

Chapter 196-16 WAC

REGISTERED PROFESSIONAL LAND SURVEYORS

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

196-16-005	Definitions. [Statutory Authority: RCW 18.43.035. WSR 82-01-064 (Order 81-10), § 196-16-005, filed 12/18/81; Rule III (part), filed 11/15/65; Rule III (part), filed 8/4/64.] Repealed by WSR 96-11-086, filed 5/14/96, effective 7/1/96. Statutory Authority: RCW 18.43.035.
196-16-030	Reports. [Rule IIC, filed 12/26/62.] Decodified as omitted from comprehensive refiling of rules dated 11/15/65 and 8/4/64.
196-16-040	Evaluation of candidates for land surveyor licenses. [Rule IID, filed 12/26/62.] Decodified as omitted from comprehensive refiling of rules dated 11/15/65 and 8/4/64. See WAC 196-16-010 and 196-16-020.
196-16-050	Fees. [Order PL 224, § 196-16-050, filed 11/5/75; Order PL 181, § 196-16-050, filed 1/28/75; Rule IIID, filed 11/15/65; Rule IIID, filed 8/4/64; Rule IIE, filed 12/26/62.] Repealed by WSR 82-01-064 (Order 81-10), filed 12/18/81. Statutory Authority: RCW 18.43.035.
196-16-055	Renewal of licenses. [Order PL 224, § 196-16-055, filed 11/5/75; Order PL 181, § 196-16-055, filed 1/28/75; Order PL 176, § 196-16-055, filed 10/15/74.] Repealed by WSR 82-01-064 (Order 81-10), filed 12/18/81. Statutory Authority: RCW 18.43.035.
196-16-060	Correspondence. [Order PL-115, § 196-16-060, filed 11/24/71.] Repealed by Order PL 181, filed 1/28/75.

WAC 196-16-006 Declaration and purpose. This chapter contains rules and procedures for applications, eligibility and examinations to be licensed as professional land surveyors.

[Statutory Authority: Chapters 18.43 and 18.235 RCW. WSR 04-04-001, § 196-16-006, filed 1/21/04, effective 2/21/04.]

WAC 196-16-007 Eligibility and applications. The law requires eight years of experience in land surveying work of a character satisfactory to the board and passing the fundamentals-of-land surveying examination to be eligible for the professional land surveyor examination. The eight years of

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experience must be completed sixty days prior to the date of the examination.

All applications must be completed on forms provided by the board and filed with the executive director at the board's address. The deadline for properly completed applications accompanied by the appropriate fee as listed in WAC 196-26A-025 is four months prior to the date of the examination. Late applications will be considered for a later examination. Supporting documents such as college transcripts and experience verification forms must be received by the board three months prior to the date of the examination in order for the board to determine eligibility prior to examination deadlines. Failure to have the supporting documents sent to the board by the defined deadline will result in the applicant being delayed until a later examination.

Once an application has been approved, no further application is required. An applicant who has taken an examination and failed or who qualified for an examination but did not take it shall request to take or retake the examination at least three months prior to the examination date. A written request accompanied by the applicable fee as listed in WAC 196-26A-025 is required to reschedule for an examination.

[Statutory Authority: Chapters 18.43 and 18.235 RCW. WSR 04-04-001, § 196-16-007, filed 1/21/04, effective 2/21/04. Statutory Authority: RCW 18.43.035. WSR 96-11-086, § 196-16-007, filed 5/14/96, effective 7/1/96; WSR 89-05-021 (Order PM 820), § 196-16-007, filed 2/10/89; WSR 88-12-044 (Order PM 738), § 196-16-007, filed 5/27/88; WSR 87-13-005 (Order PM 606), § 196-16-007, filed 6/4/87; WSR 84-04-027 (Order PL 454), § 196-16-007, filed 1/25/84; WSR 82-01-064 (Order 81-10), § 196-16-007, filed 12/18/81; Order PL 224, § 196-16-007, filed 11/5/75; Order PL-129, § 196-16-007, filed 7/27/72; Order PL-115, § 196-16-007, filed 11/24/71; Rule IIIA, filed 11/15/65; Rule IIIA, filed 8/4/64.]

