



# RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/10/97)

Agency: Department of Licensing

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

(1) Date of adoption: June 22, 1999

(2) Purpose: Write a new rule that defines direct supervision and describes how direct supervision should be applied in practice between the licensee and the person doing the work.

(3) Citation of existing rules affected by this order: None

Repealed:

Amended:

Suspended:

(4) Statutory authority for adoption: RCW 18.43.035

Other Authority:

### PERMANENT RULE ONLY (Including EXPEDITED ADOPTION)

Adopted under notice filed as WSR 99-10-086 on May 4, 1999 (date).

Describe any changes other than editing from proposed to adopted version: In the first part of the second paragraph, the words "the employee, co-worker or subordinate (support staff), as defined herein," were deleted and replaced with the words "those persons performing the work".

### EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

### EXPEDITED REPEAL ONLY

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

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?:

- Yes
  - No
- If Yes, explain:

(6) Effective date of rule:

Emergency Rules

Permanent Rules  
or Expedited Repeal

- 31 days after filing
- Other (specify) \_\_\_\_\_\*
- Immediately
- Later (specify) \_\_\_\_\_

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

Name (Type or Print)

George A. Twiss

Signature

Title

Executive Director

Date

July 15, 1999

CODE REVISER USE ONLY

DEPARTMENT OF LICENSING  
STATE OF WASHINGTON  
FILED

JUL 15 1999

TIME 4:32 AM

WSR 99-15-050 PM

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.

**The number of sections adopted in order to comply with:**

<b>Federal statute:</b>	New	.....	Amended	.....	Repealed	.....
<b>Federal rules or standards:</b>	New	.....	Amended	.....	Repealed	.....
<b>Recently enacted state statutes:</b>	New	.....	Amended	.....	Repealed	.....

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

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

New	<u>1</u>	Amended	.....	Repealed	.....
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	<u>1</u>	Amended	.....	Repealed	.....
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**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	.....	Amended	.....	Repealed	.....
<b>Pilot rule making:</b>	New	.....	Amended	.....	Repealed	.....
<b>Other alternative rule making:</b>	New	.....	Amended	.....	Repealed	.....

NEW SECTION

**WAC 196-23-030 Providing direct supervision.** **Direct supervision** is a combination of activities by which a licensee maintains control over those decisions that are the basis for the finding, conclusions, analysis, rationale, details, and judgments that are embodied in the development and preparation of engineering or land surveying plans, specifications, plats, reports, and related activities. **Direct supervision** explains the relationship between the licensee and those persons who are performing the work controlled by the licensee. **Direct supervision** requires providing personal direction, oversight, inspection, observation and supervision of the work being certified.

Communications between the licensee and those persons who are performing the work include, but are not limited to, use of any of the following ways: Direct face-to-face communications; written communications; U.S. mail; electronic mail; facsimiles; telecommunications, or other current technology: Provided, That the licensee retains, maintains, and asserts continuing control and judgment.