

**HB 1176 - S AMD 540**

By Senator Van De Wege

**ADOPTED 04/10/2019**

1 Strike everything after the enacting clause and insert the  
2 following:

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

5 Every individual, before acting as an auctioneer, shall obtain an  
6 auctioneer certificate of registration. To be licensed as an  
7 auctioneer, an individual shall meet all of the following  
8 requirements:

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

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

13 (3) (~~Show that the proper tax registration certificate required~~  
14 ~~by~~) Be registered with the department of revenue pursuant to RCW  
15 82.32.030 (~~has been obtained from the department of revenue~~).

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

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

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

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

25 Every person, before operating an auction company as defined in  
26 RCW 18.11.050, shall obtain an auction company certificate of  
27 registration.

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

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

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

6 (c) (~~Show that the proper tax registration certificate required~~  
7 ~~by~~) Be registered with the department of revenue pursuant to RCW  
8 82.32.030 ((has been obtained from the department of revenue)) and,  
9 if an ownership entity other than sole proprietor or general  
10 partnership, be registered with the secretary of state.

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

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

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

17 (2) An auction company shall not be charged a license fee if it  
18 is a sole proprietorship or a partnership owned by an auctioneer or  
19 auctioneers, each of whom is licensed under this chapter, and if it  
20 has in effect a surety bond or bonds or other security approved by  
21 the director in the amount that would otherwise be required for an  
22 auction company to be granted or to retain a license under RCW  
23 18.11.121.

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

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

27 (1) The practice of any other legally recognized profession or  
28 trade; or

29 (2) The practice of a person not a resident and having no  
30 established place of business in this state, practicing or offering  
31 to practice herein the profession of engineering or land surveying,  
32 when such practice does not exceed in the aggregate more than thirty  
33 days in any calendar year: PROVIDED, Such person has been determined  
34 by the board to be legally qualified by registration to practice the  
35 said profession in his or her own state or country in which the  
36 requirements and qualifications for obtaining a certificate of  
37 registration are not lower than those specified in this chapter. The  
38 person shall request such a determination by completing an  
39 application prescribed by the board and accompanied by a fee

1 determined by the (~~director~~) board. Upon approval of the  
2 application, the board shall issue a permit authorizing temporary  
3 practice; or

4 (3) The practice of a person not a resident and having no  
5 established place of business in this state, or who has recently  
6 become a resident thereof, practicing or offering to practice herein  
7 for more than thirty days in any calendar year the profession of  
8 engineering or land surveying, if he or she shall have filed with the  
9 board an application for a certificate of registration and shall have  
10 paid the fee required by this chapter: PROVIDED, That such person is  
11 legally qualified by registration to practice engineering or land  
12 surveying in his or her own state or country in which the  
13 requirements and qualifications of obtaining a certificate of  
14 registration are not lower than those specified in this chapter. Such  
15 practice shall continue only for such time as the board requires for  
16 the consideration of the application for registration; or

17 (4) The work of an employee or a subordinate of a person holding  
18 a certificate of registration under this chapter, or an employee of a  
19 person practicing lawfully under provisions of this section:  
20 PROVIDED, That such work does not include final design or decisions  
21 and is done under the direct responsibility, checking, and  
22 supervision of a person holding a certificate of registration under  
23 this chapter or a person practicing lawfully under the provisions of  
24 this section; or

25 (5) The work of a person rendering engineering or land surveying  
26 services to a corporation, as an employee of such corporation, when  
27 such services are rendered in carrying on the general business of the  
28 corporation and such general business does not consist, either wholly  
29 or in part, of the rendering of engineering services to the general  
30 public: PROVIDED, That such corporation employs at least one person  
31 holding a certificate of registration under this chapter or  
32 practicing lawfully under the provisions of this chapter; or

33 (6) The practice of officers or employees of the government of  
34 the United States while engaged within the state in the practice of  
35 the profession of engineering or land surveying for the government of  
36 the United States; or

37 (7) Nonresident engineers employed for the purpose of making  
38 engineering examinations; or

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

4 (a) The corporation has filed with the board an application for  
5 certificate of authorization upon a form to be prescribed by the  
6 board and containing information required to enable the board to  
7 determine whether such corporation is qualified in accordance with  
8 this chapter to practice engineering or land surveying, or both, in  
9 this state;

