

Title 196 WAC

PROFESSIONAL ENGINEERS AND LAND SURVEYORS, STATE BOARD OF REGISTRATION FOR

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Chapter 196-04 WAC

ORGANIZATION AND JURISDICTION

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196-04-010	Marine surveyors.
196-04-020	Branch of marine surveyor discontinued.

WAC 196-04-010 Marine surveyors. The board of engineers and land surveyors will not hold examinations for marine surveyors nor will the board, after January 1, 1966 issue license renewals for marine surveyors. All inconsistent rules or regulations are hereby amended or repealed. [Order, (codified as WAC 196-04-010), filed 8/20/63.]

WAC 196-04-020 Branch of marine surveyor discontinued. The branch of marine surveyor shall be discontinued with the calendar year of 1965 and that no further examinations or licenses will be issued in the branch of marine surveyor following this date.

Renewals of presently licensed persons who now hold certificates in good standing will be accepted through the years of 1964 and 1965, but shall be null and void at the expiration of the year 1965. [Order, (codified as WAC 196-04-020), filed 9/30/63.]

Chapter 196-08 WAC

PRACTICE AND PROCEDURE

WAC

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WAC 196-08-010 Appearance and practice before agency—Who may appear. No person may appear in a representative capacity before the board other than the following:

(1) Attorneys at law duly qualified and entitled to practice before the supreme court of the state of Washington.

(2) Attorneys at law duly qualified and entitled to practice before the highest court of record of any other state, if the attorneys at law of the state of Washington are permitted to appear in a representative capacity before administrative agencies of such other state, and if not otherwise prohibited by our state law. [Rule .08.010, filed 7/6/60.]

WAC 196-08-030 Appearance and practice before agency—Solicitation of business unethical. It shall be unethical for persons acting in a representative capacity before the board to solicit business by circulars, advertisements or by personal communication or interviews not warranted by personal relations, provided that such representatives may publish or circulate business cards. It is equally unethical to procure business indirectly by solicitors of any kind. [Rule .08.030, filed 7/6/60.]

WAC 196-08-040 Appearance and practice before agency—Standards of ethical conduct. All persons appearing in proceedings before the board in a representative capacity shall conform to the standards of ethical conduct required of attorneys before the courts of Washington. If any such person does not conform to such standards, the board may decline to permit such person to appear in a representative capacity in any proceeding before the board. [Rule .08.040, filed 7/6/60.]

WAC 196-08-050 Appearance and practice before agency—Appearance by former employee of agency or former member of attorney general's staff. No former employee of the board or member of the attorney general's staff may at any time after severing his employment with the board or the attorney general appear, except with the written permission of the board, and in compliance with RCW 44.22.040, in a representative capacity

on behalf of other parties in a formal proceeding wherein he previously took an active part as a representative of the board. [Rule .08.050, filed 7/6/60.]

WAC 196-08-060 Appearance and practice before agency—Former employee as expert witness. No former employee of the board shall at any time after severing his employment with the board appear, except with the written permission of the board, as an expert witness on behalf of other parties in a formal proceeding wherein he previously took an active part in the investigation as a representative of the board. [Rule .08.060, filed 7/6/60.]

WAC 196-08-070 Computation of time. In computing any period of time prescribed or allowed by the board's rules, by order of the board or by any applicable statute, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or a legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and holidays shall be excluded in the computation. [Rule .08.070, filed 7/6/60.]

WAC 196-08-080 Notice and opportunity for hearing in contested cases. In any contested case, all parties shall be served with at least 30 days before the date set for the hearing. The notice shall state the time, place, and issues involved, as required by RCW 34.04.090(1). [Rule .08.080, 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. [Rule .08.081, filed 7/6/60.]

WAC 196-08-090 Service of process—By whom served. The board shall cause to be served all orders, notices and other paper issued by it, together with any other papers which it is required by law to serve. Every other paper shall be served by the party filing it. [Rule .08.090, filed 7/6/60.]

WAC 196-08-100 Service of process—Upon whom served. All papers served by either the board or any party shall be served upon all counsel of record at the time of such filing and upon parties not represented by counsel or upon their agents designated by them or by law. Any counsel entering an appearance subsequent to the initiation of the proceeding shall notify all other counsel then of record and all parties not represented by counsel of such fact. [Rule .08.100, filed 7/6/60.]

WAC 196-08-110 Service of process—Service upon parties. The final order, and any other paper required to be served by the board upon a party, shall be served upon such party or upon the agent designated by him or by law to receive service of such papers, and a

copy shall be furnished to counsel of record. [Rule .08.110, filed 7/6/60.]

WAC 196-08-120 Service of process—Method of service. Service of papers shall be made personally or, unless otherwise provided by law, by first-class, registered, or certified mail; or by telegraph. [Rule .08.120, filed 7/6/60.]

WAC 196-08-130 Service of process—When service complete. Service upon parties shall be regarded as complete: By mail, upon deposit in the United States mail properly stamped and addressed; by telegraph, when deposited with a telegraph company properly addressed and with charges prepaid. [Rule .08.130, filed 7/6/60.]

WAC 196-08-140 Service of process—Filing with agency. Papers required to be filed with the board shall be deemed filed upon actual receipt by the board at the place specified in its rules accompanied by proof of service upon parties required to be served. [Rule .08.140, filed 7/6/60.]

WAC 196-08-150 Subpoenas—Form. Every subpoena shall state the name of the board and the title of the proceeding, if any, and shall command the person to whom it is directed to attend and give testimony or produce designated books, documents or things under his control at a specified time and place. [Rule .08.150, filed 7/6/60.]

WAC 196-08-160 Subpoenas—Issuance to parties. Upon application of any party or counsel for any party to a contested case, there shall be issued to such party subpoenas requiring the attendance and testimony of witnesses or the production of evidence in such proceeding. The board may issue subpoenas to parties not so represented upon request or upon a showing of general relevance and reasonable scope of the testimony or evidence sought. [Rule .08.160, filed 7/6/60.]

WAC 196-08-170 Subpoenas—Service. Unless the service of a subpoena is acknowledged on its face by the person subpoenaed, service shall be made by delivering a copy of the subpoena to such person and by tendering him on demand, if entitled by law to make such demand, the fees for one day's attendance and the mileage allowed by law. [Rule .08.170, filed 7/6/60.]

WAC 196-08-180 Subpoenas—Fees. Witnesses summoned before the board shall be paid by the party at whose instance they appear the same fees and mileage that are paid to witnesses in the superior courts of the state of Washington. [Rule .08.180, filed 7/6/60.]

WAC 196-08-190 Subpoenas—Proof of service. The person serving the subpoena shall make proof of service by filing the subpoena and the required return, affidavit, or acknowledgement of service with the board or the officer before whom the witness is required to testify or produce evidence. If service is made by a person other than an officer of the board and such service

has not been acknowledged by the witness, such person shall make an affidavit of service. Failure to make proof of service does not affect the validity of the service. [Rule .08.190, filed 7/6/60.]

WAC 196-08-200 Subpoenas—Quashing. Upon motion made promptly, and in any event at or before the time specified in the subpoena for compliance, by the person to whom the subpoena is directed (and upon notice to the party to whom the subpoena was issued) the board or its authorized member or officer may (1) quash or modify the subpoena if it is unreasonable or requires evidence not relevant to any matter in issue, or (2) condition denial of the motion upon just and reasonable conditions. [Rule .08.200, filed 7/6/60.]

