

HOUSE BILL REPORT

HB 1104

As Reported by House Committee On:
Consumer Protection & Business

Title: An act relating to updating the professional engineers' registration act, including by removing obsolete language and updating pro tem membership.

Brief Description: Updating the professional engineers' registration act.

Sponsors: Representatives Waters, Bernbaum and Reeves; by request of Board of Registration for Professional Engineers and Land Surveyors.

Brief History:

Committee Activity:

Consumer Protection & Business: 1/21/25, 1/29/25 [DPS].

Brief Summary of Substitute Bill

- Makes revisions to the Professional Engineers' Registration Act related to members of the Board of Registration for Professional Engineers and Land Surveyors, educational equivalency, registration fees, exclusions from and expirations and suspensions of registrations, terminology updates, and removal of obsolete language.

HOUSE COMMITTEE ON CONSUMER PROTECTION & BUSINESS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 12 members: Representatives Walen, Chair; McClintock, Ranking Minority Member; Abbarno, Berry, Donaghy, Kloba, Morgan, Reeves, Ryu, Santos, Steele and Volz.

Minority Report: Do not pass. Signed by 2 members: Representatives Dufault, Assistant Ranking Minority Member; Corry.

Staff: Peter Clodfelter (786-7127).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Background:

The Board of Registration for Professional Engineers and Land Surveyors. Pursuant to the Professional Engineers' Registration Act (Act), a person practicing or offering to practice engineering or land surveying must be qualified and registered with the Board of Registration for Professional Engineers and Land Surveyors (Board). The Board consists of seven members, who are appointed by the Governor.

Five members must be registered professional engineers, and two members must be registered professional land surveyors. Each member must have been actively engaged in the practice of engineering or land surveying for at least 10 years subsequent to registration, five of which being immediately prior to their appointment. Each Board member must be a citizen of the United States and a Washington resident for at least five years immediately preceding the appointment.

Upon request of the Board, and with approval of the Director of the Board (Director), the Board Chair must appoint up to two pro tem members of the Board. The appointments are limited, as defined by the Board Chair, for the purpose of participating as a temporary member of the Board on any combination of one or more committees or formal disciplinary hearing panels. An appointee must meet the same qualifications as a Board member. While serving as a pro tem member, an appointed person has all the powers, duties, and immunities of a Board member. A pro tem appointment may not last for more than 180 days unless approved by the Director.

Roster Information. A roster showing the names and places of business of all registered professional engineers and land surveyors may be published for distribution, upon request, to registered professional engineers and land surveyors and to the public.

Minimum Evidence Satisfactory for Registration—Equivalency. Minimum requirements for registration as a professional engineer include eight years or more of experience in engineering work, successfully passing a written or oral examination, or both. However, graduation in an approved engineering curriculum of four years or more from a school or college approved by the Board as of satisfactory standing must be considered equivalent to four years of experience. Also, graduation in a curriculum other than engineering from a school or college approved by the Board must be considered as equivalent to two years of required experience.

Application Requirements for Registration. Information in an application for registration must include verification of the technical work from professional engineers that supervised the applicant's work and have personal knowledge of the applicant's engineering experience.

Registration Fee. The registration fee for professional engineers, engineers-in-training, professional land surveyors, and land-surveyors-in-training is determined by the Board, and

must include the cost of examination and issuance of certificate.

Certificates of Registration and Authorization. Certificates of registration must be signed by the Board Chair, the Board Secretary, and by the Board Director. Certificates of registration and authorization expire on the last day of December. Renewal notices must be mailed at least 30 days before the end of December. Completion of 15 hours of continuing professional development per year is required. Since July 2006, the Board has been required to adopt rules governing continuing professional development for land surveyors that are generally patterned after the model rules of the National Council of Examiners for Engineering and Surveying.

Exclusions from Registration Requirements. Exclusions from the scope of the Act exist such as: the practice of engineering or land surveying, or both, by a corporation or joint stock association subject to requirements including filing an application for a certificate of authorization; engineers or land surveyors organized as professional service corporations; and engineers or land surveyors organized as professional limited liability companies.

Responsibility—Professional Engineers. Any corporation authorized to practice engineering is responsible to the same degree as an individual registered engineer, and must conduct its business without unprofessional conduct in the practice of engineering.

Account. All fees collected by the Board are paid into the Professional Engineer's Account, which is an account in the State Treasury, to be used to operate, administer, and enforce the Act.

Mandatory Suspension of Registration. The Board must immediately suspend the registration of a person who is certified by the Department of Social and Health Services (DSHS) as a person who is not in compliance with a support order or a residential or visitation order. If the person has continued to meet all other requirements during the suspension, reissuance of the certificate of registration must be automatic upon the Board's receipt of a release issued by the DSHS.