10 (b) For engineering, the corporation has filed with the board a  
11 certified copy of a resolution of the board of directors of the  
12 corporation that shall designate a person holding a certificate of  
13 registration under this chapter as responsible for the practice of  
14 engineering by the corporation in this state and shall provide that  
15 full authority to make all final engineering decisions on behalf of  
16 the corporation with respect to work performed by the corporation in  
17 this state shall be granted and delegated by the board of directors  
18 to the person so designated in the resolution. For land surveying,  
19 the corporation has filed with the board a certified copy of a  
20 resolution of the board of directors of the corporation which shall  
21 designate a person holding a certificate of registration under this  
22 chapter as responsible for the practice of land surveying by the  
23 corporation in this state and shall provide full authority to make  
24 all final land surveying decisions on behalf of the corporation with  
25 respect to work performed by the corporation in this state be granted  
26 and delegated by the board of directors to the person so designated  
27 in the resolution. If a corporation offers both engineering and land  
28 surveying services, the board of directors shall designate both a  
29 licensed engineer and a licensed land surveyor. If a person is  
30 licensed in both engineering and land surveying, the person may be  
31 designated for both professions. The resolution shall further state  
32 that the bylaws of the corporation shall be amended to include the  
33 following provision: "The designated engineer or land surveyor,  
34 respectively, named in the resolution as being in responsible charge,  
35 or an engineer or land surveyor under the designated engineer or land  
36 surveyor's direct supervision, shall make all engineering or land  
37 surveying decisions pertaining to engineering or land surveying  
38 activities in the state of Washington." However, the filing of the  
39 resolution shall not relieve the corporation of any responsibility or  
40 liability imposed upon it by law or by contract;

1 (c) If there is a change in the designated engineer or designated  
2 land surveyor, the corporation shall notify the board in writing  
3 within thirty days after the effective date of the change. If the  
4 corporation changes its name, the corporation shall submit a copy of  
5 its amended certificate of authority or amended certificate of  
6 incorporation as filed with the secretary of state within thirty days  
7 of the filing;

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

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

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

24 (iii) The corporation is licensed with the secretary of state and  
25 holds a current unified business identification number and the board  
26 determines, based on evaluating the findings and information in this  
27 section, that the applicant corporation possesses the ability and  
28 competence to furnish engineering or land surveying services, or  
29 both, in the public interest; and

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

32 The board may exercise its discretion to take any of the actions  
33 under RCW 18.235.110 or this chapter with respect to a certificate of  
34 authorization issued to a corporation if the board finds that any of  
35 the officers, directors, incorporators, or the stockholders holding a  
36 majority of stock of such corporation has engaged in unprofessional  
37 conduct as defined in RCW 18.43.105 or 18.235.130 or has been found  
38 personally responsible for unprofessional conduct under (f) and (g)  
39 of this subsection.

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

4 (f) Any corporation authorized to practice engineering under this  
5 chapter, together with its directors and officers for their own  
6 individual acts, are responsible to the same degree as an individual  
7 registered engineer, and must conduct its business without  
8 unprofessional conduct in the practice of engineering as defined in  
9 this chapter and RCW 18.235.130.

10 (g) Any corporation that is certified under this chapter is  
11 subject to the authority of the board as provided in RCW 18.43.035,  
12 18.43.105, 18.43.110, 18.43.120, and chapter 18.235 RCW.

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

19 (i) For each certificate of authorization issued under this  
20 subsection (8) there shall be paid an initial fee determined by the  
21 (~~director as provided in RCW 43.24.086~~) board and an annual renewal  
22 fee determined by the (~~director as provided in RCW 43.24.086~~)  
23 board.

24 (9) The practice of engineering and/or land surveying in this  
25 state by a partnership if the partnership employs at least one person  
26 holding a valid certificate of registration under this chapter to  
27 practice engineering or land surveying, or both. The board shall not  
28 issue certificates of authorization to partnerships after July 1,  
29 1998. Partnerships currently registered with the board are not  
30 required to pay an annual renewal fee after July 1, 1998.

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

33 (a) The limited liability company has filed with the board an  
34 application for certificate of authorization upon a form to be  
35 prescribed by the board and containing information required to enable  
36 the board to determine whether the limited liability company is  
37 qualified under this chapter to practice either or both engineering  
38 or land surveying in this state.