WAC 196-16-010 Experience records. The board shall evaluate all experience, which includes education, on a case-by-case basis and approve such experience as appropriate. The board will use the following criteria in evaluating an applicant's experience record.

(1) Education experience will be based on transcripts. Therefore, any transcripts not previously sent to the board's office should be submitted for maximum experience credit. Education may be approved as experience based on the following:

(a) Graduation with a baccalaureate degree in land surveying from an approved curriculum shall be equivalent to four years of required experience.

(b) Graduation with an associate degree in land surveying from an approved curriculum shall be equivalent to two years of required experience.

(c) Each year completed of an approved curriculum without graduation shall be granted up to a year of required experience.

(d) A maximum of one year may be granted for postgraduate college courses approved by the board. Postgradu-

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ate education will count toward the eight years of required experience as described in subsection (2) of this section.

(e) Any other education will be taken into account and evaluated on its merits.

(f) Experience gained between semesters or quarters or during summers while enrolled in an approved curriculum will be considered as part of the educational process. The board grants one year of experience for a year of approved education including any associated work experience within that year.

(2) In evaluating work experience, the board will be looking for eight years of broad based, progressive field and office experience in surveying work under the direct supervision of a person authorized by chapter 18.43 RCW or other applicable statute to practice land surveying, a minimum of four years of which shall be in a position of making independent judgments and decisions under the general guidance and direct supervision of an authorized professional except as provided for in subsections (1)(d) and (3) of this section. This latter experience shall not be limited to, but must include the following:

- (a) Applying state, federal and case law;
- (b) Exercising sound judgment when making independent decisions regarding complex boundary, topographic, horizontal and vertical control, and mapping issues;
- (c) Field identification and evaluation of boundary evidence, including monumentation, and the ability to use that evidence for boundary determination;
- (d) Conducting research;
- (e) Preparing and analyzing complex property descriptions; and
- (f) Interacting with clients and the public in conformance with chapter 196-27A WAC.

The board may grant partial credit for experience that does not fully meet the requirements in (a) through (f) of this subsection.

(3) Teaching of a character satisfactory to the board may be recognized as surveying experience up to a maximum of two years.

(4) In evaluating combined education and experience the board will be looking at transcripts and work experience to determine knowledge in subsection (2)(a) through (f) of this section.

(5) Any work experience gained in a situation which violates the provisions of chapters 18.43 and 18.235 RCW or Title 196 WAC will not be credited towards the experience requirement.

(6) A registered professional engineer who applies to become registered as a professional land surveyor must meet the requirements stated within this section.

[Statutory Authority: Chapters 18.43 and 18.235 RCW. WSR 04-04-001, § 196-16-010, filed 1/21/04, effective 2/21/04. Statutory Authority: RCW 18.43.035. WSR 96-11-086, § 196-16-010, filed 5/14/96, effective 7/1/96; WSR 87-13-005 (Order PM 606), § 196-16-010, filed 6/4/87; WSR 84-04-027 (Order PL 454), § 196-16-010, filed 1/25/84; WSR 82-01-064 (Order 81-10), § 196-16-010, filed 12/18/81; Order PL-115, § 196-16-010, filed 11/24/71; Rule IIIB, filed 11/15/65; Rule IIIB, filed 8/4/64; Rule IIA, filed 12/26/62.]

WAC 196-16-020 Examinations. (1) To become licensed as a professional land surveyor the candidate must pass the fundamentals-of-land surveying examination, prin-

ciples and practice examination, and law and ethics examination. A candidate must pass the fundamentals-of-land surveying examination before taking the principles and practice examination. The fundamentals and principles and practice examinations are given at times and places designated by the board. See the respective internet web sites of the National Council of Examiners for Engineering and Surveying (NCEES), and the board for future examination schedules and syllabi. The law and ethics exam is a take-home examination covering chapters 18.43 and 18.235 RCW and Title 196 WAC. If one of these examinations is failed, only that examination must be retaken.

