

**WSR 23-01-085  
PROPOSED RULES  
BOARD OF REGISTRATION  
FOR PROFESSIONAL ENGINEERS  
AND LAND SURVEYORS**

[Filed December 16, 2022, 8:29 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 20-06-024.

Title of Rule and Other Identifying Information: Chapter 196-26A WAC, Registered professional engineers and land surveyor fees; and chapter 196-30 WAC, Fees for on-site wastewater treatment system designers and inspectors.

Hearing Location(s): On February 1, 2023, at 2:00 p.m., at Board of Registration for Professional Engineers and Land Surveyors (board) Office, 605 11th Avenue S.E., Suite 201, Olympia, WA 98501, or WebEx meeting <https://brpels.my.webex.com/brpels.my/j.php?MTID=mc48e954e7eaefbf410b29ca60a12603a>. The public may participate in the hearing by providing written comment, coming to the board's office or they may participate in the hearing virtually by accessing the hearing link on the board's rule-making web page <https://brpels.wa.gov/about-us-laws-and-rules/rulemaking-activity> or calling 1-650-479-3208.

Date of Intended Adoption: February 23, 2023.

Submit Written Comments to: Shanán Gillespie, P.O. Box 9025, Olympia, WA 98507-9025, email [Shanan.Gillespie@brpels.wa.gov](mailto:Shanan.Gillespie@brpels.wa.gov), by February 1, 2023.

Assistance for Persons with Disabilities: Contact Shanán Gillespie, phone 360-664-1570, TTY 711 or 1-800-833-5388, email [Shanan.Gillespie@brpels.wa.gov](mailto:Shanan.Gillespie@brpels.wa.gov), by January 27, 2023.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Amendments to WAC 196-26A-040 will remove the reference to the director of the department of licensing, speak to the legal history questions on the initial and renewal applications for professional engineers and land surveyors as a requirement for license renewal, require licensees to pass the board's law review exam if their license was expired for five or more years, and increase expiration dates for initial licenses issued no earlier than one year after the issue date.

Amendments to WAC 196-30-030 will remove the reference to the director of the department of licensing and will speak to the legal history questions on the initial and renewal application for on-site wastewater designers and inspectors as a requirement for license/certificate renewal.

Reasons Supporting Proposal: Changes current language and adds new language to clarify what information is needed when applying for or renewing a license. Increases the expiration date for an initial license for at least one calendar year after the initial issue date. Requires professional engineer and land surveyor licensees whose licenses have been expired for five years or longer pass a law review exam to familiarize the licensee with the laws and rules regulating the profession.

Statutory Authority for Adoption: RCW 18.43.035, 18.210.050, and 18.210.060.

Statute Being Implemented: RCW 18.43.080 and 18.210.140.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Board of registration for professional engineers and land surveyors, governmental.

Name of Agency Personnel Responsible for Drafting: Shanan Gillespie, 605 11th Avenue S.E., Suite 201, Olympia, WA 98501, 360-664-1570; Implementation and Enforcement: Ken Fuller, 605 11th Avenue S.E., Suite 201, Olympia, WA 98501, 360-968-4805.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. The board is not one of the agencies to which RCW 34.05.328 applies pursuant to RCW 34.05.328 (5) (a).

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules adopt, amend, or repeal a procedure, practice, or requirement relating to agency hearings; or a filing or related process requirement for applying to an agency for a license or permit.

Explanation of exemptions: The following rules are exempt per RCW 34.05.310 (4) (d), correct or clarify language: WAC 196-26A-040 and 196-30-030. The following rules are exempt per RCW 34.05.310 (4) (g) (ii), process requirements for applying to an agency for a license or permit: WAC 196-26A-040 and 196-30-030.

Scope of exemption for rule proposal:

Is fully exempt.

December 16, 2022  
Ken Fuller  
Director

**OTS-1570.2**

AMENDATORY SECTION (Amending WSR 14-03-029, filed 1/8/14, effective 2/8/14)

**WAC 196-26A-040 Renewals for professional engineer and professional land surveyor licenses.** (~~The date of renewal, renewal interval and renewal fee is established by the director of the department of licensing in accordance with chapter 43.24 RCW.~~

~~A completed)~~ (1) Licenses for professional engineers or professional land surveyors shall be renewed every two years. The date of expiration shall be the licensee's birthday. The initial license issued to an individual shall expire no earlier than one year after the issue date.

(2) To renew your license, complete an application for renewal ((requires payment of a)), pay the required renewal fee, and ((any)) provide the information ((specified by the board)) requested in the renewal notice and application form. This information may include email address or other contact information and information regarding prior unprofessional conduct pursuant to RCW 18.235.110 and 18.235.130. Information regarding unprofessional conduct will be evaluated by the board to determine whether it is related to the practice of the applicant's profession.

(3) For a professional land surveyor the renewal application requires completion of professional development requirements and an attestation by the applicant that they have read chapters 58.09 RCW and 332-130 WAC as part of the renewal process.