39 (b) The limited liability company has filed with the board a  
40 certified copy of a resolution by the company manager or managers

1 that shall designate a person holding a certificate of registration  
2 under this chapter as being responsible for the practice of  
3 engineering or land surveying, or both, by the limited liability  
4 company in this state and that the designated person has full  
5 authority to make all final engineering or land surveying decisions  
6 on behalf of the limited liability company with respect to work  
7 performed by the limited liability company in this state. The  
8 resolution shall further state that the limited liability company  
9 agreement shall be amended to include the following provision: "The  
10 designated engineer or land surveyor, respectively, named in the  
11 resolution as being in responsible charge, or an engineer or land  
12 surveyor under the designated engineer or land surveyor's direct  
13 supervision, shall make all engineering or land surveying decisions  
14 pertaining to engineering or land surveying activities in the state  
15 of Washington." However, the filing of the resolution shall not  
16 relieve the limited liability company of responsibility or liability  
17 imposed upon it by law or by contract.

18 (c) The designated engineer for the limited liability company  
19 must hold a current professional engineer license issued by this  
20 state.

21 The designated land surveyor for the limited liability company  
22 must hold a current professional land surveyor license issued by this  
23 state.

24 If a person is licensed as both a professional engineer and as a  
25 professional land surveyor in this state, then the limited liability  
26 company may designate the person as being in responsible charge for  
27 both professions.

28 If there is a change in the designated engineer or designated  
29 land surveyor, the limited liability company shall notify the board  
30 in writing within thirty days after the effective date of the change.  
31 If the limited liability company changes its name, the company shall  
32 submit to the board a copy of the certificate of amendment filed with  
33 the secretary of state's office.

34 (d) Upon the filing with the board the application for  
35 certificate of authorization, a certified copy of the resolution, and  
36 an affidavit from the designated engineer or the designated land  
37 surveyor, or both, specified in (b) and (c) of this subsection, (~~a  
38 copy of the certificate of formation as filed with the secretary of  
39 state, and a copy of the company's current business license,~~) the  
40 board shall issue to the limited liability company a certificate of

1 authorization to practice engineering or land surveying, or both, in  
2 this state upon determination by the board that:

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

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

9 (iii) The limited liability company is licensed with the  
10 secretary of state and has a current unified business identification  
11 number and that the board determines, based on evaluating the  
12 findings and information under this subsection, that the applicant  
13 limited liability company possesses the ability and competence to  
14 furnish either or both engineering or land surveying services in the  
15 public interest; and

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

18 The board may exercise its discretion to take any of the actions  
19 under RCW 18.235.110 and 18.43.105 with respect to a certificate of  
20 authorization issued to a limited liability company if the board  
21 finds that any of the managers or members holding a majority interest  
22 in the limited liability company has engaged in unprofessional  
23 conduct as defined in RCW 18.43.105 or 18.235.130 or has been found  
24 personally responsible for unprofessional conduct under the  
25 provisions of (f) and (g) of this subsection.

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

29 (f) Any limited liability company authorized to practice  
30 engineering or land surveying, or both, under this chapter, together  
31 with its manager or managers and members for their own individual  
32 acts, are responsible to the same degree as an individual registered  
33 engineer or registered land surveyor, and must conduct their business  
34 without unprofessional conduct in the practice of engineering or land  
35 surveying, or both.

36 (g) A limited liability company that is certified under this  
37 chapter is subject to the authority of the board as provided in RCW  
38 18.43.035, 18.43.105, 18.43.110, 18.43.120, and chapter 18.235 RCW.

39 (h) All plans, specifications, designs, and reports when issued  
40 in connection with work performed by a limited liability company



1 under its certificate of authorization shall be prepared by or under  
2 the direct supervision of and shall be signed by and shall be stamped  
3 with the official seal of a person holding a certificate of  
4 registration under this chapter.

5 (i) For each certificate of authorization issued under this  
6 subsection (10) there shall be paid an initial fee determined by the  
7 (~~director as provided in RCW 43.24.086~~) board and an annual renewal  
8 fee determined by the (~~director as provided in RCW 43.24.086~~)  
9 board.