WAC 196-08-210 Subpoenas—Enforcement. Upon application and for good cause shown, the board will seek judicial enforcement of subpoenas issued to parties and which have not been quashed. [Rule .08.210, filed 7/6/60.]

WAC 196-08-220 Subpoenas—Geographical scope. Such attendance of witnesses and such production of evidence may be required from any place in the state of Washington, at any designated place of hearing. [Rule .08.220, filed 7/6/60.]

WAC 196-08-230 Depositions and interrogatories in contested cases—Right to take. Except as may be otherwise provided, any party may take the testimony of any person, including a party, by deposition upon oral examination or written interrogatories for use as evidence in the proceeding, except that leave must be obtained if notice of the taking is served by a proponent within twenty days after the filing of a complaint, application or petition. The attendance of witnesses may be compelled by the use of a subpoena. Depositions shall be taken only in accordance with this rule and the rule on subpoenas. [Rule .08.230, filed 7/6/60.]

WAC 196-08-240 Depositions and interrogatories in contested cases—Scope. Unless otherwise ordered, the deponent may be examined regarding any matter not privileged, which is relevant to the subject matter involved in the proceeding. [Rule .08.240, filed 7/6/60.]

WAC 196-08-250 Depositions and interrogatories in contested cases—Officer before whom taken. Within the United States or within a territory or insular possession subject to the dominion of the United States depositions shall be taken before an officer authorized to administer oaths by the laws of the state of Washington or of the place where the examination is held; within a foreign country, depositions shall be taken before a secretary of an embassy or legation, consul general, vice consul or consular agent of the United States, or a person designated by the board or agreed upon by the parties by stipulation in writing filed with the board. Except by stipulation, no deposition shall be taken before a person who is a party or the privy of a party, or a privy of

any counsel of a party, or who is financially interested in the proceeding. [Rule .08.250, filed 7/6/60.]

WAC 196-08-260 Depositions and interrogatories in contested cases—Authorization. A party desiring to take the deposition of any person upon oral examination shall give reasonable notice of not less than three days in writing to the board and all parties. The notice shall state the time and place for taking the deposition, the name and address of each person to be examined, if known, and if the name is not known, a general description sufficient to identify him or the particular class or group to which he belongs. On motion of a party upon whom the notice is served, the hearing officer may for cause shown, enlarge or shorten the time. If the parties so stipulate in writing, depositions may be taken before any person, at any time or place, upon any notice, and in any manner and when so taken may be used as other depositions. [Rule .08.260, filed 7/6/60.]

WAC 196-08-270 Depositions and interrogatories in contested cases—Protection of parties and deponents. After notice is served for taking a deposition, upon its own motion or upon motion reasonably made by any party or by the person to be examined and upon notice and for good cause shown, the board or any designated member may make an order that the deposition shall not be taken, or that it may be taken only at some designated place other than that stated in the notice, or that it may be taken only on written interrogatories, or that certain matters shall not be inquired into, or that the scope of the examination shall be limited to certain matters, or that the examination shall be limited to certain matters, or that the examination shall be held with no one present except the parties to the action and their officers or counsel, or that after being sealed, the deposition shall be opened only by order of the board, or that business secrets or secret processes, developments, or research need not be disclosed, or that the parties shall simultaneously file specified documents or information enclosed in sealed envelopes to be opened as directed by the board or the board may make any other order which justice requires to protect the party or witness from annoyance, embarrassment, or oppression. At any time during the taking of the deposition, on motion of any party or of the deponent and upon a showing that the examination is being conducted in bad faith or in such manner as unreasonably to annoy, embarrass, or oppress the deponent or party, the board or its designated agent may order the officer conducting the examination to cease forthwith from taking the deposition, or may limit the scope and manner of the taking of the deposition as above provided. If the order made terminates the examination, it shall be resumed thereafter only upon the order of the agency. Upon demand of the objecting party or deponent, the taking of the deposition shall be suspended for the time necessary to make a motion for an order. [Rule .08.270, filed 7/6/60.]

WAC 196-08-280 Depositions and interrogatories in contested cases—Oral examination and cross-examination. Examination and cross-examination shall

proceed as at an oral hearing. In lieu of participating in the oral examination, any party served with notice of taking a deposition may transmit written cross interrogatories to the officer who, without first disclosing them to any person, and after the direct testimony is complete, shall propound them seriatim to the deponent and record or cause the answers to be recorded verbatim. [Rule .08.280, filed 7/6/60.]

WAC 196-08-290 Depositions and interrogatories in contested cases—Recordation. The officer before whom the deposition is to be taken shall put the witness on oath and shall personally or by someone acting under his direction and in his presence, record the testimony by typewriter directly or by transcription from stenographic notes, wire or record recorders, which record shall separately and consecutively number each interrogatory. Objections to the notice, qualifications of the officer taking the deposition, or to the manner of taking it, or to the evidence presented or to the conduct of the officer, or of any party, shall be noted by the officer upon the deposition. All objections by any party not so made are waived. [Rule .08.290, filed 7/6/60.]

WAC 196-08-300 Depositions and interrogatories in contested cases—Signing attestation and return. (1) When the testimony is fully transcribed the deposition shall be submitted to the witness for examination and shall be read to or by him, unless such examination and reading are waived by the witness and by the parties. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing or the witness is ill or cannot be found or refuses to sign. If the deposition is not signed by the witness, the officer shall sign it and state on the record the fact of the waiver or of the illness or absence of the witness or the fact of the refusal to sign together with the reason, if any, given therefor; and the deposition may then be used as fully as though signed, unless on a motion to suppress the board holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

(2) The officer shall certify on the deposition that the witness was duly sworn by him and that the deposition is a true record of the testimony given by the witness. He shall then securely seal the deposition in an envelope indorsed with the title of proceeding and marked "Deposition of (here insert name of witness)" and shall promptly send it by registered or certified mail to the board, or its agent, for filing. The party taking the deposition shall give prompt notice of its filing to all other parties. Upon payment of reasonable charges therefor, the officer shall furnish a copy of the deposition to any party or to the deponent. [Rule .08.300, filed 7/6/60.]

WAC 196-08-310 Depositions and interrogatories in contested cases—Use and effect. Subject to rulings by the board upon objections a deposition taken and filed as provided in this rule will not become a part of

the record in the proceeding until received in evidence by the board upon its own motion or the motion of any party. Except by agreement of the parties or ruling of the board, a deposition will be received only in its entirety. A party does not make a party, or the privy of a party, or any hostile witness his witness by taking his deposition. Any party may rebut any relevant evidence contained in a deposition whether introduced by him or any other party. [Rule .08.310, filed 7/6/60.]

WAC 196-08-320 Depositions and interrogatories in contested cases—Fees of officers and deponents. Deponents whose depositions are taken and the officers taking the same shall be entitled to the same fees as are paid for like services in the superior courts of the state of Washington, which fees shall be paid by the party at whose instance the depositions are taken. [Rule .08.320, filed 7/6/60.]

WAC 196-08-330 Depositions and interrogatories in contested cases—Submission of interrogatories. Where the deposition is taken upon written interrogatories, the party offering the testimony shall separately and consecutively number each interrogatory and file and serve them with a notice stating the name and address of the person who is to answer them and the name or descriptive title and address of the officer before whom they are to be taken. Within 10 days thereafter a party so served may serve cross-interrogatories upon the party proposing to take the deposition. Within five days thereafter, the latter may serve redirect interrogatories upon the party who served cross-interrogatories. [Rule .08.330, filed 7/6/60.]

