

SENATE BILL REPORT

SB 5090

As Reported by Senate Committee On:
Labor & Commerce, February 7, 2025

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: Senators Liias, Chapman, Dozier, Nobles, Shewmake and Wellman; by request of Board of Registration for Professional Engineers and Land Surveyors.

Brief History:

Committee Activity: Labor & Commerce: 2/03/25, 2/07/25 [DP, w/oRec].

Brief Summary of Bill

- Revises the Professional Engineers' Registration Act related to pro tem 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.

SENATE COMMITTEE ON LABOR & COMMERCE

Majority Report: Do pass.

Signed by Senators Saldaña, Chair; Conway, Vice Chair; King, Ranking Member; Alvarado, Braun, MacEwen, Ramos and Stanford.

Minority Report: That it be referred without recommendation.

Signed by Senator Schoesler.

Staff: Susan Jones (786-7404)

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: State Board of Registration for Professional Engineers and Land Surveyors and the Act. 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 state Board of Registration for Professional Engineers and Land Surveyors (Board). The Board consists of seven members, who are appointed by the Governor for five-year terms. No member may serve more than two consecutive terms on the Board. Five members of the Board must be registered and licensed professional engineers. Two members of the Board must be registered and licensed professional land surveyors. Each of the Board members must have been actively engaged in the practice of engineering or land surveying for at least ten years subsequent to registration, five of which shall have been immediately prior to their appointment to the Board. Each member of the Board shall be a citizen of the United States and shall have been a resident of this state for at least five years immediately preceding his or her appointment.

Pro Tem Members. Upon request of the Board, and with approval of the Board director, the Board chair must appoint up to two individuals to serve as 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 appointed individual must meet the same qualifications as a regular member of the Board. While serving as a Board member pro tem, an appointed person has all the powers, duties, and immunities of a regular member of the Board and is entitled to the same compensation. A pro tem appointment may not last for more than 180 days unless approved by the Board director.

Roster Information. The Board must publish a roster of registered engineers and land surveyors, including names and places of business, for distribution, upon request, to professional registered engineers and land surveyors and 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. 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. 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 for Registration, Fees, and Account. 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. 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. 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.

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. 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.

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 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 Bill: Pro Tem Board of Registration for Professional Engineers and Land Surveyors Members. 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 Board 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 Board 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 Board director, including ensuring sufficient case reviewers and forming a quorum at Board meetings. An appointed individual must be registered under the Professional Engineers' Registration 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 from 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. 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 the equivalent to two years, of the required experience.

Application Requirements for Registration. The verification of the technical work requirements in an application are changed to verification from professional engineers or professional land surveyors, or both, instead of only from professional engineers.

Registration Fee. The registration fee determined by the Board 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's 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 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 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.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: The bill creates additional pathways for people to become engineers in the transportation sector. There is a tremendous need not just for engineers, but engineering techs, land surveyors, and others to do transportation work. The board raised the issue that the statutes do not completely line up with other professional boards on the issue of pro tem members.

The board takes up requests to suspend credentials like medical boards do if there is a complaint against a licensee. The pro tem board members are critical to making sure there is a quorum to hear appeals. The changes for pro tem members is similar to some other health care boards.

The bill cleans up obsolete language.

Persons Testifying: PRO: Senator Marko Liias, Prime Sponsor; Ken Fuller, WA State Board of Registration for Professional Engineer's and Land Surveyor's.

Persons Signed In To Testify But Not Testifying: No one.