

HOUSE BILL REPORT

HB 2229

As Reported by House Committee On:
Consumer Protection & Business

Title: An act relating to the professional engineers' registration act.

Brief Description: Concerning the professional engineers' registration act.

Sponsors: Representatives Zahn, Waters, Leavitt, Parshley, Lekanoff, Reed and Thai; by request of Board of Registration for Professional Engineers and Land Surveyors.

Brief History:

Committee Activity:

Consumer Protection & Business: 1/14/26, 1/21/26 [DPS].

Brief Summary of Substitute Bill

- Revises the Professional Engineers' Registration Act, including related to: members of the Board of Registration for Professional Engineers and Land Surveyors; minimum experience requirements for registration; applications for registration; examinations; continuing professional development; 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 8 members: Representatives Walen, Chair; Hackney, Vice Chair; Berry, Kloba, Morgan, Reeves, Ryu and Santos.

Minority Report: Do not pass. Signed by 4 members: Representatives McClintock, Ranking Minority Member; Abbarno, Steele and Volz.

Minority Report: Without recommendation. Signed by 2 members: Representatives Dufault, Assistant Ranking Minority Member; Corry.

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.

Staff: Peter Clodfelter (786-7127)

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 also licenses persons performing design services for on-site wastewater treatment systems. 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.

Registration Requirements—Professional Engineers. Minimum qualifications 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 is considered equivalent to four years of experience. Also, graduation in a curriculum other than engineering from a school or college approved by the Board is considered as equivalent to two years of experience. However, no applicant may receive credit for more than four years of experience because of undergraduate educational qualifications. The Board may, at its discretion, give credit as experience not in excess of one year for satisfactory postgraduate study in engineering.

Registration Requirements—Structural Engineers. Structural engineering is recognized as a specialized branch of professional engineering. To receive a certificate of registration in

structural engineering, an applicant must hold a current registration in Washington in engineering and have at least two years of structural engineering experience of a character satisfactory to the Board, in addition to the eight years' experience required for registration as a professional engineer. An applicant must also pass an additional examination as prescribed by the Board. An engineer must be registered as a structural engineer in order to provide structural engineering services for significant structures.

Registration Requirements—Engineer-in-Training. As an engineer-in-training, an applicant for registration as a professional engineer must take the examination in two stages. The first stage of the examination may be taken upon submission of their application for registration as an engineer-in-training and payment of the application fee at any time after the completion of four years of the required engineering experience, or achieving senior standing in a school or college approved by the Board. The first stage of the examination must test the applicant's knowledge of appropriate fundamentals of engineering subjects, including mathematics and the basic sciences. At any time after the completion of the required eight years of engineering experience, the applicant may take the second stage of the examination upon submission of an application for registration and payment of the application fee. This stage of the examination must test the applicant's ability, upon the basis of the applicant's greater experience, to apply the applicant's knowledge and experience in the field of the applicant's specific training and qualifications.

Registration Requirements—Professional Land Surveyor. As a professional land surveyor, a specific record of eight years or more of experience in land surveying work of a character satisfactory to the Board is required, indicating that the applicant is competent to practice land surveying, and successfully passing a written or oral examination, or both, in surveying as prescribed by the Board. Graduation from a school or college approved by the Board as of satisfactory standing, including the completion of an approved course in surveying, must be considered equivalent to four years of the required experience. Postgraduate college courses approved by the Board must be considered for up to one additional year of the required experience.

Registration Requirements—Land-Surveyor-in-Training. As a land-surveyor-in-training, an applicant for registration as a professional land surveyor must take the prescribed examination in two stages. The first stage of the examination may be taken upon submission of the person's application for registration as a land-surveyor-in-training and payment of the application fee at any time after the applicant has completed four years of the required land surveying experience, or has achieved senior standing in a school or college approved by the Board. The first stage of the examination must test the applicant's knowledge of appropriate fundamentals of land surveying subjects, including mathematics and the basic sciences. At any time after the completion of the required eight years of land surveying experience, the applicant may take the second stage of the examination upon submission of an application for registration and payment of the application fee. This stage of the examination must test the applicant's ability, upon the basis of greater experience, to apply knowledge and experience in the field of land surveying.

Registration Requirements—Additional Requirements. No person may be eligible for registration as a professional engineer, engineer-in-training, professional land surveyor, or land-surveyor-in-training, who is not of good character and reputation. Teaching, of a character satisfactory to the Board, may be considered as experience not in excess of two years for the appropriate profession. The mere execution, as a contractor, of work designed by a professional engineer, or the supervision of the construction of such work as a foreman or superintendent may not be deemed to be the practice of engineering.

Application Requirements for Registration. An application for registration must be on forms prescribed by the Board and furnished by the Director; must contain statements made under oath, showing the applicant's education and detail summary of their technical work; and must contain verification of the technical work from professional engineers that supervised the applicant's technical 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.

Examinations. Oral or written examinations may be required by the Board and held at a time and place as the Board determines. Applicants who are engineers-in-training or land-surveyors-in training seeking registration as a professional engineer or professional land surveyor must take the prescribed examination in two stages. A candidate failing an examination may apply for reexamination. Subsequent examinations will be granted upon payment of a fee to be determined by the Board.