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

12 (1) A person desiring a license as a real estate firm shall apply  
13 on a form prescribed by the director. A person desiring a license as  
14 a real estate broker or managing broker must pay an examination fee  
15 and pass an examination. The person shall apply for an examination  
16 and for a license on a form prescribed by the director. Concurrently,  
17 the applicant shall meet the following requirements:

18 (a) Furnish other proof as the director may require concerning  
19 the honesty, truthfulness, and good reputation, as well as the  
20 identity, which may include fingerprints and criminal background  
21 checks, of any applicants for a license, or of the officers of a  
22 corporation, limited liability company, other legally recognized  
23 business entity, or the partners of a limited liability partnership  
24 or partnership, making the application;

25 (b) (~~If the applicant is a corporation, furnish a certified copy  
26 of its articles of incorporation, and a list of its officers and  
27 directors and their addresses. If the applicant is a foreign  
28 corporation, the applicant shall furnish a certified copy of  
29 certificate of authority to conduct business in the state of  
30 Washington, a list of its officers and directors and their addresses,  
31 and evidence of current registration with the secretary of state. If  
32 the applicant is a limited liability company or other legally  
33 recognized business entity, the applicant shall furnish a list of the  
34 members and managers of the company and their addresses.~~) If the  
35 applicant is a legally recognized business entity, except a general  
36 partnership, it must be registered with the secretary of state and  
37 must furnish a list of governors that includes:

38 (i) For corporations, a list of officers and directors and their  
39 addresses;

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

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

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

7 (c) If the applicant is a ((limited liability partnership or))  
8 general partnership, the applicant shall furnish a copy of the signed  
9 partnership agreement and a list of the partners thereof and their  
10 addresses;

11 ~~((e))~~ (d) Unless the applicant is a corporation or limited  
12 liability company, complete a fingerprint-based background check  
13 through the Washington state patrol criminal identification system  
14 and through the federal bureau of investigation. The applicant must  
15 submit the fingerprints and required fee for the background check to  
16 the director for submission to the Washington state patrol. The  
17 director may consider the recent issuance of a license that required  
18 a fingerprint-based national criminal information background check,  
19 or recent employment in a position that required a fingerprint-based  
20 national criminal information background check, in addition to  
21 fingerprints to accelerate the licensing and endorsement process. The  
22 director may adopt rules to establish a procedure to allow a person  
23 covered by this section to have the person's background rechecked  
24 under this subsection upon application for a renewal license.

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

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

30 Application for registration shall be on forms prescribed by the  
31 board and furnished by the director, shall contain statements made  
32 under oath, showing the applicant's education and detail summary of  
33 his or her technical work and shall contain ~~((not less than five~~  
34 ~~references, of whom three or more shall be))~~ verification of the  
35 technical work from professional engineers ((having)) that supervised  
36 the applicant's technical work and have personal knowledge of the  
37 applicant's engineering experience.

38 The registration fee for professional engineers shall be  
39 determined by the ~~((director as provided in RCW 43.24.086))~~ board,

1 which shall accompany the application and shall include the cost of  
2 examination and issuance of certificate. The fee for engineer-in-  
3 training shall be determined by the (~~director as provided in RCW~~  
4 ~~43.24.086~~) board, which shall accompany the application and shall  
5 include the cost of examination and issuance of certificate.

6 The registration fee for professional land surveyors shall be  
7 determined by the (~~director as provided in RCW 43.24.086~~) board,  
8 which shall accompany the application and shall include the cost of  
9 examination and issuance of certificate. The fee for land-surveyor-  
10 in-training shall be determined by the (~~director as provided in RCW~~  
11 ~~43.24.086~~) board, which shall accompany the application and shall  
12 include the cost of examination and issuance of certificate.

13 Should the board find an applicant ineligible for registration,  
14 the registration fee shall be retained as an application fee.

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

17 (1) License examinations shall be held by the director at least  
18 once each year at a time and place to be designated by the director.  
19 Application to take an examination shall be filed with the director  
20 at least fifteen days prior to the examination date. The department  
21 shall give each applicant written notice of the time and place of the  
22 next examination. The applicant shall be deemed to have passed an  
23 examination if the applicant attains a grade of not less than  
24 seventy-five percent in each examination. (~~Any applicant who fails~~  
25 ~~an examination shall be entitled, at no additional fee, to one retake~~  
26 ~~of that examination.))~~

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

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

32 In addition to any other duties imposed by law, including RCW  
33 18.235.030 and 18.235.040, the director shall have the following  
34 powers and duties:

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

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

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

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

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

9 (6) To maintain the official department record of applicants and  
10 licensees;

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

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

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

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

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

26 The definitions in this section apply throughout this chapter  
27 unless the context clearly requires otherwise.

28 (1) "Engineer" means a professional engineer as defined in this  
29 section.