WAC 196-08-340 Depositions and interrogatories in contested cases—Interrogation. Where the interrogatories are forwarded to an officer authorized to administer oaths, as provided in WAC 196-08-250, the officer taking the same after duly swearing the deponent, shall read to him seriatim, one interrogatory at a time and cause the same and the answer thereto to be recorded before the succeeding interrogatory is asked. No one except the deponent, the officer and the court reporter or stenographer recording and transcribing it shall be present during the interrogation. [Rule .08.340, filed 7/6/60.]

WAC 196-08-350 Depositions and interrogatories in contested cases—Attestation and return. The officer before whom interrogatories are verified or answered shall (1) certify under his official signature and seal that the deponent was duly sworn by him, that the interrogatories and answers are a true record of the deponent's testimony, that no one except deponent, the officer and the stenographer were present during the taking, and that neither he nor the stenographer, to his knowledge, is a party, privy to a party, or interested in the event of the proceedings, and (2) promptly send by registered or certified mail the original copy of the deposition and exhibits with his attestation to the board, one copy to the counsel who submitted the interrogatories and another copy to the deponent. [Rule .08.350, filed 7/6/60.]

WAC 196-08-360 Depositions and interrogatories in contested cases—Provisions of deposition rule. In all other respects, depositions upon interrogatories shall be governed by the previous deposition rule. [Rule .08.360, filed 7/6/60.]

WAC 196-08-370 Official notice—Matters of law. The board, upon request made before or during a hearing, will officially notice:

(1) **Federal law.** The Constitution; congressional acts, resolutions, records, journals and committee reports; decisions of federal courts and administrative agencies; executive orders and proclamations; and all rules, orders and notices published in the Federal Register;

(2) **State law.** The Constitution of the state of Washington, acts of legislature, resolutions, records, journals and committee reports; decisions of administrative agencies of the state of Washington, executive orders and proclamations by the governor; and all rules, orders and notices filed with the code reviser.

(3) **Governmental organization.** Organization, territorial limitations, officers, departments, and general administration of the government of the state of Washington, the United States, the several states and foreign nations;

(4) **Agency organization.** The board's organization, administration, officers, personnel, official publications, and practitioners before its bar. [Rule .08.370, filed 7/6/60.]

WAC 196-08-380 Official notice—Material facts. In the absence of controverting evidence, the board, upon request made before or during a hearing, may officially notice:

(1) **Agency proceedings.** The pendency of, the issues and position of the parties therein, and the disposition of any proceeding then pending before or theretofore concluded by the board;

(2) **Business customs.** General customs and practices followed in the transaction of business;

(3) **Notorious facts.** Facts so generally and widely known to all well-informed persons as not to be subject to reasonable dispute, or specific facts which are capable of immediate and accurate demonstration by resort to accessible sources of generally accepted authority, including but not exclusively, facts stated in any publication authorized or permitted by law to be made by any federal or state officer, department, or agency;

(4) **Technical knowledge.** Matters within the technical knowledge of the board as a body of experts, within the scope or pertaining to the subject matter of its statutory duties, responsibilities or jurisdiction;

(5) **Request or suggestion.** Any party may request, or the board may suggest, that official notice be taken of a material fact, which shall be clearly and precisely stated, orally on the record, at any prehearing conference or oral hearing or argument, or may make such request or suggestion by written notice, any pleading, motion, memorandum, or brief served upon all parties, at any time prior to a final decision;

(6) **Statement.** Where an initial or final decision of the board rests in whole or in part upon official notice of

a material fact, such fact shall be clearly and precisely stated in such decision. In determining whether to take official notice of material facts, the board may consult any source of pertinent information, whether or not furnished as it may be, by any party and whether or not admissible under the rules of evidence;

(7) **Controversion.** Any party may controvert a request or a suggestion that official notice of a material fact be taken at the time the same is made if it be made orally, or by a pleading, reply or brief in response to the pleading or brief or notice in which the same is made or suggested. If any decision is stated to rest in whole or in part upon official notice of a material fact which the parties have not had a prior opportunity to controvert, any party may controvert such fact by appropriate exceptions if such notice be taken in an initial or intermediate decision or by a petition for reconsideration if notice of such fact be taken in a final report. Such controversion shall concisely and clearly set forth the sources, authority and other data relied upon to show the existence or nonexistence of the material fact assumed or denied in the decision;

(8) **Evaluation of evidence.** Nothing herein shall be construed to preclude the board or its authorized agents from utilizing their experience, technical competence, and specialized knowledge in the evaluation of the evidence presented to them. [Rule .08.380, filed 7/6/60.]

WAC 196-08-390 Presumptions. Upon proof of the predicate facts specified in the following six subdivisions hereof without substantial dispute and by direct, clear, and convincing evidence, the board with or without prior request or notice, may make the following presumptions, where consistent with all surrounding facts and circumstances:

(1) **Continuity.** That a fact of a continuous nature, proved to exist at a particular time, continues to exist as of the date of the presumption, if the fact is one which usually exists for at least that period of time;

(2) **Identity.** That persons and objects of the same name and description are identical;

(3) **Delivery.** That mail matter, communications, express or freight, properly addressed, marked, billed and delivered respectively to the post office, telegraph, cable or radio company, or authorized common carrier of property with all postage, tolls and charges properly prepaid, is or has been delivered to the addressee or consignee in the ordinary course of business;

(4) **Ordinary course.** That a fact exists or does not exist, upon proof of the existence or nonexistence of another fact which in the ordinary and usual course of affairs, usually and regularly co-exists with the fact presumed;

(5) **Acceptance of benefit.** That a person for whom an act is done or to whom a transfer is made has, does or will accept same where it is clearly in his own self-interest so to do;

(6) **Interference with remedy.** That evidence, with respect to a material fact which in bad faith is destroyed, eloiigned, suppressed or withheld by a party in control thereof, would if produced, corroborate the evidence of

the adversary party with respect to such fact. [Rule .08.390, filed 7/6/60.]

WAC 196-08-400 Stipulations and admissions of record. The existence or nonexistence of a material fact, as made or agreed in a stipulation or in an admission of record, will be conclusively presumed against any party bound thereby, and no other evidence with respect thereto will be received upon behalf of such party, provided:

(1) **Upon whom binding.** Such a stipulation or admission is binding upon the parties by whom it is made, their privies and upon all other parties to the proceeding who do not expressly and unequivocally deny the existence or nonexistence of the material fact so admitted or stipulated, upon the making thereof, if made on the record at a prehearing conference, oral hearing, oral argument or by a writing filed and served upon all parties within five days after a copy of such stipulation or admission has been served upon them;

(2) **Withdrawal.** Any party bound by a stipulation or admission of record at any time prior to final decision may be permitted to withdraw the same in whole or in part by showing to the satisfaction of the board that such stipulation or admission was made inadvertently or under a bona fide mistake of fact contrary to the true fact and that its withdrawal at the time proposed will not unjustly prejudice the rights of other parties to the proceeding. [Rule .08.400, filed 7/6/60.]

WAC 196-08-410 Form and content of decisions in contested cases. Every decision and order, whether proposed, initial, or final, shall:

(1) Be correctly captioned as to name of agency and name of proceeding;

(2) Designate all parties and counsel to the proceeding;

(3) Include a concise statement of the nature and background of the proceeding;

(4) Be accompanied by appropriate numbered findings of fact and conclusions of law;

(5) Whenever practical, include the reason or reasons for the particular order or remedy afforded;

(6) Wherever practical, be referenced to specific provisions of the law and/or regulations appropriate thereto, together with reasons and precedents relied upon to support the same. [Rule .08.410, filed 7/6/60.]