[Statutory Authority: Chapters 18.43 and 18.235 RCW. WSR 04-04-001, § 196-16-020, filed 1/21/04, effective 2/21/04. Statutory Authority: RCW 18.43.035. WSR 96-11-086, § 196-16-020, filed 5/14/96, effective 7/1/96; WSR 93-01-081, § 196-16-020, filed 12/15/92, effective 1/15/93; WSR 89-05-021 (Order PM 820), § 196-16-020, filed 2/10/89; WSR 84-04-027 (Order PL 454), § 196-16-020, filed 1/25/84; WSR 82-01-064 (Order 81-10), § 196-16-020, filed 12/18/81; Order PL-121, § 196-16-020, filed 5/3/72; Order PL-115, § 196-16-020, filed 11/24/71; Rule IIIC, filed 11/15/65; Rule IIIC, filed 8/4/64; Rules IIB and IID (part), filed 12/26/62.]

WAC 196-16-031 Comity—Registration of applicants qualified in other jurisdictions. (1) Applicants for registration as a land surveyor by comity must meet the following criteria:

(a) The applicant must complete an application on forms provided by the board and filed with the executive director at the board's address accompanied by the appropriate fee pursuant to WAC 196-26A-035;

(b) The applicant's qualifications meet the requirements of chapter 18.43 RCW and this chapter;

(c) The applicant is in good standing with the licensing agency in a state, territory, possession, district, or foreign country. Good standing shall be defined as a currently valid license in the jurisdiction of original registration or the jurisdiction of most recent practice, if different from the jurisdiction of original registration; and

(d) The applicant has been qualified by a written examination determined by the board to adequately test the fundamentals and principles and practice of land surveying and whose experience includes WAC 196-16-010 (2)(a) through (f).

(2) The applicant will be required to pass examinations to demonstrate competency in land surveying issues important to Washington, and law and ethics. Comity applicants will not be required to take the fundamentals-of-land surveying and full principles and practice examinations administered by the board.

[Statutory Authority: Chapters 18.43 and 18.235 RCW. WSR 04-04-001, § 196-16-031, filed 1/21/04, effective 2/21/04. Statutory Authority: RCW 18.43.035. WSR 96-11-086, § 196-16-031, filed 5/14/96, effective 7/1/96; WSR 93-01-081, § 196-16-031, filed 12/15/92, effective 1/15/93; WSR 91-23-111, § 196-16-031, filed 11/20/91, effective 12/21/91; WSR 89-05-021 (Order PM 820), § 196-16-031, filed 2/10/89; WSR 84-04-027 (Order PL 454), § 196-16-031, filed 1/25/84; WSR 82-01-064 (Order 81-10), § 196-16-031, filed 12/18/81; Order PL-115, § 196-16-031, filed 11/24/71.]

WAC 196-16-035 Retired status certificate of registration. In accordance with RCW 18.43.075, any individual who has been issued a certificate of registration, in accordance with chapter 18.43 RCW, as a professional land surveyor, having reached at least the age of sixty-five and hav-

ing discontinued active practice as a land surveyor, may be eligible to obtain a "retired certificate of registration." If granted, further certificate of registration renewal fees are waived. For the purpose of this provision, "active practice" is defined as exercising direct supervision and control over the development and production of a land surveying document as provided in RCW 18.43.070 and/or any related activities pertaining to the offer of and/or the providing of professional land surveying services as defined in RCW 18.43.020.

(1) Applications. Those persons wishing to obtain the status of a retired registration shall complete an application on a form as provided by the board. Applications shall be sent to the executive director at the address of the board. Upon receipt of said application and, if deemed eligible by the board, the retired status would become effective on the first scheduled renewal date of the certificate of registration that occurs on or after the applicant reaches the age of sixty-five. It shall not be necessary that an expired certificate of registration be renewed to be eligible for this status. The board will not provide refund of renewal fees if the application for "retired" status is made and granted before the date of expiration of the certificate of registration.