Department of Licensing—Technical Services. The Department of Licensing (DOL), through an interagency agreement with the Board, must provide specified technical services to the Board. The initial interagency agreement must be for a term of three years and may be renewed by mutual agreement between the DOL and the Board.

Summary of Substitute Bill:

Board of Registration for Professional Engineers and Land Surveyors Members. The requirement for each member of the Board to be a citizen of the United States is removed. The number of authorized pro tem Board members is increased from two to three, and the process for their approval and appointment is revised. Upon request of the Board, the

Director would select a candidate for a pro tem Board member position and upon approval of the Board, the Board Chair would make the appointment, instead of the Director approving and the Board Chair appointing individuals to serve as pro tem members.

Pro tem Board members may also perform services as needed and determined by the Director, including ensuring sufficient case reviewers and forming a quorum at Board meetings. An appointed individual must be registered under the Act for a minimum of five years immediately prior to the appointment, instead of being required to meet the same qualifications as regular members of the Board.

Roster Information. A requirement for the information in a roster of all registered professional engineers and land surveyors is changed so that the mailing address, not the place of business, must be shown in the roster.

Minimum Evidence Satisfactory for Registration—Equivalency. Registration requirements for professional engineers related to educational equivalency to experience are changed so that graduation in an approved engineering curriculum of four years or more from a school or college "approved by the Board," instead of "approved by the Board as of satisfactory standing," must be considered equivalent to four years of the eight years of required experience. Additionally, graduation in a curriculum other than engineering from a school or college approved by the Board must be considered as "up to two years," instead of "equivalent to two years," of the required experience.

Application Requirements for Registration. The requirements for information in an application for registration are changed so verification of the technical work from "professional engineers and/or professional land surveyors" is required, instead of only from "professional engineers."

Registration Fee. The registration fee determined by the Board for professional engineers, engineers-in-training, professional land surveyors, and land-surveyors-in-training must include the cost of "application processing" and issuance of certificate, instead of the cost of "examination" and issuance of certificate. All registration fees are declared nonrefundable.

Certificates of Registration and Authorization. A certificate of registration is not required to be signed by the Board Secretary. Certificates of registration or authorization are valid for a period of time determined by the Board, instead of expiring and requiring renewal by the last day of December. The provision is removed that notices must be mailed at least 30 days before the end of December. The requirement is removed for the Board, by July 2006, to adopt rules on continuing professional development for land surveyors that are generally patterned after the model rules of the National Council of Examiners for Engineering and Surveying.

Exclusions from Registration Requirements. The reference to "joint stock association" is removed from the exclusion to the practice of engineering or land surveying, or both, in

Washington. It is specified that it is "professional engineers or professional land surveyors," instead of "engineers or land surveyors" who are exempt from applying for a certificate of authorization when organized as a professional service corporation or a professional limited liability company.

Responsibility—Land Surveyors. A corporation authorized to practice land surveying is deemed responsible to the same degree as an individual land surveyor, and must conduct its business without unprofessional conduct.

Account. The Professional Engineer's Account is changed to the Board of Registration for Professional Engineers and Land Surveyors Account.

Mandatory Suspension of Registration. Being out of compliance with a residential or visitation order, but not a support order, is removed from the situations requiring the Board to immediately suspend the registration of a person who has been certified by the DSHS as a person who is not in compliance with such an order.

Department of Licensing—Technical Services. The reference to the interagency agreement for technical services between the DOL and the Board being a term of three years and subject to renewal by mutual agreement is revised, to remove the three-year term of the initial agreement and specify the technical services through an interagency agreement must provide specified technical services to the Board as mutually agreed upon.

Terminology and Obsolete Language. References to the Executive Director are changed to Director. Obsolete language is removed related to the addition of Board members in 1986, a waiver of requirements for structural engineers that expired in 2010, experience requirements that expired in 1996, and excess fund balance transfers occurring in prior biennia.

Substitute Bill Compared to Original Bill:

The substitute bill removes the existing requirement that each member of the Board must be a citizen of the United States.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill will loosen some of the qualifications for serving on the Board. A current challenge is that sewer engineers and septic engineers both practice engineering in Washington, and there are currently barriers to septic engineers serving on the Board. The bill will help give more engineers a voice on the Board. On-site waste water designers have expertise to provide while serving as a pro tem member on the Board. The bill also cleans up language in the Act. Proponents are not opposed to removing the United States citizenship requirement for regular Board members, should the Legislature decide to do so.

(Opposed) None.

Persons Testifying: Representative Kevin Waters, prime sponsor; Ken Fuller, Board of Registration for Professional Engineers and Land Surveyors; and Kevin Van De Wege, Board of Professional Engineers and Land Surveyors.

Persons Signed In To Testify But Not Testifying: None.