

WSR 23-14-108
PROPOSED RULES
BOARD OF REGISTRATION
FOR PROFESSIONAL ENGINEERS
AND LAND SURVEYORS

[Filed July 3, 2023, 12:10 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 23-09-011.

Title of Rule and Other Identifying Information: WAC 196-29-110
Land surveying practice standards.

Hearing Location(s): On August 23, 2023, at 1:30 p.m., at Board of Registration for Professional Engineers and Land Surveyors (BRPELS) Office, 605 11th Avenue S.E., Suite 201, Olympia, WA 98501; or WebEx meeting <https://brpels.my.webex.com/brpels.my/j.php?MTID=mc78c5c6baf60baadb0f370ce52a9ecc9>. BRPELS is holding this hearing in person at its office in Olympia. The public may also virtually participate in the hearing by accessing the hearing link on BRPELS' rule-making [web] page <https://brpels.wa.gov/about-us/laws-and-rules/rulemaking-activity>.

Date of Intended Adoption: October 19, 2023.

Submit Written Comments to: Shanan Gillespie, P.O. Box 9025, Olympia, WA 98507-9025, email Shanan.Gillespie@brpels.wa.gov, by August 23, 2023.

Assistance for Persons with Disabilities: Contact Mackenzie Wherrett, phone 360-968-4813, TTY 711 or 1-800-835-5388, email Mackenzie.Wherrett@brpels.wa.gov, by August 18, 2023.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To amend current language regarding land surveyor practice standards and remove language that is no longer relevant to the standards.

Reasons Supporting Proposal: Changes provide clarification of the standards and removes language that is not applicable to the land surveying standards of practice.

Statutory Authority for Adoption: RCW 18.43.035.

Statute Being Implemented: Chapter 18.43 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: BRPELS, governmental.

Name of Agency Personnel Responsible for Drafting: Shanan Gillespie, 605 11th Avenue S.E., Suite 201, Olympia, WA 98501, 360-664-1570; Implementation and Enforcement: Ken Fuller, 605 11th Avenue S.E., Suite 201, Olympia, WA 98501, 360-968-4805.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. BRPELS is not one of the agencies to which RCW 34.05.328 applies pursuant to RCW 34.05.328 (5) (a).

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

Is exempt under RCW 19.85.025(4).

Explanation of exemptions: This rule is exempt per RCW 34.05.310 (4) (d) because it corrects and clarifies current language.

Scope of exemption for rule proposal:

Is fully exempt.

July 3, 2023
Ken Fuller
Director

OTS-4737.1

AMENDATORY SECTION (Amending WSR 17-01-137, filed 12/20/16, effective 1/20/17)

WAC 196-29-110 Land surveying practice standards. (~~Failure by any registrant to comply with the provisions of the Survey Recording Act, chapter 58.09 RCW and the survey standards, chapter 332-130 WAC shall be considered misconduct or malpractice as defined by RCW 18.43.105(10).~~)

The following standards shall (~~also~~) apply:

(1) The monumentation, posting, and/or the marking of a boundary line between two existing corner monuments constitutes the "practice of land surveying" as defined in chapter 18.43 RCW (~~and chapter 196-16 WAC~~), and consequently requires said work to be performed under the direct supervision of a registered professional land surveyor.

(2) The field survey work performed to accomplish the monumentation, posting, and marking of a boundary line between two existing corner monuments shall meet the minimum standards imposed by chapter 332-130 WAC.

(3) The monumentation, posting, and/or marking of a boundary line between two existing corner monuments involves a determination of the accuracy and validity of the existing monuments by the use of standard survey methods and professional judgment.

(4) The monumentation, posting, and marking of a boundary line between two existing corner monuments shall require the filing of a record of survey according to chapter 58.09 RCW unless both corners satisfy one or both of the following requirements:

(a) The corner(s) are shown as being established on a properly recorded or filed survey according to chapter 58.09 RCW and are accurately and correctly shown thereon.

(b) The corner(s) are described correctly, accurately, and properly on a land corner record according to chapter 58.09 RCW if their establishment was by a method not requiring the filing of a record of survey.

Failure by any registrant to comply with the provisions of the Survey Recording Act, chapter 58.09 RCW and the survey standards, chapter 332-130 WAC shall be considered misconduct or malpractice as defined by RCW 18.43.105(10).

[Statutory Authority: RCW 18.43.035. WSR 17-01-137, § 196-29-110, filed 12/20/16, effective 1/20/17; WSR 06-22-038, § 196-29-110, filed 10/25/06, effective 11/25/06. Formerly WAC 196-24-110.]