(2) Privileges. In addition to the waiver of the renewal fee, a retired registrant is permitted to:

(a) Retain the board issued wall certificate of registration;

(b) Use the title professional land surveyor (PLS), provided that it is supplemented by the term retired, or the abbreviation "ret";

(c) Work as a land surveyor in a volunteer capacity, provided that the retired registrant does not create a land surveying document, and does not use their seal, except as provided for in (d) of this subsection;

(d) Provide experience verifications and references for persons seeking registration under chapter 18.43 RCW. If using their professional seal the retired registrant may place the word "retired" in the space designated for the date of expiration;

(e) Serve in an instructional capacity on land surveying topics;

(f) Provide services as a technical expert before a court, or in preparation for pending litigation, on matters directly related to land surveying work performed by the registrant before they were granted a retired registration;

(g) Serve in a function that supports the principles of registration and/or promotes the profession of land surveying, such as members of commissions, boards or committees;

(h) Serve in a land surveying capacity as a "good samaritan," as set forth in RCW 38.52.195 and 38.52.1951, provided said work is otherwise performed in accordance with chapter 18.43 RCW.

(i) A professional land surveyor in retired status is not required to complete continuing professional development as provided in WAC 196-16-110. However, if a retired status land surveyor wishes to return to active status, the licensee will need to complete an additional fifteen PDH during their first year of reactivated practice.

(3) Restrictions. A retired registrant is not permitted to:

(a) Perform any land surveying activity, as provided for in RCW 18.43.020, unless said activity is under the direct

supervision of a Washington state professional land surveyor who has a valid/active registration in the records of the board;

(b) Act as the designated land surveyor or land surveyor in responsible charge for a Washington land surveying corporation or Washington land surveying limited liability company;

(c) Apply their professional land surveyors seal, as provided for in RCW 18.43.070, to any plan, specification, plat or report, except as provided for in subsection (2)(d) of this section.

(4) Certificate of registration reinstatement. A retired registrant, upon written request to the board and payment of the current renewal fee, may resume active land surveying practice. At that time the retired registrant shall be removed from retired status and placed on valid/active status in the records of the board. All rights and responsibilities of a valid/active registration will be in effect. At the date of expiration of the reinstated certificate of registration, the registrant may elect to either continue active registration or may again apply for retired registration in accordance with the provisions of this chapter.

(5) Exemptions. Under no circumstances shall a registrant be eligible for a retired registration if their certificate of registration has been revoked, surrendered or in any way permanently terminated by the board under RCW 18.43.110. Registrants who are suspended from practice and/or who are subject to terms of a board order at the time they reach age sixty-five shall not be eligible for a retired registration until such time that the board has removed the restricting conditions.

(6) Penalties for noncompliance. Any violations of this section shall be considered "misconduct and/or malpractice" as defined in RCW 18.43.105. Such violations are subject to penalties as provided for in RCW 18.235.110 and 18.43.120.

[Statutory Authority: RCW 18.43.035. WSR 06-11-120, § 196-16-035, filed 5/19/06, effective 7/1/06. Statutory Authority: Chapters 18.43 and 18.235 RCW. WSR 04-04-001, § 196-16-035, filed 1/21/04, effective 2/21/04.]

CONTINUING PROFESSIONAL DEVELOPMENT FOR PROFESSIONAL LAND SURVEYORS

WAC 196-16-100 Purpose and effective date. The purpose of the continuing professional development requirement is to encourage licensed professional land surveyors, under chapter 18.43 RCW, to maintain competency in their practice. On July 1, 2007 and thereafter, licensed land surveyors must meet the requirements of this chapter as a condition of continued licensure.