30 (2) "Professional engineer" means a person who, by reason of his  
31 or her special knowledge of the mathematical and physical sciences  
32 and the principles and methods of engineering analysis and design,  
33 acquired by professional education and practical experience, is  
34 qualified to practice engineering as defined in this section, as  
35 attested by his or her legal registration as a professional engineer.

36 (3) "Engineer-in-training" means a candidate who: (a) Has  
37 satisfied the experience requirements in RCW 18.43.040 for  
38 registration; (b) has successfully passed the examination in the

1 fundamental engineering subjects; and (c) is enrolled by the board as  
2 an engineer-in-training.

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

5 (5) (a) "Practice of engineering" means any professional service  
6 or creative work requiring engineering education, training, and  
7 experience and the application of special knowledge of the  
8 mathematical, physical, and engineering sciences to such professional  
9 services or creative work as consultation, investigation, evaluation,  
10 planning, design, and supervision of construction for the purpose of  
11 assuring compliance with specifications and design, in connection  
12 with any public or private utilities, structures, buildings,  
13 machines, equipment, processes, works, or projects.

14 (b) A person shall be construed to practice or offer to practice  
15 engineering, within the meaning and intent of this chapter, who  
16 practices any branch of the profession of engineering; or who, by  
17 verbal claim, sign, advertisement, letterhead, card, or in any other  
18 way represents himself or herself to be a professional engineer, or  
19 through the use of some other title implies that he or she is a  
20 professional engineer; or who holds himself or herself out as able to  
21 perform, or who does perform, any engineering service or work or any  
22 other professional service designated by the practitioner or  
23 recognized by educational authorities as engineering.

24 (c) The practice of engineering does not include the work  
25 ordinarily performed by persons who operate or maintain machinery or  
26 equipment.

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

28 (7) "Professional land surveyor" means a person who, by reason of  
29 his or her special knowledge of the mathematical and physical  
30 sciences and principles and practices of land surveying, which is  
31 acquired by professional education and practical experience, is  
32 qualified to practice land surveying and as attested to by his or her  
33 legal registration as a professional land surveyor.

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

39 (9) "Practice of land surveying" means assuming responsible  
40 charge of the surveying of land for the establishment of corners,

1 lines, boundaries, and monuments, the laying out and subdivision of  
2 land, the defining and locating of corners, lines, boundaries, and  
3 monuments of land after they have been established, the survey of  
4 land areas for the purpose of determining the topography thereof, the  
5 making of topographical delineations and the preparing of maps and  
6 accurate records thereof, when the proper performance of such  
7 services requires technical knowledge and skill.

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

11 (11) "Significant structures" include:

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

15 (b) Essential facilities that have a ground area of more than  
16 five thousand square feet and are more than twenty feet in mean roof  
17 height above average ground level. Essential facilities are defined  
18 as:

19 (i) Hospitals and other medical facilities having surgery and  
20 emergency treatment areas;

21 (ii) Fire and police stations;

22 (iii) Tanks or other structures containing, housing, or  
23 supporting water or fire suppression material or equipment required  
24 for the protection of essential or hazardous facilities or special  
25 occupancy structures;

26 (iv) Emergency vehicle shelters and garages;

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

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

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

31 (viii) Aviation control towers, air traffic control centers, and  
32 emergency aircraft hangars; and

33 (ix) Buildings and other structures having critical national  
34 defense functions;

35 (c) Structures exceeding one hundred feet in height above average  
36 ground level;

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

1 (e) Bridges having a total span of more than two hundred feet and  
2 piers having a surface area greater than ten thousand square feet;  
3 and

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

6 (12) "Director" means the executive director of the Washington  
7 state board of registration for professional engineers and land  
8 surveyors.

