

# Chapter 196-25 WAC

## BUSINESS PRACTICES

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### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

196-25-020	Corporations or joint stock associations. [Statutory Authority: RCW 18.43.035 and 18.43.130. WSR 98-12-053, § 196-25-020, filed 5/29/98, effective 7/1/98.] Repealed by WSR 04-04-001, filed 1/21/04, effective 2/21/04. Statutory Authority: Chapters 18.43 and 18.235 RCW.
196-25-030	Limited liability companies. [Statutory Authority: RCW 18.43.035 and 18.43.130. WSR 98-12-053, § 196-25-030, filed 5/29/98, effective 7/1/98.] Repealed by WSR 04-04-001, filed 1/21/04, effective 2/21/04. Statutory Authority: Chapters 18.43 and 18.235 RCW.
196-25-100	Retired status certificate of registration. [Statutory Authority: RCW 18.43.035. WSR 99-15-052, § 196-25-100, filed 7/15/99, effective 8/15/99.] Repealed by WSR 04-04-001, filed 1/21/04, effective 2/21/04. Statutory Authority: Chapters 18.43 and 18.235 RCW.

**WAC 196-25-001 Purpose.** The purpose of this chapter is to provide clarification on how businesses are authorized to provide engineering or land surveying services in Washington and to implement that part of chapter 18.43 RCW related to corporations and limited liability companies offering engineering and land surveying services, as enacted by the 1997 legislature.

[Statutory Authority: Chapters 18.43 and 18.235 RCW. WSR 04-04-001, § 196-25-001, filed 1/21/04, effective 2/21/04. Statutory Authority: RCW 18.43.035 and 18.43.130. WSR 98-12-053, § 196-25-001, filed 5/29/98, effective 7/1/98.]

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

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

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

**Resident engineer or resident land surveyor.** A currently registered professional engineer or land surveyor who maintains a business headquarters or branch office as his/her normal place of employment, and is in responsible charge of the engineering and/or land surveying services.

**Business.** A corporation, professional service corporation (PS), joint stock association (JSA) or limited liability company (LLC) or professional limited liability company

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(PLLC) that is practicing or offering to practice, engineering or land surveying or both in this state.

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

**Employee.** A person in the service of another under any contract of hire, express or implied, oral or written, where the employer has the right to control and direct the employee in the material details of the scope, schedule and location of employment.

**Branch office.** One or more alternate locations in Washington of a business, not recognized as the business' main office or headquarters, which is established to offer and provide engineering and/or land surveying services from that location.

**Project office.** A temporary remote location of an engineering and/or land surveying business that is a convenient workplace for providing specific engineering and/or land surveying services only in support of a project.

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

[Statutory Authority: RCW 18.43.035. WSR 05-17-053, § 196-25-002, filed 8/9/05, effective 9/9/05. Statutory Authority: RCW 18.43.035 and 18.43.130. WSR 98-12-053, § 196-25-002, filed 5/29/98, effective 7/1/98.]

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

A general partnership must employ at least one person currently registered pursuant to chapter 18.43 RCW for each profession for which services are offered.

[Statutory Authority: Chapters 18.43 and 18.235 RCW. WSR 04-04-001, § 196-25-005, filed 1/21/04, effective 2/21/04. Statutory Authority: RCW 18.43.035 and 18.43.130. WSR 98-12-053, § 196-25-005, filed 5/29/98, effective 7/1/98.]

**WAC 196-25-010 Applications.** All applications must be completed on forms provided by the board and submitted to the offices of the board. A complete application requires the following: Payment of the appropriate fee as listed in chapter 196-26A WAC; affidavit of professional engineer

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and/or land surveyor; and, certified copy of resolution naming the designated engineer, or land surveyor, or both.

[Statutory Authority: Chapters 18.43 and 18.235 RCW. WSR 04-04-001, § 196-25-010, filed 1/21/04, effective 2/21/04. Statutory Authority: RCW 18.43.035 and 18.43.130. WSR 98-12-053, § 196-25-010, filed 5/29/98, effective 7/1/98.]

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

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

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

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

(5) When there is a change in the designee(s), the business must notify the board in writing no later than thirty days after the effective date of the change and submit a new affidavit.

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

(7) At the time of renewal, the corporation or limited liability company must submit a copy of the document issued to their company by the state of Washington master license service which states that the corporation or limited liability company has been "renewed by the authority of the secretary of state" and shows a current expiration date.

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

[Statutory Authority: RCW 18.43.035. WSR 05-17-053, § 196-25-040, filed 8/9/05, effective 9/9/05; WSR 99-15-057, § 196-25-040, filed 7/15/99, effective 8/15/99. Statutory Authority: RCW 18.43.035 and 18.43.130. WSR 98-12-053, § 196-25-040, filed 5/29/98, effective 7/1/98.]

**WAC 196-25-050 Branch offices.** An engineering business or land surveying business maintaining branch offices shall have a resident engineer or resident land surveyor, as applicable, in responsible charge of said engineering and/or land surveying services.

[Statutory Authority: Chapters 18.43 and 18.235 RCW. WSR 04-04-001, § 196-25-050, filed 1/21/04, effective 2/21/04. Statutory Authority: RCW 18.43.035. WSR 99-15-053, § 196-25-050, filed 7/15/99, effective 8/15/99.]

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**WAC 196-25-060 Offer to practice.** The offer to practice or provide engineering or land surveying services must be made by or under the direct supervision of a licensee qualified to offer said services under the provisions of chapter 18.43 RCW.

[Statutory Authority: RCW 18.43.035. WSR 99-15-054, § 196-25-060, filed 7/15/99, effective 8/15/99.]

**WAC 196-25-070 Providing direct supervision.** **Direct supervision** means the actions by which a licensee maintains control over those decisions that are the basis for the findings, conclusions, analyses, rationale, details, and judgments required for the preparation of engineering or land surveying plans, specifications, plats, reports, and related activities. **Direct supervision** requires providing personal direction, oversight, inspection, observation and supervision of the work being certified.

These actions may include, but are not limited to: Direct face-to-face communications; written communications; U.S. mail; electronic mail; facsimiles; telecommunications, or other current technology. Contractual or employment relations must be in place between the licensee and unlicensed preparer to qualify as direct supervision. Mentoring is not direct supervision. Drawing or other document review after preparation without involvement in the design and development process as described above cannot be accepted as direct supervision.

[Statutory Authority: RCW 18.43.035. WSR 10-05-017, § 196-25-070, filed 2/4/10, effective 3/7/10; WSR 06-22-033, § 196-25-070, filed 10/25/06, effective 11/25/06. Formerly WAC 196-23-030.]

**WAC 196-25-080 Practice by businesses, organizations or public agencies.** When a business, organization or public agency offers or performs engineering or land surveying services as defined in RCW 18.43.020, the business, organization or public agency shall perform its duties and responsibilities in accordance with chapter 18.43 RCW and applicable rules.

[Statutory Authority: RCW 18.43.035. WSR 06-22-033, § 196-25-080, filed 10/25/06, effective 11/25/06. Formerly WAC 196-23-050.]