[Statutory Authority: RCW 18.43.035. WSR 06-11-119, § 196-16-100, filed 5/19/06, effective 7/1/06.]

WAC 196-16-105 Definitions. Terms used in this section are defined as follows:

(1) Professional Development Hour (PDH)—An hour engaged in a qualifying activity.

(2) Continuing Education Unit (CEU)—Unit of credit customarily used for continuing education courses. One continuing education unit equals ten Professional Development Hours.

(3) College/Unit Semester/Unit Quarter—Completion of courses in college level curriculums satisfactory to the board.

(4) Qualifying activity—Any activity that is related to land surveying or will help the licensee maintain competency in their practice as a professional land surveyor.

(5) Year—That twelve-month period between the anniversaries of the licensee's birth date.

(6) Board—The board of registration for professional engineers and land surveyors.

[Statutory Authority: RCW 18.43.035. WSR 06-11-119, § 196-16-105, filed 5/19/06, effective 7/1/06.]

WAC 196-16-110 Requirements. Starting on July 1, 2006, all licensed professional land surveyors wishing to maintain lawful practice must accumulate fifteen PDH per year of a two-year renewal cycle. All renewals for licensure as a professional land surveyor occurring on or after July 1, 2007 are subject to audit by the board.

[Statutory Authority: RCW 18.43.035. WSR 06-11-119, § 196-16-110, filed 5/19/06, effective 7/1/06.]

WAC 196-16-115 Qualifying activities. The board believes that individuals licensed as professional land surveyors should have the discretion to make independent choices on what activities help them to be improved practitioners. While the board will not provide advance approvals for selected activities or vendors they do expect licensees to seek out qualifying activities that can be demonstrated to the satisfaction of the board that they are relevant to the licensee's continuing professional development.

[Statutory Authority: RCW 18.43.035. WSR 06-11-119, § 196-16-115, filed 5/19/06, effective 7/1/06.]

WAC 196-16-120 Units. Qualifying activities will accrue PDH as follows:

- 1. College hours:
 - a. Completion of 1 college semester hour 45 PDH
 - b. Completion of 1 college quarter hour 30 PDH
- 2. 1 Continuing education unit 10 PDH
- 3. For publication or presentation of each:
 - a. Authored technical paper or article 10 PDH
 - b. Authored book 30 PDH
- 4. Membership in professional/technical societies or government committees or boards. 2 1/2 PDH
(Not to exceed 5 PDH/year)
- 5. For each hour of attendance at professional or technical society meetings with an informational program. (Not to exceed 5 PDH/year) 1 PDH
- 6. For each hour of attendance at meetings or hearings of the board. (Not to exceed 7 1/2 PDH/year) 1 PDH
- 7. For each hour of preparation and subsequent presentation (*) of a professional development program at seminars, professional/technical meetings, conventions or conferences. (Not to exceed 10 PDH/year) (*)
This credit does not apply to full-time faculty

8. For each hour of participation in committees of organizations whose purpose is to develop codes, standards, examinations and regulations. 1 PDH

9. For each hour of participation in an activity involving substantial and organized peer interaction, excluding time spent during regular employment. (Not to exceed 5 PDH/year) 1 PDH

10. For each hour of participation in organized courses, including employer provided courses, on first aid/safety, technical or management skills. 1 PDH

11. For each hour of participation in sessions, or courses sponsored by technical or professional societies, organizations or the board. 1 PDH

12. Each hour of self-study. (Not to exceed 5 PDH/year) 1 PDH

[Statutory Authority: RCW 18.43.035. WSR 06-11-119, § 196-16-120, filed 5/19/06, effective 7/1/06.]

WAC 196-16-125 Activities that do not qualify for PDH credits. The following are not considered qualifying activities:

- (1) Taking courses, specialized instruction or meeting performance criteria that were conditions of a board order.
- (2) Attendance or testimony at legislative hearings.
- (3) Attendance or testimony at city or county council meetings/hearings.
- (4) Attendance or testimony at civil or criminal trials.
- (5) Time spent fund raising for scholarships or other society purposes or lobbying for legislation.
- (6) Attendance at gatherings that are primarily social in nature.
- (7) Membership and/or attendance in service club meetings.

