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SENATE BILL 5798

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State of Washington

52nd Legislature

1991 Regular Session

By Senators Craswell, Madsen and Oke.

Read first time February 21, 1991. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to sewage disposal systems; amending RCW 43.20.050;  
2 and reenacting and amending RCW 18.43.130.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 18.43.130 and 1985 c 7 s 46 are each amended to read  
5 as follows:

6 This chapter shall not be construed to prevent or affect:

7 (1) The practice of any other legally recognized profession or  
8 trade; ((or))

9 (2) The practice of a person not a resident and having no  
10 established place of business in this state, practicing or offering to  
11 practice herein the profession of engineering or land surveying, when  
12 such practice does not exceed in the aggregate more than thirty days in  
13 any calendar year: PROVIDED, Such person is legally qualified by  
14 registration to practice the said profession in his or her own state or  
15 country in which the requirements and qualifications for obtaining a

1 certificate of registration are not lower than those specified in this  
2 chapter; ((~~or~~))

3 (3) The practice of a person not a resident and having no  
4 established place of business in this state, or who has recently become  
5 a resident thereof, practicing or offering to practice herein for more  
6 than thirty days in any calendar year the profession of engineering or  
7 land surveying, if he or she shall have filed with the board an  
8 application for a certificate of registration and shall have paid the  
9 fee required by this chapter: PROVIDED, That such person is legally  
10 qualified by registration to practice engineering or land surveying in  
11 his or her own state or country in which the requirements and  
12 qualifications of obtaining a certificate of registration are not lower  
13 than those specified in this chapter. Such practice shall continue  
14 only for such time as the board requires for the consideration of the  
15 application for registration; ((~~or~~))

16 (4) The work of an employee or a subordinate of a person holding a  
17 certificate of registration under this chapter, or an employee of a  
18 person practicing lawfully under provisions of this section: PROVIDED,  
19 That such work does not include final design or decisions and is done  
20 under the direct responsibility, checking, and supervision of a person  
21 holding a certificate of registration under this chapter or a person  
22 practicing lawfully under the provisions of this section; ((~~or~~))

23 (5) The work of a person rendering engineering or land surveying  
24 services to a corporation, as an employee of such corporation, when  
25 such services are rendered in carrying on the general business of the  
26 corporation and such general business does not consist, either wholly  
27 or in part, of the rendering of engineering services to the general  
28 public: PROVIDED, That such corporation employs at least one person  
29 holding a certificate of registration under this chapter or practicing  
30 lawfully under the provisions of this chapter; ((~~or~~))

1 (6) The practice of officers or employees of the government of the  
2 United States while engaged within the state in the practice of the  
3 profession of engineering or land surveying for said government; ((or))

4 (7) Nonresident engineers employed for the purpose of making  
5 engineering examinations; ((or))

6 (8) The practice of engineering in this state by a corporation or  
7 joint stock association: PROVIDED, That

8 (a) Such corporation shall file with the board an application for  
9 certificate of authorization upon a form to be prescribed by the board  
10 and containing information required to enable the board to determine  
11 whether such corporation is qualified in accordance with the provisions  
12 of this chapter to practice engineering in this state;

13 (b) Such corporation shall file with the board a certified copy of  
14 a resolution of the board of directors of the corporation which shall  
15 designate a person holding a certificate of registration under this  
16 chapter as responsible for the practice of engineering by said  
17 corporation in this state and shall provide that full authority to make  
18 all final engineering decisions on behalf of said corporation with  
19 respect to work performed by the corporation in this state shall be  
20 granted and delegated by the board of directors to the person so  
21 designated in said resolution: PROVIDED, That the filing of such  
22 resolution shall not relieve the corporation of any responsibility or  
23 liability imposed upon it by law or by contract;

24 (c) Such corporation shall file with the board a designation in  
25 writing setting forth the name or names of a person or persons holding  
26 certificates of registration under this chapter who shall be in  
27 responsible charge of each project and each major branch of the  
28 engineering activities in which the corporation shall specialize in  
29 this state. In the event there shall be a change in the person or  
30 persons in responsible charge of any project or major branch of the