WAC 196-08-420 Definition of issues before hearing. In all proceedings the issues to be adjudicated shall be made initially as precise as possible, in order that the board may proceed promptly to conduct the hearings on relevant and material matter only. [Rule .08.420, filed 7/6/60.]

WAC 196-08-430 Prehearing conference rule—Authorized. In any proceeding the board or its designated member upon its or his own motion, or upon the motion of one of the parties or their qualified representatives, may in its or his discretion direct the parties or their qualified representatives to appear at a specified time and place for a conference to consider:

- (1) The simplification of the issues;
- (2) The necessity of amendments to the pleadings;
- (3) The possibility of obtaining stipulations, admissions of facts and of documents;
- (4) The limitation of the number of expert witnesses;
- (5) Such other matters as may aid in the disposition of the proceeding. [Rule .08.430, filed 7/6/60.]

WAC 196-08-440 Prehearing conference rule—Record of conference action. The board or its designated member shall make an order or statement which recites the action taken at the conference, the amendments allowed to the pleadings and the agreements made by the parties or their qualified representatives as to any of the matters considered, including the settlement or simplification of issues, and which limits the issues for hearing to those not disposed of by admissions or agreements; and such order or statement shall control the subsequent course of the proceeding unless modified for good cause by subsequent order. [Rule .08.440, filed 7/6/60.]

WAC 196-08-450 Submission of documentary evidence in advance. Where practicable the board or its designated member may require:

(1) That all documentary evidence which is to be offered during the taking of evidence be submitted to the board and to the other parties to the proceeding sufficiently in advance of such taking of evidence to permit study and preparation of cross-examination and rebuttal evidence;

(2) That documentary evidence not submitted in advance, as may be required by subdivision (1), be not received in evidence in the absence of a clear showing that the offering party had good cause for his failure to produce the evidence sooner;

(3) That the authenticity of all documents submitted in advance in a proceeding in which such submission is required, be deemed admitted unless written objection thereto is filed prior to the hearing, except that a party will be permitted to challenge such authenticity at a later time upon a clear showing of good cause for failure to have filed such written objection. [Rule .08.450, filed 7/6/60.]

WAC 196-08-460 Excerpts from documentary evidence. When portions only of a document are to be relied upon, the offering party shall prepare the pertinent excerpts, adequately identified, and shall supply copies of such excerpts, together with a statement indicating the purpose for which such materials will be offered, to the hearing examiner and to the other parties. Only the excerpts, so prepared and submitted, shall be received in the record. However, the whole of the original document shall be made available for examination and for use by all parties to the proceeding. [Rule .08.460, filed 7/6/60.]

WAC 196-08-470 Expert or opinion testimony and testimony based on economic and statistical data—Number and qualifications of witnesses. The board or its designated member in all classes of cases where practicable shall make an effort to have the interested parties

agree upon the witness or witnesses who are to give expert or opinion testimony, either by selecting one or more to speak for all parties or by limiting the number for each party; and, if the interested parties cannot agree, require them to submit to him and to the other parties written statements containing the names, addresses and qualifications of their respective opinion or expert witnesses, by a date determined by him and fixed sufficiently in advance of the hearing to permit the other interested parties to investigate such qualifications. [Rule .08.470, filed 7/6/60.]

WAC 196-08-480 Expert or opinion testimony and testimony based on economic and statistical data—Written sworn statements. The board or other appropriate officer, in all classes of cases in which it is practicable and permissible, shall require, and when not so permissible, shall make every effort to bring about by voluntary submission, that all direct opinion or expert testimony and all direct testimony based on economic or statistical data be reduced to written sworn statements, and, together with the exhibits upon which based, be submitted to him and to the other parties to the proceeding by a date determined by the hearing officer and fixed a reasonable time in advance of the hearing; and that such sworn statements be acceptable as evidence upon formal offer at the hearing, subject to objection on any ground except that such sworn statements shall not be subject to challenge because the testimony is not presented orally, and provided that witnesses making such statements shall not be subject to cross-examination unless a request is made sufficiently in advance of the hearing to insure the presence of the witnesses. [Rule .08.480, filed 7/6/60.]

WAC 196-08-490 Expert or opinion testimony and testimony based on economic and statistical data—Supporting data. The board or its designated member, in his discretion but consistent with the rights of the parties, shall cause the parties to make available for inspection in advance of the hearing, and for purposes of cross-examination at the hearing, the data underlying statements and exhibits submitted in accordance with WAC 196-08-480, but, wherever practicable he shall restrict to a minimum the placing of such data in the record. [Rule .08.490, filed 7/6/60.]

WAC 196-08-500 Expert or opinion testimony and testimony based on economic and statistical data—Effect of noncompliance with WAC 196-08-470 or 196-08-480. Whenever the manner of introduction of opinion or expert testimony or testimony based on economic or statistical data is governed by requirements fixed under the provisions of WAC 196-08-470 or 196-08-480, such testimony not submitted in accordance with the relevant requirements shall not be received in evidence in the absence of a clear showing that the offering party had good cause for his failure to conform to such requirements. [Rule .08.500, filed 7/6/60.]

WAC 196-08-510 Continuances. Any party who desires a continuance shall, immediately upon receipt of

notice of a hearing, or as soon thereafter as facts requiring such continuance come to his knowledge, notify the board of said desire, stating in detail the reasons why such continuance is necessary. The board, in passing upon a request for continuance, shall consider whether such request was promptly and timely made. For good cause shown, the board may grant such a continuance and may at any time order a continuance upon its own motion. During a hearing, if it appears in the public interest or in the interest of justice that further testimony or argument should be received, the board may in its discretion continue the hearing and fix the date for introduction of additional evidence or presentation of argument. Such oral notice shall constitute final notice of such continued hearing. [Rule .08.510, filed 7/6/60.]

WAC 196-08-520 Rules of evidence—Admissibility criteria. Subject to the other provisions of these rules, all relevant evidence is admissible which, in the opinion of the officer conducting the hearing, is the best evidence reasonably obtainable, having due regard for its necessity, availability and trustworthiness. In passing upon the admissibility of evidence, the board shall give consideration to, but shall not be bound to follow, the rules of evidence governing civil proceedings, in matters not involving trial by jury, in the superior court of the state of Washington. [Rule .08.520, filed 7/6/60.]

WAC 196-08-530 Rules of evidence—Tentative admission—Exclusion—Discontinuance—Objections. When objection is made to the admissibility of evidence, such evidence may be received subject to a later ruling. The board may, in its discretion, either with or without objection, exclude inadmissible evidence or order cumulative evidence discontinued. Parties objecting to the introduction of evidence shall state the precise grounds of such objection at the time such evidence is offered. [Rule .08.530, filed 7/6/60.]

WAC 196-08-540 Petitions for rule-making, amendment or repeal—Who may petition. Any interested person may petition the board requesting the promulgation, amendment, or repeal of any rule. [Rule .08.540, filed 7/6/60.]

WAC 196-08-550 Petitions for rule-making, amendment or repeal—Requisites. Where the petition requests the promulgation of a rule, the requested or proposed rule must be set out in full. The petition must also include all the reasons for the requested rule together with briefs of any applicable law. Where the petition requests the amendment or repeal of a rule presently in effect, the rule or portion of the rule in question must be set out as well as a suggested amended form, if any. The petition must include all reasons for the requested amendment or repeal of the rule. [Rule .08.550, filed 7/6/60.]

