

WSR 23-06-073
PERMANENT RULES
BOARD OF REGISTRATION
FOR PROFESSIONAL ENGINEERS
AND LAND SURVEYORS

[Filed March 1, 2023, 9:31 a.m., effective April 1, 2023]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Amendments to WAC 196-26A-040 remove reference to the director of the department of licensing; speak to the legal background question on the initial and renewal applications for professional engineers and land surveyors; require licensees to pass the board's law review exam if the license was expired for five or more years; and increase the expiration date for initial licenses issued to no earlier than one year after the issue date.

Amendments to WAC 196-30-020 remove the reference to the director of the department of licensing. Amendments to WAC 196-30-030 address the legal background question on the initial and renewal applications for on-site wastewater treatment system designers and inspector certificate of competency holders. Language was also amended to better clarify late renewals.

Citation of Rules Affected by this Order: Amending WAC 196-26A-040, 196-30-020, and 196-30-030.

Statutory Authority for Adoption: RCW 18.43.035.

Adopted under notice filed as WSR 23-01-085 on December 16, 2022.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 3, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 3, Repealed 0.

Date Adopted: February 23, 2023.

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
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 on-line 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.]