1 engineering activities, such changes shall be designated in writing and  
2 filed with the board within thirty days after the effective date of  
3 such changes;

4 (d) Upon the filing with the board of the application for  
5 certificate for authorization, certified copy of resolution, affidavit  
6 and designation of persons specified in ~~((subparagraphs))~~ (a), (b), and  
7 (c) of this ~~((section))~~ subsection the board shall issue to such  
8 corporation a certificate of authorization to practice engineering in  
9 this state upon a determination by the board ~~((+1))~~ that:

10 (i) (A) The bylaws of the corporation contain provisions that all  
11 engineering decisions pertaining to any project or engineering  
12 activities in this state shall be made by the specified engineer in  
13 responsible charge, or other responsible engineers under his or her  
14 direction or supervision;

15 ~~((+ii))~~ (B) The application for certificate of authorization  
16 states the type, or types, of engineering practiced, or to be practiced  
17 by such corporation;

18 ~~((+iii))~~ (C) A current certified financial statement accurately  
19 reflecting the financial condition of the corporation has been filed  
20 with the board and is available for public inspection;

21 ~~((+iv))~~ (D) The applicant corporation has the ability to provide  
22 through qualified engineering personnel, professional services or  
23 creative work requiring engineering experience, and that with respect  
24 to the engineering services which the corporation undertakes or offers  
25 to undertake such personnel have the ability to apply special knowledge  
26 of the mathematical, physical, and engineering sciences to such  
27 professional services or creative work as consultation, investigation,  
28 evaluation, planning, design, and supervision of construction for the  
29 purpose of assuring compliance with specifications and design, in

1 connection with any public or private utilities, structures, buildings,  
2 machines, equipment, processes, works, or projects;

3 ~~((v))~~ (E) The application for certificate of authorization states  
4 the professional records of the designated person or persons who shall  
5 be in responsible charge of each project and each major branch of  
6 engineering activities in which the corporation shall specialize;

7 ~~((vi))~~ (F) The application for certificate of authorization  
8 states the experience of the corporation, if any, in furnishing  
9 engineering services during the preceding five year period and states  
10 the experience of the corporation, if any, in the furnishing of all  
11 feasibility and advisory studies made within the state of Washington;

12 ~~((vii))~~ (G) The applicant corporation meets such other  
13 requirements related to professional competence in the furnishing of  
14 engineering services as may be established and promulgated by the board  
15 in furtherance of the objectives and provisions of this chapter; and

16 ~~((2) Upon a determination by the board))~~ (ii) Based upon an  
17 evaluation of the foregoing findings and information that the applicant  
18 corporation is possessed of the ability and competence to furnish  
19 engineering services in the public interest.

20 The board may in the exercise of its discretion refuse to issue or  
21 may suspend and/or revoke a certificate of authorization to a  
22 corporation where the board shall find that any of the officers,  
23 directors, incorporators, or the stockholders holding a majority of  
24 stock of such corporation has committed misconduct or malpractice as  
25 defined in RCW 18.43.105 or has been found personally responsible for  
26 misconduct or malpractice under the provisions of ~~((subsections))~~ (f)  
27 and (g) ~~((hereof))~~ of this subsection.

28 The certificate of authorization shall specify the major branches  
29 of engineering of which the corporation has designated a person or

1 persons in responsible charge as provided in (~~subsection (8)~~) (c) of  
2 this (~~section~~) subsection.

3 (e) In the event a corporation, organized solely by a group of  
4 engineers, each holding a certificate of registration under this  
5 chapter, applies for a certificate of authorization, the board may, in  
6 its discretion, grant a certificate of authorization to such  
7 corporation based on a review of the professional records of such  
8 incorporators, in lieu of the required qualifications set forth in this  
9 subsection. In the event the ownership of such corporation shall be  
10 altered, the corporation shall apply for a revised certificate of  
11 authorization, based upon the professional records of the owners, if  
12 exclusively engineers or, otherwise, under the qualifications required  
13 by (~~subparagraphs~~) (a), (b), (c), and (d) (~~hereof~~) of this  
14 subsection.