WAC 196-08-560 Petitions for rule-making, amendment or repeal—Agency must consider. All petitions shall be considered by the board and the board may, in its discretion, order a hearing for the further

consideration and discussion of the requested promulgation, amendment, repeal, or modification of any rule. [Rule .08.560, filed 7/6/60.]

WAC 196-08-570 Petitions for rule-making, amendment or repeal—Notice of disposition. The board shall notify the petitioning party within a reasonable time of the disposition, if any, of the petition. [Rule .08.570, filed 7/6/60.]

WAC 196-08-580 Declaratory rulings. As prescribed by RCW 34.04.080, any interested person may petition the board for a declaratory ruling. The board shall consider the petition and within a reasonable time the board shall:

- (1) Issue a nonbinding declaratory ruling; or
- (2) Notify the person that no declaratory ruling is to be issued; or
- (3) Set a reasonable time and place for a hearing or the submission of written evidence upon the matter, and give reasonable notification to the person of the time and place for such hearing and of the issues involved.

If a hearing is held or written evidence is submitted as provided in subsection (3), the board shall within a reasonable time:

- (1) Issue a binding declaratory rule; or
- (2) Issue a nonbinding declaratory ruling; or
- (3) Notify the person that no declaratory ruling is to be issued. [Rule .08.580, filed 7/6/60.]

WAC 196-08-590 Forms. Any interested person petitioning the board for a declaratory ruling pursuant to RCW 34.04.080, shall generally adhere to the following form for such purpose.

At the top of the page shall appear the wording "Before the Washington State Board of Registration for Professional Engineers and Land Surveyors." On the left side of the page below the foregoing the following caption shall be set out: "In the Matter of the Petition of (Name of Petitioning Party) for a Declaratory Ruling." Opposite the foregoing caption shall appear the word "Petition."

The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party. The second paragraph shall state all rules or statutes that may be brought into issue by the petition. Succeeding paragraphs shall set out the state of facts relied upon in form similar to that applicable to complaints in civil actions before the superior courts of this state. The concluding paragraphs shall contain the prayer of the petitioner. The petition shall be subscribed and verified in the manner prescribed for verification of complaints in the superior courts of this state.

The original and two legible copies shall be filed with the agency. Petitions shall be on white paper, either 8-1/2" x 11" or 8-1/2" x 13" in size.

Any interested person petitioning the board requesting the promulgation, amendment or repeal of any rules shall generally adhere to the following form for such purpose.

At the top of the page shall appear the wording "Before the Washington State Board of Registration for Professional Engineers and Land Surveyors." On the left side of the page below the foregoing the following caption shall be set out: "In the Matter of the Petition of (Name of Petitioning Party) for (State Whether Promulgation, Amendment or Repeal) of Rule (or Rules)." Opposite the foregoing caption shall appear the word "Petition."

The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party and whether petitioner seeks the promulgation of new rule or rules, or amendment or repeal of existing rule or rules. The second paragraph, in case of a proposed new rule or amendment of an existing rule, shall set forth the desired rule in its entirety. Where the petition is for amendment, the new matter shall be underscored and the matter proposed to be deleted shall appear in double parentheses. Where the petition is for repeal of an existing rule, such shall be stated and the rule proposed to be repealed shall either be set forth in full or shall be referred to by agency rule number. The third paragraph shall set forth concisely the reasons for the proposal of the petitioner and shall contain a statement as to the interest of the petitioner in the subject matter of the rule. Additional numbered paragraphs may be used to give full explanation of petitioner's reason for the action sought.

Petitions shall be dated and signed by the person or entity named in the first paragraph or by his attorney. The original and two legible copies of the petition shall be filed with the agency. Petitions shall be on white paper, either 8-1/2" x 11" or 8-1/2" x 13" in size. [Rule .08.590, filed 7/6/60.]

Chapter 196-12 WAC

REGISTERED PROFESSIONAL ENGINEERS

WAC

196-12-010	Applications.
196-12-020	Experience records.
196-12-030	Examinations.
196-12-031	Examinations—Modification of examination times.
196-12-050	Evaluation of candidates for engineering licenses.
196-12-060	Holders of E.I.T. certificates.
196-12-070	Fees.
192-12-075	Renewal of licenses.
196-12-080	Branches of registration.
196-12-085	Corporation or joint stock associations shall file.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

196-12-040	Reports. [Rule ID, filed 12/26/62.] Decodified as omitted from comprehensive refiling of rule dated 11/15/65 and 8/4/64.
196-12-090	Correspondence. [Order PL-115, § 196-12-090, filed 11/24/71; Order 11, § 196-12-090, filed 9/12/68.] Repealed by Order PL 181, filed 1/28/75.

WAC 196-12-010 Applications. The deadline for receipt of applications properly filled out and accompanied by the examination fee is three months before the date of the examination. Responses from applicant's references must be in hand two 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 Executive Secretary two months before the examination which they intend to take. A new application is not required where an applicant has taken the examination and failed or who has filed and failed to appear for the examination. [Order PL 224, § 196-12-010, filed 11/5/75; Order PL-129, § 196-12-010, filed 7/27/72; Order 11, § 196-12-010, filed 9/12/68; Rule IIA, filed 11/15/65; Rule IIA, filed 8/4/64; Rule IA, filed 12/26/62.]

WAC 196-12-020 Experience records. (1) Evaluation 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 gained 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 Engineers Council for Professional Development are accepted. In the state of Washington student's credits from other curricula than those approved by the Engineers' Council for Professional Development may be accepted at the discretion of the board. [Order PL-115, § 196-12-020, filed 11/24/71; Rule IIB, filed 11/15/65; Rule IIB, filed 5/26/65; Rule IIB, filed 8/4/64; Rule IB, filed 12/26/62.]

WAC 196-12-030 Examinations. (1) The examinations are given in two parts: (a) Fundamentals and (b) Branch, each of one days duration. The fundamental and branch examinations consists of two sessions, one from 8:00 a.m. to noon and the other from 1:00 p.m. to 5:00 p.m. An applicant failing either the fundamental or branch examinations and passing the other has only to repeat the part failed. An applicant may choose to take either the fundamental or branch portion at one examination, and the remaining part at a subsequent examination. All examinations are given with open book unless specified otherwise by the Board.

Engineering Fundamentals covers the following subjects:

Mathematics
 Chemistry
 Fluid Mechanics
 Thermodynamics
 Statics
 Dynamics
 Mechanics of Materials
 Physics
 Electrical Theory
 Economic Analysis

For the specific branch of engineering in which the applicant desires to qualify, and for times and places of such examinations, see WAC 196-12-080.

(2) The following rules shall apply:

(a) Applicants who hold Washington Engineer-in-Training certificates are only required to take the examination in the specific branch of engineering under which they desire to qualify.

(b) Applicants who hold E.I.T. certificates issued to them by 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 examination.

(c) All applicants regardless of experience record are required to take the examination in the specific branch of engineering in which they desire to qualify. [Order PL-129, § 196-12-030, filed 7/27/72; Order PL-115, § 196-12-030, filed 11/24/71; Order 11, § 196-12-030, filed 9/12/68; Rule IIC, filed 11/15/65, 8/4/64; Rule IC, filed 12/26/62.]

WAC 196-12-031 Examinations—Modification of examination times. The branches of civil, mechanical, electrical and chemical engineering are given two times a year in the spring and winter. All other branches will be given in the spring only. [Filed 12/13/67.]

