) Date of adoption: January 19, 1990

(2) Purpose: Regulate the practice of engineering and land surveying in the state of Washington

(3) Citation of existing rules affected by this order:

Repealed: WAC 196-08-030
 Amended: WAC 196-24-090 and 196-270-020
 Suspended:

(4) Authority for adoption:

Statute: RCW 18.43.035
 Other Authority:

(5.1) **PERMANENT RULE ONLY**

Pursuant to notice filed as WSR 89-24-057 on December 5, 1989 (date).

Describe any changes other than editing from proposed to adopted version:
 Editing revisions to amend WAC 196-27-020(5)(a) replacing the word ((should)) with shall

(5.2) **EMERGENCY RULE ONLY**

Pursuant to RCW 34.05.350 the agency for good cause finds:

- (a) 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.
- (b) 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:

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?
 Yes No If yes, explain:

(6) Effective date of rule:

Permanent Rules	Emergency Rules
<input checked="" type="checkbox"/> 31 days after filing	<input type="checkbox"/> Immediately
<input type="checkbox"/> Other (specify) _____ *	<input type="checkbox"/> Later (specify) _____

* (If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

FEB 21 1990

TIME: 4:13 ALL

WSR 90-05-071

NAME (TYPE OR PRINT): Alan E. Rathbun, PE

SIGNATURE:

TITLE: Registrar

DATE: 1-29-90

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

WAC 196-24-090 BRANCH OFFICES. (1) A branch office of an engineering or land surveying firm shall be defined as an office established to solicit and/or provide engineering and/or land surveying services. A resident professional engineer/land surveyor shall be defined as a person holding a valid certificate of registration in this state and who maintains said branch office as his normal place of business. A professional engineer or professional land surveyor may be the resident licensee at only one place of business at any given time.

(2) Each branch office of an engineering firm shall have a resident professional engineer in responsible charge. Each branch office of a surveying firm shall have a resident professional land surveyor in responsible charge.

(3) Branch office restrictions shall not apply to project offices. A project office shall be defined as an office established to provide:

- (a) Supervision for construction of a project designed elsewhere.
- (b) Supervision of or providing a convenient work place for a specific land surveying or engineering project.

~~((4) No new work shall be solicited by the firm's representative located at a project office.))~~

NEW SECTION

WAC 196-24-092 OFFER TO PRACTICE. The offer to practice engineering or land surveying services shall include, but not be limited to, identification of the scope of work and/or estimated cost of said services. Said offer to practice shall be performed by or under the direct supervision of a licensee qualified to offer said services under the provisions of chapter 18.43 RCW.

AMENDATORY SECTION (Amending Order PM 606, filed 6/4/87)

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 and 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))~~ not offer money, goods or other favors as inducement to receive favorable consideration for a professional assignment. Also, registrants shall not accept money, goods or other favors as inducement to approve, authorize or influence the granting of a professional assignment. This shall not preclude the securing of of 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))~~ shall not advertise professional services in a way that ~~((does--not--contain--self--laudatory--or--misleading--language))~~ is false or misleading as to the qualification, experience, or capability of the registrant.

(f) Registrants shall not participate in a selection process or be employed in an assignment where said selection was awarded by a process determined to be in violation of chapter 39.80 RCW.

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

(7) Registrants shall respond to any legal request for information by the board and/or appear before the board in the time frame established by the board or their staff designee.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 196-08-030 APPEARANCE AND PRACTICE BEFORE AGENCY--
SOLICITATION OF BUSINESS UNETHICAL.