(4) If a completed application for renewal has not been received by the ((department)) board by the date of expiration (postmarked before the date of expiration if mailed or transacted online before the date of expiration), the license is invalid. Renewals that remain expired over ((ninety)) 90 days past the date of expiration require payment of a ((penalty)) late fee equivalent to the fee for a one-year renewal in addition to the base renewal fee, and completing of a renewal application.

(5) If your license has been expired for five or more years, you must submit a renewal application and you will be required to take and receive a passing score on the board's law review examination. In the first year of reactivated practice professional land surveyors may be required by the board to collect an additional 15 professional development hours (PDH). The licensee is responsible ((to ensure)) for timely renewal whether or not they received a renewal notice from the department.

~~((The licenses for individuals registered as professional engineers or professional land surveyors shall be renewed every two years or as otherwise set by the director of the department of licensing. The date of expiration shall be the licensee's date of birth. The initial license issued to an individual shall expire on the next occurrence of his or her birth date. If the next birth date is within three months of the initial date of licensure, the original license shall expire on his or her second birth date following original licensure.))~~

[Statutory Authority: RCW 18.43.080 and 43.24.086. WSR 14-03-029, § 196-26A-040, filed 1/8/14, effective 2/8/14. Statutory Authority: RCW 43.24.086 and 18.43.035. WSR 02-13-080, § 196-26A-040, filed 6/17/02, effective 9/1/02.]

**OTS-3209.2**

AMENDATORY SECTION (Amending WSR 12-06-064, filed 3/6/12, effective 4/6/12)

**WAC 196-30-020 On-site wastewater treatment designer and inspector fees.** The ((business and professions division of the department of licensing)) board of registration for professional engineers and land surveyors shall assess the following fees:

Title of Fee	Amount (\$)
Designer license application	200.00
Designer license application (comity)	75.00
Designer license renewal	116.00
Designer license re-examination	140.00
Late renewal penalty	58.00
Certificate of competency (inspector) Application	175.00

Title of Fee	Amount (\$)
Certificate of competency renewal	116.00
Late renewal penalty	58.00
Certificate of competency re-examination	140.00

[Statutory Authority: RCW 43.24.086 and chapter 18.210 RCW. WSR 12-06-064, § 196-30-020, filed 3/6/12, effective 4/6/12; WSR 07-10-126, § 196-30-020, filed 5/2/07, effective 6/2/07. Statutory Authority: RCW 43.24.086 and 18.210.050. WSR 99-24-022, § 196-30-020, filed 11/23/99, effective 12/24/99.]

AMENDATORY SECTION (Amending WSR 12-06-064, filed 3/6/12, effective 4/6/12)

**WAC 196-30-030 License renewals.** (1) On-site licenses and certificates of competency ((that expire on or after March 1, 2012,)) shall be ((for a two-year period due on the individual's birth date.

(2) The initial designer license and certificate of competency will expire on the licensee's or certificate holder's next birth date. However, if the licensee's or certificate holder's next birth date is within three months of the initial date of issuing the license or certificate, the original license or certificate will expire on his or her second birthday following issuance of the original license or certificate. All subsequent renewals shall be for a two-year period due on the individual's birth date)) renewed every two years. The date of expiration shall be the licensee's birthday. The initial license issued to an individual shall expire no earlier than one year after the issue date.

(2) To renew your license, complete an application for renewal, pay the required renewal fee, and provide the information requested in the renewal notice and application form. This information may include email address or other contact information and information regarding prior unprofessional conduct pursuant to RCW 18.235.110 and 18.235.130. Information regarding unprofessional conduct will be evaluated by the board to determine whether it is related to the practice of the applicant's profession. No refunds will be made, or payments accepted for a partial year.

(3) It shall be the licensee's or certificate holder's responsibility to pay the prescribed renewal fee to the ((department of licensing)) board on or before the date of expiration.

(4) ((Licensees who fail to pay the prescribed renewal fee within ninety days of the license expiration date will be subject to a late penalty fee equivalent to the fee for a one-year renewal. However, the license or certificate is invalid the date of expiration (if not renewed) even though an additional ninety days is granted to pay the renewal fee without penalty. After ninety days, the base renewal fee plus the penalty fee must be paid before the license or certificate can be renewed to a valid status.)) If a completed application for renewal has not been received by the board by the date of expiration (postmarked before the date of expiration if mailed or transacted online before the date of expiration), the license is invalid. Renewal that remain expired over 90 days past the date of expiration require payment of a late fee equivalent to the fee for a one-year renewal in

addition to the base renewal fee, and completion of a renewal application.

(5) Any designer license that remains expired for more than two years would be canceled. After cancellation, a new application must be made in accordance with chapter 18.210 RCW to obtain another license.

[Statutory Authority: RCW 43.24.086 and chapter 18.210 RCW. WSR 12-06-064, § 196-30-030, filed 3/6/12, effective 4/6/12; WSR 07-10-126, § 196-30-030, filed 5/2/07, effective 6/2/07. Statutory Authority: RCW 43.24.086 and 18.210.050. WSR 99-24-022, § 196-30-030, filed 11/23/99, effective 12/24/99.]