WAC 196-12-050 Evaluation of candidates for engineering licenses. (1) A candidate who has received his 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.

(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 the fundamental examination waived and be permitted to write the branch examination only. These candidates must attain seventy percent minimum in this examination. No percentage points for experience will be credited towards the required passing grade.

(4) Certification in any additional branch of engineering (see WAC 196-12-080) requires a minimum passing grade of seventy percent on the written examination paper. No percentage points for experience will be credited towards the required passing grade. [Order PL 181, § 196-12-050, filed 1/28/75; Order PL-121, §

196-12-050, filed 5/3/72; Order ELS 7001, § 196-12-050, filed 5/18/70; Order 11, § 196-12-050, filed 9/12/68; Rule IID, filed 11/15/65, 8/4/64; Rule IE, filed 12/26/62.]

WAC 196-12-060 Holders of E.I.T. certificates. (1) At any time after the holder of an E.I.T. certificate has fulfilled the requirements of four additional years of approved professional experience, he may submit a new application for registration completely filled out and notarized and accompanied by the E.I.T. application fee. The portion of the application under Section 6, "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. A second transcript of college record is not required except for 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 E.I.T. registration, and the year 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. [Order PL 224, § 196-12-060, filed 11/5/75; Order 11, § 196-12-060, filed 9/12/68; Rule IIE, filed 11/15/65, 8/4/64; Rule IF, filed 12/26/62.]

WAC 196-12-070 Fees. (All checks or money orders shall be made payable to the state treasurer.) (1) Registration: The professional engineer application must be accompanied by a check or money order for the examination fee; the remaining certificate fee is to be paid before issuance of the certificate. Should the board deny the issuance of the certificate, because of failure of the examination or any other reason, the initial fee will be retained as an examination fee. An applicant who fails one examination may be re-examined once without payment of additional fee, provided that he advises the board of his intention to appear for examination prior to the filing date. If he fails again, however, he must submit an additional examination fee before he may reappear for examination.

(2) Additional Registration: A professional engineer, licensed in Washington who wishes to add an additional branch to his registration may, if qualified by at least two years of additional, acceptable experience, in the desired branch, over and above the statutory eight years required for the original registration, file a new application for each branch of engineering. Any applicant holding a license as a professional engineer, who desires to sit for an examination to add land surveying shall show at least two years of acceptable professional land surveying experience in addition to the statutory eight years of professional engineering experience required for his professional engineering license. Each application shall be accompanied by the examination fee. [Order PL 224, § 196-12-070, filed 11/5/75; Order PL 181, § 196-12-070, filed 1/28/75; Order 11, § 196-12-070, filed

9/12/68; Rule IIF, filed 11/15/65; 8/4/64; Rule IG, filed 12/26/62.]

WAC 196-12-075 Renewal of licenses. (1) The annual license renewal date for professional engineers is hereby changed to coincide with the licensee's birthdate. Individuals making application for initial license and examination, provided they meet all such requirements, will be issued a license, to expire on their next birth anniversary date.

(2) After the initial conversion to a staggered system, licensees may renew their licenses, at the annual renewal fee rate, for one year, from birth anniversary date to the next birth anniversary date.

(3) At least thirty days before the expiration date of the individual's license, the division will mail a notice of renewal of license to every person holding a current license. The licensee should return such notice along with current renewal fees prior to the expiration date of his or her license. If the licensee fails to pay the prescribed renewal fees within ninety days after the expiration date of the license then the renewal fee will be the current fee plus an amount equal to one year's renewal fee. [Order PL 224, § 196-12-075, filed 11/5/75; Order PL 181, § 196-12-075, filed 1/28/75; Order PL 176, § 196-12-075, filed 10/15/74.]

WAC 196-12-080 Branches of registration. The state of Washington conducts examinations and issues certificates in each of the following branches:

- Aeronautical
- Agricultural
- Ceramic
- Chemical
- Civil
- Electrical
- Industrial
- Land Surveying
- Logging
- Mechanical
- Metallurgical
- Mining
- Naval Architecture and Marine Engineering
- Nuclear
- *Specialized Branches
 - *Hydraulics
 - *Sanitary
 - *Structural

Examinations in the branches of Civil, Mechanical, Electrical and Chemical Engineering are given twice a year. Examinations in all other branches of engineering and land surveying are given once a year. All examinations are given 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 Executive Secretary.

* Specialized branches: Hydraulic Engineering, Sanitary Engineering and Structural Engineering are considered by the Board to be specialized branches of engineering; therefore, applicants for registration

in any one of these three fields shall have prior registration as a Professional Engineer and shall have not less than two years of professional experience in the specialized field in which the applicant seeks registration, over and above the requirements for professional registration (Statutory eight years).

The examination in Structural Engineering, shall be of two full days duration. Examinations in Hydraulic and Sanitary Engineering shall be of one day duration. [Order PL-129, § 196-12-080, filed 7/27/72; Order PL-115, § 196-12-080, filed 11/24/71; Order 11, § 196-12-080, filed 9/12/68; Rule IG, filed 11/15/65, 8/4/64; Rule IH, filed 12/26/62.]

WAC 196-12-085 Corporation or joint stock associations shall file. (1) A letter of application containing a brief statement of the corporation's origin, activities, principals, and experience in the field of engineering, signed and attested by the corporation executive officers.

(2) 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.

(3) 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. 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.

(4) 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 engineer in responsible charge or other responsible engineer under his direction or supervision.

(5) The application for certificate stating the type or types, of engineering practiced by such corporation. Type or types are limited to those listed herein under the by-laws rules of procedure as branches of registration.

(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) Individual resumes of the engineering personnel currently employed, designated under (2) and (3) above.

(8) An application for certificate of authorization stating the experience of the corporation, if any, in furnishing engineering services during the preceding five

year period and stating the experience of the corporation, if any, in furnishing of all feasibility and advisory studies made within the state of Washington.

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

(10) A copy of the by-laws of the corporation 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 (4) above.

(11) A copy of the current brochure, if any, now issued by the applicant corporation.

(12) Statutory fee of five hundred dollars.

Items (1) through (10) shall be submitted as specific items or exhibits with each application except those corporations organized solely by a group of engineers [RCW 18.43.130(8)(e)].

In the case of change or increase in the engineers named as being in responsible charge, charge of a branch, or charge of a project, additional certificates of designation and the professional history of such engineers will be required. [Order PL 181, § 196-12-085, filed 1/28/75; Order PL-115, § 196-12-085, filed 11/24/71.]

Chapter 196-16 WAC

REGISTERED PROFESSIONAL LAND SURVEYORS

WAC

196-16-005	Definitions.
196-16-007	Applications.
196-16-010	Experience records.
196-16-020	Examinations.
196-16-031	Reciprocity.
196-16-050	Fees.
196-16-055	Renewal of licenses.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

196-16-030	Reports. [Rule IIC, filed 12/26/62.] Decodified as omitted from comprehensive refiling of rules dated 11/15/65 and 8/4/64.
196-16-040	Evaluation of candidates for land surveyor licenses. [Rule IID, filed 12/26/62.] Decodified as omitted from comprehensive refiling of rules dated 11/15/65 and 8/4/64. See Wac 196-16-010 and 196-16-020.
196-16-060	Correspondence. [Order PL-115, § 196-16-060, filed 11/24/71.] Repealed by Order PL 181, filed 1/28/75.