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

11 When oral or written examinations are required, they shall be  
12 held at such time and place as the board shall determine. If  
13 examinations are required on fundamental engineering subjects (such  
14 as ordinarily given in college curricula) the applicant shall be  
15 permitted to take this part of the professional examination prior to  
16 his or her completion of the requisite years of experience in  
17 engineering work. The board shall issue to each applicant upon  
18 successfully passing the examination in fundamental engineering  
19 subjects a certificate stating that the applicant has passed the  
20 examination in fundamental engineering subjects and that his or her  
21 name has been recorded as an engineer-in-training.

22 The scope of the examination and the methods of procedure shall  
23 be prescribed by the board with special reference to the applicant's  
24 ability to design and supervise engineering works so as to insure the  
25 safety of life, health and property. Examinations shall be given for  
26 the purpose of determining the qualifications of applicants for  
27 registration separately in engineering and in land surveying. A  
28 candidate failing an examination may apply for reexamination.  
29 Subsequent examinations will be granted upon payment of a fee to be  
30 determined by the (~~director as provided in RCW 43.24.086~~) board.

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

33 The (~~director of licensing~~) board shall issue a certificate of  
34 registration upon payment of a registration fee as provided for in  
35 this chapter, to any applicant who, in the opinion of the board, has  
36 satisfactorily met all the requirements of this chapter. In case of a  
37 registered engineer, the certificate shall authorize the practice of  
38 "professional engineering" and specify the branch or branches in

1 which specialized, and in case of a registered land surveyor, the  
2 certificate shall authorize the practice of "land surveying."

3 In case of engineer-in-training, the certificate shall state that  
4 the applicant has successfully passed the examination in fundamental  
5 engineering subjects required by the board and has been enrolled as  
6 an "engineer-in-training." In case of land-surveyor-in-training, the  
7 certificate shall state that the applicant has successfully passed  
8 the examination in fundamental surveying subjects required by the  
9 board and has been enrolled as a "land-surveyor-in-training." All  
10 certificates of registration shall show the full name of the  
11 registrant, shall have a serial number, and shall be signed by the  
12 chair and the secretary of the board and by the director (~~of~~  
13 ~~licensing~~)).

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

19 Each registrant hereunder shall upon registration obtain a seal  
20 of the design authorized by the board, bearing the registrant's name  
21 and the legend "registered professional engineer" or "registered land  
22 surveyor." Plans, specifications, plats, and reports prepared by the  
23 registrant shall be signed, dated, and stamped with said seal or  
24 facsimile thereof. Such signature and stamping shall constitute a  
25 certification by the registrant that the same was prepared by or  
26 under his or her direct supervision and that to his or her knowledge  
27 and belief the same was prepared in accordance with the requirements  
28 of the statute. It shall be unlawful for anyone to stamp or seal any  
29 document with said seal or facsimile thereof after the certificate of  
30 registrant named thereon has expired or been revoked, unless said  
31 certificate shall have been renewed or reissued.

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

34 (1) Certificates of registration, and certificates of  
35 authorization and renewals thereof, shall expire on the last day of  
36 the month of December following their issuance or renewal and shall  
37 become invalid on that date unless renewed. It shall be the duty of  
38 the (~~administrator of the division of professional licensing~~) board  
39 to notify every person, firm, or corporation registered under this



1 chapter of the date of the expiration of his or her certificate and  
2 the amount of the renewal fee that shall be required for its renewal  
3 for one year. Such notice shall be mailed at least thirty days before  
4 the end of December of each year. Renewal may be effected during the  
5 month of December by the payment of a fee determined by the  
6 (~~director as provided in RCW 43.24.086~~) board. In case any  
7 professional engineer and/or land surveyor registered under this  
8 chapter shall fail to pay the renewal fee hereinabove provided for,  
9 within ninety days from the date when the same shall become due, the  
10 renewal fee shall be the current fee plus an amount equal to one  
11 year's fee.

12 (2) Beginning July 1, 2007, the (~~department of licensing~~) board  
13 may not renew a certificate of registration for a land surveyor  
14 unless the registrant verifies to the board that he or she has  
15 completed at least fifteen hours of continuing professional  
16 development per year of the registration period. By July 1, 2006, the  
17 board shall adopt rules governing continuing professional development  
18 for land surveyors that are generally patterned after the model rules  
19 of the national council of examiners for engineering and surveying.