Certificates of Registration and Authorization. Certificates of registration must be signed by the Board Chair, the Board Secretary, and 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 for land surveyors. 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 registration and the Act exist, such as:

- the practice of a person who is a nonresident and having no established place of business in Washington, when the practice of engineering or land surveying does not exceed in the aggregate more than 30 days in any calendar year under a permit authorizing temporary practice;
- the practice of a person who is a nonresident and having no established place of business in Washington, or who has recently become a Washington resident,

- practicing or offering to practice for more than 30 days in any calendar year engineering or land surveying, if they file with the Board an application for registration and pay the required fee;
- the practice of engineering and/or land surveying by a corporation or joint stock association subject to requirements including filing an application for a certificate of authorization; and
 - the practice of engineering and/or land surveying by a partnership if the partnership employs at least one person holding a valid certificate of registration to practice engineering or land surveying, or both.

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 continues 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. Under a 2019 law, 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:

The Board of Registration for Professional Engineers and Land Surveyors. 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 or licensed in Washington to perform design services for on-site wastewater treatment systems 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.

Registration Requirements. The requirements considered as minimum evidence satisfactory to the Board that the applicant is qualified for registration as a professional engineer, structural engineer, professional land surveyor, engineer-in-training, and land-surveyor-in-training are modified. The eight years of experience must be broad-based and progressive to include, for professional engineers, gaining knowledge and comprehension of engineering subjects and applying engineering principles, and for professional land surveyors, applying land surveying principles. An undergraduate degree in a non-engineering program may, at the Board's discretion, be considered the equivalent of four years of engineering experience, instead of being limited to two years of the experience. An undergraduate degree equivalent to a land surveying program approved by the Board is also considered the equivalent of four years of the land surveying experience. Experience may be granted for teaching and postgraduate education as further defined by, and at the discretion of, the Board, instead of teaching of a character satisfactory to the Board being considered up to two years of experience, and postgraduate experience being considered up to one year of experience.

Application Requirements for Registration. The requirements are removed that an application for registration must contain statements made under oath, showing the applicant's education and detail summary of their technical work and contain verification of the technical work from professional engineers that supervised the applicant's technical work and have personal knowledge of the applicant's engineering experience.

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.

Examinations. References to examinations being in two stages and being written, oral, or both, are removed, and it is provided that an applicant must receive passing scores on examinations required by the Board in rule. The provisions are removed that a candidate failing an examination may apply for reexamination, and that subsequent examinations will be granted upon payment of a fee to be determined by the Board. The Board must waive the fundamentals examination for applicants who meet the requirements as defined by the Board in rule, instead of waiving the fundamentals examination for applicants who have passed the National Council for Examiners for Engineering and Land Surveying Principles

and Practice Examination, have met the experience and education requirements established by the Board, and are in good standing with the licensing agency in a jurisdiction.

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 provision is removed that in case any professional engineer and/or land surveyor registered fails to pay the renewal fee within 90 days from the date when it becomes due, the renewal fee is the current fee plus the amount equal to one year's fee.

The Board may not renew a certificate of registration for a professional land surveyor unless the registrant verifies to the Board that they have completed the required hours, instead of at least 15 hours, of continuing professional development. 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. Exclusions from registration and the Act are modified to remove:

- the exclusion for a person who is not a resident and has no established place of business in Washington practicing or offering to practice engineering or land surveying, when the practice does not exceed in the aggregate more than 30 days in any calendar year under a permit authorizing temporary practice;
- the exclusion for a person who is not a resident and has no established place of business in Washington, or who has recently become a Washington resident, practicing or offering to practice for more than 30 days in any calendar year the profession of engineering or land surveying, if they filed with the Board an application for a certificate of registration and paid the fee; and
- a reference to "joint stock association" from the exclusion to the practice of engineering or land surveying, or both, in Washington, so that the exclusion applies only to corporations.

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 certified by the DSHS as 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.

Terminology. Terminology changes are made like changing references from "land surveyors" to "professional land surveyors," and changing references from "he or she" to "they" or the "person."

Obsolete Provisions. Obsolete provisions are removed, like the staggered appointments of additional Board members appointed in 1986; provisions related to the exclusion from registration for partnerships under a law that became effective in 1998; and the length of an initial interagency agreement between the Department of Licensing and the Board under which technical services are provided to the Board.

Substitute Bill Compared to Original Bill:

Compared to the original bill, the substitute bill restores current law regarding the name of the State Board of Registration for Professional Engineers and Land Surveyors (Board), so that the Board would not be renamed the State Board of Registration for Professional Engineers and Professional Land Surveyors.

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 is an important bill to update statutes and remove obsolete language, and it continues to ensure engineers and land surveyors have the required experience and pass rigorous exams. The Board provides consumer protection by licensing professional engineers, land surveyors, and on-site waste water designers. The Board also investigates and responds to complaints and recommends rules to administer licensing and regulatory laws. The Board helps provide qualified professionals, for those building affordable housing, to engineers in Washington's largest companies. The Board recommends changes to statute to remove provisions no longer used; update language to reflect modern operating procedures; amend the number of pro tem Board members from two to three to allow adding an on-site waste water designer; and allow for rule changes to decouple the experience requirement from the exams. However, the experience requirement would have to be met before applicants could apply for licensure. The bill also adds the word professional before land surveyor in statute. There is no intent to change the official name of the Board.

(Opposed) None.

Persons Testifying: Representative Janice Zahn, prime sponsor; Kristina Horton, BRPELS; and Marjorie Lund, Board of Registration for Professional Engineers and Land Surveyors.

Persons Signed In To Testify But Not Testifying: None.