WAC 196-16-005 Definitions. The Professional Engineers and Land Surveyors Act provides; Land surveyor: The term "Land Surveyor" shall mean a person who, through technical knowledge and skill gained by education and/or by experience, is qualified to practice land surveying as hereinafter defined.

The term "practice of land surveying" shall mean assuming responsible charge of the surveying of land for the establishment of corners, lines, boundaries, and monuments, the laying out and subdivision of land, the defining and locating of corners, lines, boundaries and monuments of land after they have been established, the survey of land areas for the purpose of determining the topography thereof, the making of topographical delineations and the preparing of maps and accurate records

thereof, when the proper performance of such services requires technical knowledge and skill. [Rule III (part), filed 11/15/65; Rule III (part), filed 8/4/64.]

WAC 196-16-007 Applications. The deadline for receipt of applications properly filled out and accompanied by the examination fee is three months before the date of the examination. Response from applicant's references must be in hand two 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 executive secretary two months before the examination which they intend to take. A new application is not required where an applicant has taken the examination and failed or who has filed and failed to appear for the examination. [Order PL 224, § 196-16-007, filed 11/5/75; Order PL-129, § 196-16-007, filed 7/27/72; Order PL-115, § 196-16-007, filed 11/24/71; Rule IIIA, filed 11/15/65; Rule IIIA, filed 8/4/64.]

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. The provisions of the law are that:

(1) Graduation in a recognized engineering 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 engineering course is equivalent to one year of experience.

(3) Graduation in a curriculum other than engineering will be evaluated by the board and may be considered as equivalent to two years of such required experience. It is the responsibility of the applicant to see that the board is furnished a transcript of his college record when education is claimed as experience.

(4) Engineering teaching of a character satisfactory to the board may be recognized as surveying experience up to a maximum of one year.

(5) A registered professional engineer who applies to be examined to become certified as a land surveyor is required to have two years acceptable land surveying experience, over and above his eight years acceptable engineering experience. This requires a total of ten or more years experience. A professional land surveyor who applies to be examined to become a professional engineer is required to have four years acceptable engineering experience in his branch, over and above the statutory six years of acceptable land surveying experience. This also requires a total of ten years experience. [Order PL-115, § 196-16-010, filed 11/24/71; Rule IIIB, filed 11/15/65; Rule IIIB, filed 8/4/64; Rule IIA, filed 12/26/62.]

WAC 196-16-020 Examinations. The land surveying examination consists of two full eight hour days given at the regular examination period. 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 from 8:00 a.m. to noon and from 1:00 p.m. to 5:00 p.m.

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

(2) Second day -- Land surveying -- Practical applied surveying problems.

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

Each day's examination is graded separately. As an example, if an applicant fails the first day's examination and passes the second day, he will have to repeat the first day's examination at a subsequent examination date.

A candidate must receive a grade of at least 70% in each of the examinations. [Order PL-121, § 196-16-020, filed 5/3/72; Order PL-115, § 196-16-020, filed 11/24/71; Rule IIIC, filed 11/15/65; Rule IIIC, filed 8/4/64; Rules IIB and IID (part), filed 12/26/62.]

WAC 192-16-021-Interpretative regulations—Suitable work factors—Effective date of RCW 50.20.100. (1) EFFECTIVE DATE AND GENERAL COMMENTS. RCW 50.20.100 has been amended by section 6, chapter 33, Laws of 1977 1st ex. sess. and the provisions are effective as to all claims filed for weeks of unemployment beginning July 3, 1977, and thereafter. This amendment removes RCW 50.20.100 from consideration when adjudicating voluntary quits under RCW 50.20.050. This amendment also modifies the factors which are to be considered in determining whether work is suitable for purposes of RCW 50.20.080 and RCW 50.20.010(3).

(2) SUITABLE WORK FACTORS.

(a) Suitable work is employment in keeping with the individual's prior work experience, education, or training. If the individual lacks such prior work experience, education, or training or such employment is not available in the general area, suitable work shall include any employment which the individual would have the physical and mental ability to perform.

(b) In addition to the considerations set forth above and those set forth in RCW 50.20.110, the department shall consider the following factors in determining whether work is suitable to an individual:

(i) the degree of risk involved to the individual's health, safety, and morals;

(ii) the individual's physical fitness;

(iii) the individual's length of unemployment and prospects for securing work in the individual's customary occupation;

(iv) the distance of the available work from the individual's residence; and

(v) the existence of any state or national emergency.

(3) DEFINITION OF GENERAL AREA. "General area" means an individual's labor market area and includes the geographic area within which an individual would customarily seek work in a given occupation. [Order 2-77, filed 9/2/77.]

WAC 196-16-031 Reciprocity. (1) Applicants for land surveying by reciprocity, who have been qualified by examination, will be exempt from the second day's test. All applicants are required to sit for rules and legal questions.

(2) One branch only as professional engineer or land surveyor will be issued by reciprocity. Each added branch requires a new application. [Order PL-115, § 196-16-031, filed 11/24/71.]

WAC 196-16-050 Fees. The registration fee for land surveyors must be submitted in the form of a check or money order with the application. An applicant who fails one examination may be re-examined once without additional fee. If he fails again, however, he must submit a further examination fee before he may reappear for examination. [Order PL 224, § 196-16-050, filed 11/5/75; Order PL 181, § 196-16-050, filed 1/28/75; Rule IIID, filed 11/15/65; Rule IIID, filed 8/4/64; Rule IIE, filed 12/26/62.]

WAC 196-16-055 Renewal of licenses. (1) The annual license renewal date for professional land surveyors is hereby changed to coincide with the licensee's birthdate. Individuals making application for initial license and examination, provided they meet all such requirements, will be issued a license, to expire on their next birth anniversary date.

(2) After the initial conversion to a staggered system, licensees may renew their licenses, at the annual renewal fee rate, for one year, from birth anniversary date to the next birth anniversary date.

(3) At least thirty days before the expiration date of the individual's license, the division will mail a notice of renewal of license to every person holding a current license. The licensee should return such notice along with the current renewal fees prior to the expiration date of his or her license. If the licensee fails to pay the prescribed renewal fees within ninety days after the expiration date of the license then the renewal fee will be the current fee plus an amount equal to one year's renewal fee. [Order PL 224, § 196-16-055, filed 11/5/75; Order PL 181, § 196-16-055, filed 1/28/75; Order PL 176, § 196-16-055, filed 10/15/74.]

**Chapter 196-20 WAC
ENGINEERS IN TRAINING**

WAC

196-20-010	Applications.
196-20-020	Experience.
196-20-030	Examinations.
196-20-040	Fees.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

196-20-050 Correspondence. [Order PL-115, § 196-20-050, filed 11/24/71.] Repealed by Order PL 181, filed 1/28/75.

WAC 196-20-010 Applications. (1) The deadline for receipt of applications properly filled out and accompanied by the application fee is three months before the date of the examination. Applications received after the deadline will 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 executive secretary two months before the examination which they intend to take. A new application is not required where an applicant has taken the examination and failed or who has filed and failed to appear for the 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 executive secretary as soon as they are available. [Order PL 224, § 196-20-010, filed 11/5/75; Order PL-129, § 196-20-010, filed 7/27/72; Rule IA, filed 8/4/64; Rule IIIA, filed 12/26/62.]

WAC 196-20-020 Experience. The law requires the completion of four years of experience prior to taking the engineer-in-training examination. This requirement may be fulfilled in either of two ways:

(1) Graduation in an approved engineering curriculum of four years or more from a school or college recognized by the board.