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

22 The board may, upon application and the payment of a fee  
23 determined by the (~~director as provided in RCW 43.24.086~~) board,  
24 issue a certificate without further examination as a professional  
25 engineer or land surveyor to any person who holds a certificate of  
26 qualification of registration issued to the applicant following  
27 examination by proper authority, of any state or territory or  
28 possession of the United States, the District of Columbia, or of any  
29 foreign country, provided: (1) That the applicant's qualifications  
30 meet the requirements of the chapter and the rules established by the  
31 board, and (2) that the applicant is in good standing with the  
32 licensing agency in said state, territory, possession, district, or  
33 foreign country.

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

36 The board shall have the exclusive power to discipline the  
37 registrant and sanction the certificate of registration of any  
38 registrant.

1 Any person may file a complaint alleging unprofessional conduct,  
2 as set out in RCW ((18.235.130 and)) 18.43.105, against any  
3 registrant. The complaint shall be in writing and shall be sworn to  
4 in writing by the person making the allegation. A registrant against  
5 whom a complaint was made must be immediately informed of such  
6 complaint by the board.

7 The board, for reasons it deems sufficient, may reissue a  
8 certificate of registration to any person whose certificate has been  
9 revoked or suspended, providing a majority of the board vote in favor  
10 of such issuance. A new certificate of registration to replace any  
11 certificate revoked, lost, destroyed, or mutilated may be issued,  
12 subject to the rules of the board, and a charge determined by the  
13 ((director as provided in RCW 43.24.086)) board shall be made for  
14 such issuance.

15 In addition to the imposition of disciplinary action under RCW  
16 18.235.110 and 18.43.105, the board may refer violations of this  
17 chapter to the appropriate prosecuting attorney for charges under RCW  
18 18.43.120.

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

21 The board shall set fees at a level adequate to pay the costs of  
22 administering this chapter. All fees collected under the provisions  
23 of RCW 18.43.050, 18.43.060, 18.43.080, 18.43.100, and 18.43.130 and  
24 fines collected under RCW 18.43.110 shall be paid into the  
25 professional engineers' account, which account is hereby established  
26 in the state treasury to be used to carry out the purposes and  
27 provisions of RCW 18.43.050, 18.43.060, 18.43.080, 18.43.100,  
28 18.43.110, 18.43.120, 18.43.130, and all other duties required for  
29 operation and enforcement of this chapter. During the 2013-2015 and  
30 2015-2017 fiscal ((biennium [biennia])) biennia, the legislature may  
31 transfer moneys from the professional engineers' account to the state  
32 general fund such amounts as reflect the excess fund balance of the  
33 fund.

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

36 The definitions in this section apply throughout this chapter  
37 unless the context clearly requires otherwise.

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

3 (2) "Certificate of competency" or "certificate" means a  
4 certificate issued to employees of local health jurisdictions  
5 indicating that the certificate holder has passed the licensing  
6 examination required under this chapter.

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

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

13 (5) "Engineer" means a professional engineer licensed under  
14 chapter 18.43 RCW.

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

17 (7) "Local health jurisdiction" or "jurisdictional health  
18 department" means an administrative agency created under chapter  
19 70.05, 70.08, or 70.46 RCW, that administers the regulation and codes  
20 regarding on-site wastewater treatment systems.

21 (8) "On-site wastewater design" means the development of plans,  
22 details, specifications, instructions, or inspections by application  
23 of specialized knowledge in analysis of soils, on-site wastewater  
24 treatment systems, disposal methods, and technologies to create an  
25 integrated system of collection, transport, distribution, treatment,  
26 and disposal of on-site wastewater.

27 (9) "On-site wastewater treatment system" means an integrated  
28 system of components that: Convey, store, treat, and/or provide  
29 subsurface soil treatment and disposal of wastewater effluent on the  
30 property where it originates or on adjacent or other property and  
31 includes piping, treatment devices, other accessories, and soil  
32 underlying the disposal component of the initial and reserve areas,  
33 for on-site wastewater treatment under three thousand five hundred  
34 gallons per day when not connected to a public sewer system.

35 (10) "Practice of engineering" has the meaning set forth in RCW  
36 18.43.020(5).

