



RULE-MAKING ORDER
(RCW 34.05.360)

CR-103 (7/10/97)

Agency: Department of Licensing

- Permanent Rule
- Emergency Rule
- Expedited Adoption
- Expedited Repeal

(1) Date of adoption: May 7, 1998

(2) Purpose: To implement the provisions of legislation enacted in 1997 (Chapter 247, Laws of 1997) as codified in RCW 18.43.130, Excepted Services - Fees. **(Effective July 1, 1998).**

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

Repealed:

Amended:

Suspended:

(4) Statutory authority for adoption: RCW 18.43.035, RCW 18.43.130

Other Authority:

PERMANENT RULE ONLY

Adopted under notice filed as WSR 98-08-106 on April 1, 1998 (date).

Describe any changes other than editing from proposed to adopted version: WAC 196-25-005, last sentence of last paragraph. Delete the words "as a professional engineer or professional land surveyor or both under". Before the word Chapter, insert "pursuant to" and after RCW, add "for each profession for which services are offered."

EMERGENCY RULE ONLY

Under 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:

EXPEDITED REPEAL ONLY

Under Preproposal Statement of Inquiry filed as WSR _____ on _____ (date)

(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
or Expedited Repeal**

Emergency Rules

- 31 days after filing
- Other (specify) 7/1/98*
- Immediately
- Later (specify) _____

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

Name (Type or Print)

George A. Twiss

Signature

George A. Twiss

Title
Executive Director

Date
May 29, 1998

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

MAY 29 1998

TIME 3:27 PM
DATE 98-12-053

**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:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	<u>7</u>	Amended	_____	Repealed	_____

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

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>7</u>	Amended	_____	Repealed	_____
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____

Chapter 196-25 WAC

BUSINESS PRACTICES

NEW SECTION

WAC 196-25-001 Purpose. The purpose of this chapter is to implement that part of chapter 18.43 RCW related to corporations and limited liability companies offering engineering and land surveying services, as enacted by the 1997 legislature.

NEW SECTION

WAC 196-25-002 Definitions. Board. The Washington state board of registration for professional engineers and land surveyors.

Professional engineer. A person registered by the board under chapter 18.43 RCW to practice engineering in this state.

Professional land surveyor. A person registered by the board under chapter 18.43 RCW to practice land surveying in this state.

Business. A corporation, joint stock association or limited liability company that is practicing or offering to practice, engineering or land surveying or both in this state.

Designee. A currently registered professional engineer designated by the business to be in responsible charge of engineering activities for the business in this state, OR, a currently registered professional land surveyor designated by the business to be in responsible charge of land surveying activities for the business in this state.

Certificate of authorization. A certificate issued by the board, pursuant to chapter 18.43 RCW, to a business authorizing it to practice engineering or land surveying or both in this state. (Note: This is a different certificate than the certificate of authorization that may be filed with the secretary of state.)

NEW SECTION

WAC 196-25-005 Businesses that must be authorized by the board. Except for professional service (PS) corporations and professional service limited liability companies (PLLC's), all corporations, joint stock associations and limited liability companies (LLC's) that offer engineering or land surveying services must apply to the board for a certificate of authorization to practice engineering or land surveying or both in the state of Washington.

Effective July 1, 1998, engineering partnerships currently registered with the board will no longer be required to pay an annual renewal fee. Also effective July 1, partnerships and limited liability partnerships offering engineering and/or land surveying services will not be required to apply for a certificate of authorization from the board. However, the partnership must employ at least one person currently registered pursuant to chapter 18.43 RCW for each profession for which services are offered.

NEW SECTION

WAC 196-25-010 Applications. All applications must be completed on forms provided by the board and filed with the executive director at the board's address and be accompanied by the appropriate fee as listed in WAC 196-26-020.

NEW SECTION

WAC 196-25-020 Corporations or joint stock associations. (1) The following will be submitted with the application for a certificate of authorization: A certified copy of a resolution of the board of directors; identification of the designee(s); an affidavit signed by the designee(s); a copy of the certificate of incorporation or certificate of authorization as filed with the secretary of state; and, a copy of the corporation's current Washington business license.

(2) The resolution of the board of directors of the corporation designating person(s) must also provide full authority to the designee to make all final engineering or land surveying decisions respectfully on behalf of the corporation for work performed by the corporation in this state.

The resolution must further state that the bylaws of the corporation shall be amended in accordance with RCW 18.43.130 (8) (c) pertaining to engineering or land surveying decisions made by the

designee.

NEW SECTION

WAC 196-25-030 Limited liability companies. (1) The following must be submitted with the application for a certificate of authorization: A certified copy of a resolution by the company manager or managers; identification of the designee(s); an affidavit signed by the designee(s); a copy of the certificate of formation as filed with the secretary of state; and, a copy of the company's current business license.

(2) The resolution by the limited liability company manager or managers designating person(s), must also provide full authority to the designee to make all final engineering or land surveying decisions respectfully on behalf of the company for work performed by the company in the state of Washington. The resolution must further state that the limited liability company agreement shall be amended in accordance with RCW 18.43.130 (10)(b) pertaining to engineering or land surveying decisions made by the designee.

NEW SECTION

WAC 196-25-040 Provisions pertaining to both corporations and limited liability companies. (1) If the business offers both engineering and land surveying services, there must be a designee for each profession. If a person is licensed in both engineering and land surveying, that person may be designated for both professions.

(2) An affidavit must be signed by the designee(s) stating that he or she knows they have been designated by the business as being responsible for the engineering and/or land surveying activities in the state of Washington.

(3) The designated engineer and/or designated land surveyor must be an employee of the business.

(4) No person may be the designated engineer or designated land surveyor at more than one business at any one time.

(5) If there is a change in the designee(s), the business must notify the board in writing within thirty days of the effective date of the change and submit a new affidavit.

(6) If the business changes its name, the business must submit a copy of its amended certificate of authority or amended certificate of incorporation (for corporations) or a copy of the certificate of amendment (for LLC's), as filed with the secretary of state within thirty days of the filing.

(7) At the time of renewal, a copy of a business' business license must be submitted to insure that the company is registered with the secretary of state and has a current uniform business identification (UBI) number.

(8) The filing of the resolution shall not relieve the business of any responsibility or liability imposed upon it by law or by contract. Any business that is certified under chapter 18.43 RCW and this chapter is subject to the authority of the board as provided in RCW 18.43.035, 18.43.105, 18.43.110, and 18.43.120.