(2) Four years or more of experience in engineering work of a character acceptable to the board. [Rule IB, filed 8/4/64; Rule IIIB, filed 12/26/62.]

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 executive secretary. The examination is of one day's duration and consists of two four-hour sessions from eight o'clock a.m. to twelve o'clock noon and from one o'clock p.m. to five o'clock p.m. It covers the following engineering fundamentals: Mathematics, chemistry, thermodynamics, mechanics and materials, physics, fluid mechanics, mechanics and electricity. 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 until a college transcript showing completion

of the four-year requirement is filed with the executive secretary.

(3) Those who pass this examination receive engineer-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. [Order PL 181, § 196-20-030, filed 1/28/75; Order PL-129, § 196-20-030, filed 7/27/72; Order PL-115, § 196-20-030, filed 11/24/71; Rule IC, filed 8/4/64; Rule IIIC, filed 12/26/62.]

WAC 196-20-040 Fees. The applicant engineer-in-training who fails one examination may be re-examined once without payment of an additional fee. If he fails again, he must submit a further examination fee before he may reappear for examination. There is no annual renewal fee for engineer-in-training. [Order PL 224, § 196-20-040, filed 11/5/75; Order PL-115, § 196-20-040, filed 11/24/71; Rule ID, filed 8/4/64; Rule IIID, filed 12/26/62.]

Chapter 196-24 WAC RECIPROCITY REGISTRATION

WAC	
196-24-030	General.
196-24-040	Applications.
196-24-050	Examinations.
196-24-060	Renewal fees.
196-24-070	Correspondence.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

WAC 196-24-010, 196-24-020 [Rules IVA, IVB, filed 12/26/62.] Superseded by rules filed 8/4/64. See WAC 196-24-030 et seq.

WAC 196-24-030 General. (1) The professional engineers registration act provides that the board for professional engineers and land surveyors may, upon application therefor, and the payment of an application 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 or territory or possession of the United States, the District of Columbia, or of any foreign country, provided:

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

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

(c) 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

(d) 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 to those who apply in conformance with the act and who have been certified by the proper legal body of the state, territory, possession, district, or country, and whose qualifications conform to the law of this state. (Eight years of professional experience is required by law.) [Order PL 224, § 196-24-030, filed 11/5/75; Order PL 181, § 196-24-030, filed 1/28/75; Rule IVA, filed 8/4/64.]

WAC 196-24-040 Applications. (1) All candidates who desire certification 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 certification by reciprocity, it is essential that the interstate certificate be certified by the issuing board before the application is submitted to the board. This is the responsibility of the applicant.

(3) The application fee must accompany the application.

(4) In such cases where engineering education is given as a part of the experience and is required to establish the minimum eight years called for by the statute, it is the responsibility of the applicant to see that the board is furnished a transcript of the academic record. [Order PL 224, § 196-24-040, filed 11/5/75; Rule IVB, filed 8/4/64.]

WAC 196-24-050 Examinations. (1) The branches in which certificates are presently issued are: Aeronautical, agricultural, ceramic, chemical, civil, electrical, industrial, logging, mechanical, metallurgical, mining, naval architecture and marine engineering, and nuclear. Certificates will also be issued in land surveying. The branches of hydraulic, sanitary, and structural engineering are considered to be specialized branches. An applicant for any of these is required to hold a certificate in the state of Washington, in one of the regular branches named above, to be eligible to sit for an examination in any specialized branch.

(2) Applicants for certification by reciprocity from states, territories, districts, or countries who have been issued certificates without examination or in instances where such governmental body does not grant certificates 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 and usually before one or more members of the board. These arrangements are made for dates mutually convenient to the applicant and the board.

(c) In cases where an applicant is issued a certificate by his governmental agency in a branch not included in the list of regular branches [(1) of this section] the

board will examine such an applicant in one of these regular branches of his choice, presumably the one closest to his specialty.

(3) The land surveyor examination in the state of Washington consists of two parts:

(a) First day – eight o'clock a.m. to five o'clock p.m. land surveying rules and legal questions.

(b) Second day – eight o'clock a.m. to five o'clock p.m. land surveying practical applied surveying problems.

(4) One branch only as professional engineer or land surveyor will be issued by reciprocity. Each added branch requires a new application. All added branches will be authorized by passing a regular examination, except applicants for structural engineering 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.

(5) All examinations are given with open book unless otherwise specified by the board. [Order PL 181, § 196-24-050, filed 1/28/75; Order PL-115, § 196-24-050, filed 11/24/71; Order PL 113, § 196-24-050, filed 8/3/71; Rule IVC, filed 8/4/64.]

WAC 196-24-060 Renewal fees. (1) Renewals are issued on an annual basis upon payment of the renewal fee.

(2) After the initial conversion to a staggered renewal system, licensees may renew their licenses, at the annual renewal fee rate, for one year, from birth anniversary date to next birth anniversary date.

(3) Under the staggered license renewal system the late payment penalty provision will be applied as follows: Before the expiration date of the individual's license the director shall mail a notice for renewal of license to every person holding a current license. The licensee must return such notice along with current renewal fees prior to the expiration of said license. If the licensee fails to pay the prescribed renewal fees within ninety days after the expiration date of the license, then the renewal fee will be the current fee plus an amount equal to one year's renewal fee. [Order PL 224, § 196-24-060, filed 11/5/75; Order PL 181, § 196-24-060, filed 1/28/75; Rule IVD, filed 8/4/64.]

WAC 196-24-070 Correspondence. All correspondence will be addressed to:

Washington State Board of Registration for Professional Engineers and Land Surveyors
Division of Professional Licensing
P.O. Box 649
Olympia, Washington 98504
Telephone 206-753-6966

All checks and money orders paid in fees or for any other purpose will be made payable to the state treasurer. [Order PL 181, § 196-24-070, filed 1/28/75; Order PL-115, § 196-24-070, filed 11/24/71; Rule IVE, filed 8/4/64.]

Chapter 196-26 WAC

REGISTERED PROFESSIONAL ENGINEERS AND
LAND SURVEYORS FEES

WAC

196-26-010 Fees.

WAC 196-26-010 Fees. The following fees shall be charged by the professional licensing division of the department of motor vehicles:

<u>Title of Fee</u>	<u>Fee</u>
Engineer examination	\$ 20.00
Engineer certificate	10.00
Engineer-in-training application and examination	10.00
E.I.T. application as engineer	20.00
Land Surveyor application and examination	20.00
Application through reciprocity	20.00
Engineer and land surveyor renewal	20.00
Engineer corporation application	500.00
Engineer corporation renewal	100.00
Partnership application	100.00
Partnership renewal	50.00
Reissue or replacement certificate	3.00

[Order PL 224, § 196-26-010, filed 11/5/75.]

Chapter 196-28 WAC

NONRESIDENTS

WAC

196-28-010 Information required of nonresidents intending to practice thirty days or less in calendar year.

WAC 196-28-010 Information required of nonresidents intending to practice thirty days or less in calendar year. Every nonresident engineer or land surveyor who intends to conduct professional practice under the exemption of subsection (2) of RCW 18.43.130, shall furnish the board, prior to the commencement of such work, with the following information:

- (1) Name and place of his residence.
- (2) Jurisdiction where currently registered.
- (3) Imprint of personal engineers seal.
- (4) Dates work is to be started and terminated in the state of Washington.
- (5) Name and address of client.

[Rules, filed 4/19/66.]