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

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

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

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

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

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

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

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

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

21 (3) The (~~(director, as provided in RCW 43.24.086)~~) board, shall  
22 determine an application fee for licensure as an on-site wastewater  
23 treatment system designer. A nonrefundable application fee must  
24 accompany the application. The (~~(director)~~) board shall ensure that  
25 the application fee includes the cost of the examination and the cost  
26 issuance of a license and certificate. A candidate who fails an  
27 examination may apply for reexamination. The (~~(director)~~) board shall  
28 determine the fee for reexamination.

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

31 (1) Licenses and certificates issued under this chapter are valid  
32 for a period of time as determined by the (~~(director)~~) board and may  
33 be renewed under the conditions described in this chapter. An expired  
34 license or certificate is invalid and must be renewed. Any licensee  
35 or certificate holder who fails to pay the renewal fee within ninety  
36 days following the date of expiration shall be assessed a penalty fee  
37 as determined by the (~~(director)~~) board and must pay the penalty fee

1 and the base renewal fee before the license or certificate may be  
2 renewed.

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

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

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

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

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

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

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

25 (5) It may adopt rules reasonably necessary to administer the  
26 provisions of this chapter. The board shall submit to the governor  
27 (~~such~~) periodic reports as may be required. A roster, showing the  
28 names and places of business of all registered professional engineers  
29 and land surveyors may be published for distribution, upon request,  
30 to professional engineers and land surveyors registered under this  
31 chapter and to the public.

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

34 (1) The local board of health shall ensure that individuals who  
35 conduct inspections of on-site wastewater treatment systems or who  
36 otherwise conduct reviews of such systems are qualified in the  
37 technology and application of on-site sewage treatment principles. A  
38 certificate of competency issued by the (~~department of licensing~~)

1 state board of registration for professional engineers and land  
2 surveyors is adequate demonstration that an individual is competent  
3 in the engineering aspects of on-site wastewater treatment system  
4 technology.

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

10 **Sec. 21.** RCW 18.235.010 and 2017 c 281 s 36 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 those boards specified in RCW 18.235.020(2)(b).

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

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

17 (i) Executive director of the state board of registration for  
18 professional engineers and land surveyors for matters under the  
19 authority of the state board of registration for professional  
20 engineers and land surveyors established under chapter 18.43 RCW; or

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

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

26 (4) "Disciplinary action" means sanctions identified in RCW  
27 18.235.110.

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

33 (6) "License," "licensing," and "licensure" are deemed equivalent  
34 to the terms "license," "licensing," "licensure," "certificate,"  
35 "certification," and "registration" as those terms are defined in RCW  
36 18.118.020. Each of these terms, and the term "commission" under  
37 chapter 42.45 RCW, are interchangeable under the provisions of this  
38 chapter.

39 (7) "Unlicensed practice" means:

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

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

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

11 (1) The board shall set fees at a level adequate to pay the costs  
12 of administering this chapter. All fees and fines collected under  
13 this chapter shall be paid into the professional engineers' account  
14 established under RCW 18.43.150. Moneys in the account may be spent  
15 only after appropriation and must be used to carry out all the  
16 purposes and provisions of this chapter and chapter 18.43 RCW,  
17 including the cost of administering this chapter.

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

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

24 The department of licensing, through an interagency agreement  
25 with the board, must provide specified administrative staff support  
26 and associated technical services, materials, and equipment to the  
27 board. The initial interagency agreement must be for a term of three  
28 years and may be renewed by mutual agreement between the department  
29 of licensing and the board."

**HB 1176 - S AMD 540**

By Senator Van De Wege

**ADOPTED 04/10/2019**

30 On page 1, line 3 of the title, after "cosmetology;" strike the  
31 remainder of the title and insert "amending RCW 18.11.085, 18.11.095,  
32 18.43.130, 18.85.171, 18.43.050, 18.39.070, 18.16.030, 18.43.020,

1 18.43.060, 18.43.070, 18.43.080, 18.43.100, 18.43.110, 18.43.150,  
2 18.210.010, 18.210.050, 18.210.120, 18.210.140, 18.43.035,  
3 70.118.120, 18.235.010, and 18.210.200; and adding a new section to  
4 chapter 18.43 RCW."

EFFECT: Adds provisions that remove the board of registration for professional engineers and land surveyors (board) from the department of licensing and establish the board as a separate state agency.

--- END ---