15 (f) Any corporation authorized to practice engineering under this  
16 chapter, together with its directors and officers for their own  
17 individual acts, are responsible to the same degree as an individual  
18 registered engineer, and must conduct its business without misconduct  
19 or malpractice in the practice of engineering as defined in this  
20 chapter.

21 (g) Any corporation which has been duly certified under the  
22 provisions of this chapter and has engaged in the practice of  
23 engineering shall have its certificate of authorization either  
24 suspended or revoked by the board if, after a proper hearing, the board  
25 shall find that the corporation has committed misconduct or malpractice  
26 as defined in RCW 18.43.105. In such case any individual engineer  
27 holding a certificate of registration under this chapter, involved in  
28 such malpractice or misconduct, shall have his or her certificate of  
29 registration suspended or revoked also.

1 (h) All plans, specifications, designs, and reports when issued in  
2 connection with work performed by a corporation under its certificate  
3 of authorization shall be prepared by or under the responsible charge  
4 of and shall be signed by and shall be stamped with the official seal  
5 of a person holding a certificate of registration under this chapter.

6 (i) For each certificate of authorization issued under the  
7 provisions of this subsection (8) (~~of this section~~) there shall be  
8 paid an initial fee determined by the director as provided in RCW  
9 43.24.086 and an annual renewal fee determined by the director as  
10 provided in RCW 43.24.086(~~(-)~~);

11 (9) The practice of engineering and/or land surveying in this state  
12 by partnership: PROVIDED, That

13 (a) A majority of the members of the partnership are engineers or  
14 architects or land surveyors duly certificated by the state of  
15 Washington or by a state, territory, possession, district, or foreign  
16 country meeting the reciprocal provisions of RCW 18.43.100: PROVIDED,  
17 That at least one of the members is a professional engineer or land  
18 surveyor holding a certificate issued by the director under the  
19 provisions of RCW 18.43.070; and

20 (b) Except where all members of the partnership are professional  
21 engineers or land surveyors or a combination of professional engineers  
22 and land surveyors or where all members of the partnership are either  
23 professional engineers or land surveyors in combination with an  
24 architect or architects all of which are holding certificates of  
25 qualification therefor issued under the laws of the state of  
26 Washington, the partnership shall file with the board an instrument  
27 executed by a partner on behalf of the partnership designating the  
28 persons responsible for the practice of engineering by the partnership  
29 in this state and in all other respects such person so designated and  
30 such partnership shall meet the same qualifications and shall be

1 subject to the same requirements and the same penalties as those  
2 pertaining to corporations and to the responsible persons designated by  
3 corporations as provided in subsection (8) of this section.

4 For each certificate of authorization issued under the provisions  
5 of this subsection (9) (~~of this section~~) there shall be paid an  
6 initial fee determined by the director as provided in RCW 43.24.086 and  
7 an annual renewal fee determined by the director as provided in RCW  
8 43.24.086; or

9 (10) The practice of any certified designer of on-site sewage  
10 disposal systems with ultimate design flows of up to three thousand  
11 five hundred gallons per day as provided in RCW 43.20.050.

12 **Sec. 2.** RCW 43.20.050 and 1989 1st ex.s. c 9 s 210 and 1989 c 207  
13 s 1 are each reenacted and amended to read as follows:

14 (1) The state board of health shall provide a forum for the  
15 development of health policy in Washington state. It is authorized to  
16 recommend to the secretary means for obtaining appropriate citizen and  
17 professional involvement in all health policy formulation and other  
18 matters related to the powers and duties of the department. It is  
19 further empowered to hold hearings and explore ways to improve the  
20 health status of the citizenry.

21 (a) At least every five years, the state board shall convene  
22 regional forums to gather citizen input on health issues.