[Statutory Authority: RCW 18.43.035. WSR 06-11-119, § 196-16-125, filed 5/19/06, effective 7/1/06.]

WAC 196-16-130 Determination of credit. The board is the final authority with respect to acceptance of claimed qualifying activities and the respective PDH credit. Qualifying activity becomes eligible for credit upon completion of the given activity. Credits gained in excess of the fifteen PDH annual requirements may be carried forward to the next renewal period.

[Statutory Authority: RCW 18.43.035. WSR 06-11-119, § 196-16-130, filed 5/19/06, effective 7/1/06.]

WAC 196-16-135 Recordkeeping and audits. The licensee is responsible for maintaining records to be used to support credits claimed. Records should include date of activity, instructor's name, description of activity, number of contact hours and location. The licensee is required to keep their records of continuing education covering the cumulative time in the current renewal period and the full two years of the prior renewal period. All continuing professional development records and supporting documentation must be furnished to the board upon request.

If an audit disqualifies credits that were reported to the board by a licensee and results in the licensee failing to complete the PDH requirements, the board may renew the license and require the shortage to be made up in the subsequent renewal period.

[Statutory Authority: RCW 18.43.035. WSR 06-11-119, § 196-16-135, filed 5/19/06, effective 7/1/06.]

WAC 196-16-140 Noncompliance with continuing professional development. (1) A licensed land surveyor who fails to comply with the requirements of this chapter is subject to disciplinary action by the board.

(2) A licensed land surveyor who, through the course of an audit, is found to have falsified continuing professional development documentation to the board is subject to disciplinary action by the board.

[Statutory Authority: RCW 18.43.035. WSR 06-11-119, § 196-16-140, filed 5/19/06, effective 7/1/06.]

WAC 196-16-145 Exemptions. Individuals who are in "Retired Status" as provided in WAC 196-16-035 or have been approved for "Inactive Status" as provided in WAC 196-16-155 are exempt from the requirements of collecting continuing professional development hours.

[Statutory Authority: RCW 18.43.035. WSR 06-11-119, § 196-16-145, filed 5/19/06, effective 7/1/06.]

WAC 196-16-150 Waivers. The board may grant a waiver to the time requirement for collection of continuing professional development to individuals who qualify. A request for a waiver must be made in writing and clearly state the justification and include any necessary documentation required by the board. All waivers expire on the next date of license renewal unless the board grants an extension.

The board may grant waivers for:

- (a) Physical disability, prolonged illness, or other extenuating circumstances that pose a personal hardship.
- (b) Individuals who have been placed on active military duty for at least one hundred twenty days.

[Statutory Authority: RCW 18.43.035. WSR 06-11-119, § 196-16-150, filed 5/19/06, effective 7/1/06.]

WAC 196-16-155 Inactive license status. Any licensee who signs a board approved affirmation that they are not engaged in the practice of land surveying is eligible for inactive license status. Those with inactive status are prohibited from land surveying practice as defined in chapter 18.43 RCW. A licensee on inactive status may reinstate their license to active status by written request to the board and payment of any applicable fees. In the first year of reactivated practice the licensee may be required by the board to collect an additional fifteen PDH.

[Statutory Authority: RCW 18.43.035. WSR 06-11-119, § 196-16-155, filed 5/19/06, effective 7/1/06.]

WAC 196-16-160 Comity/out-of-jurisdiction resident. The continuing professional development requirements, as provided for in this chapter, may be satisfied when the board can verify that a licensee has satisfied continuing professional development requirements in another state,

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which are judged by the board as equivalent to the requirements of this chapter.

[Statutory Authority: RCW 18.43.035. WSR 06-11-119, § 196-16-160, filed 5/19/06, effective 7/1/06.]