23 (b) Every two years, in coordination with the development of the  
24 state biennial budget, the state board shall prepare the state health  
25 report that outlines the health priorities of the ensuing biennium.  
26 The report shall:

27 (i) Consider the citizen input gathered at the health forums;

28 (ii) Be developed with the assistance of local health departments;



1 (iii) Be based on the best available information collected and  
2 reviewed according to RCW 43.70.050 and recommendations from the  
3 council;

4 (iv) Be developed with the input of state health care agencies. At  
5 least the following directors of state agencies shall provide timely  
6 recommendations to the state board on suggested health priorities for  
7 the ensuing biennium: The secretary of social and health services, the  
8 health care authority administrator, the insurance commissioner, the  
9 administrator of the basic health plan, the superintendent of public  
10 instruction, the director of labor and industries, the director of  
11 ecology, and the director of agriculture;

12 (v) Be used by state health care agency administrators in preparing  
13 proposed agency budgets and executive request legislation;

14 (vi) Be submitted by the state board to the governor by June 1 of  
15 each even-numbered year for adoption by the governor. The governor, no  
16 later than September 1 of that year, shall approve, modify, or  
17 disapprove the state health report.

18 (c) In fulfilling its responsibilities under this subsection, the  
19 state board shall create ad hoc committees or other such committees of  
20 limited duration as necessary. Membership should include legislators,  
21 providers, consumers, bioethicists, medical economics experts, legal  
22 experts, purchasers, and insurers, as necessary.

23 (2) In order to protect public health, the state board of health  
24 shall:

25 (a) Adopt rules and regulations necessary to assure safe and  
26 reliable public drinking water and to protect the public health. Such  
27 rules and regulations shall establish requirements regarding:

28 (i) The design and construction of public water system facilities,  
29 including proper sizing of pipes and storage for the number and type of  
30 customers;

1 (ii) Drinking water quality standards, monitoring requirements, and  
2 laboratory certification requirements;

3 (iii) Public water system management and reporting requirements;

4 (iv) Public water system planning and emergency response  
5 requirements;

6 (v) Public water system operation and maintenance requirements; and

7 (vi) Water quality, reliability, and management of existing but  
8 inadequate public water systems.

9 (b) Adopt rules and regulations and standards for prevention,  
10 control, and abatement of health hazards and nuisances related to the  
11 disposal of wastes, solid and liquid, including but not limited to  
12 sewage, garbage, refuse, and other environmental contaminants; adopt  
13 standards and procedures governing the design, construction, and  
14 operation of sewage, garbage, refuse and other solid waste collection,  
15 treatment, and disposal facilities; and adopt rules and regulations  
16 governing the certification and licensing of persons other than  
17 engineers authorized to design or install on-site sewage disposal  
18 systems. However, such rules, regulations, standards, or procedures  
19 may not restrict the authority of the local health officer to permit  
20 subsurface soil absorption systems in areas where the vertical  
21 separation is less than one foot;

22 (c) Adopt rules and regulations controlling public health related  
23 to environmental conditions including but not limited to heating,  
24 lighting, ventilation, sanitary facilities, cleanliness and space in  
25 all types of public facilities including but not limited to food  
26 service establishments, schools, institutions, recreational facilities  
27 and transient accommodations and in places of work;

28 (d) Adopt rules and regulations for the imposition and use of  
29 isolation and quarantine;

1 (e) Adopt rules and regulations for the prevention and control of  
2 infectious and noninfectious diseases, including food and vector borne  
3 illness, and rules and regulations governing the receipt and conveyance  
4 of remains of deceased persons, and such other sanitary matters as  
5 admit of and may best be controlled by universal rule; and

6 (f) Adopt rules for accessing existing data bases for the purposes  
7 of performing health related research.

8 (3) The state board may delegate any of its rule-adopting authority  
9 to the secretary and rescind such delegated authority.

10 (4) All local boards of health, health authorities and officials,  
11 officers of state institutions, police officers, sheriffs, constables,  
12 and all other officers and employees of the state, or any county, city,  
13 or township thereof, shall enforce all rules and regulations adopted by  
14 the state board of health. In the event of failure or refusal on the  
15 part of any member of such boards or any other official or person  
16 mentioned in this section to so act, he or she shall be subject to a  
17 fine of not less than fifty dollars, upon first conviction, and not  
18 less than one hundred dollars upon second conviction.

19 (5) The state board may advise the secretary on health policy  
20 issues pertaining to the department of health and the state.

21 (6) Nothing in this section authorizes the state board or any local  
22 health board to license or certify, or establish further licensing or  
23 certification requirements for professional engineers and land  
24 surveyors licensed under chapter 18.43 RCW.