

SENATE BILL 5103

State of Washington

52nd Legislature

1991 Regular Session

By Senators Craswell, Nelson, McMullen and Matson; by request of Department of Licensing.

Read first time January 21, 1991. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to registration of engineers; and amending RCW
2 18.43.020, 18.43.040, 18.43.050, 18.43.060, 18.43.070, 18.43.130, and
3 18.43.100.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 18.43.020 and 1947 c 283 s 2 are each amended to read
6 as follows:

7 Engineer: The term "engineer" as used in this chapter shall mean
8 a professional engineer as hereinafter defined.

9 Professional engineer: The term "professional engineer" within the
10 meaning and intent of this chapter, shall mean a person who, by reason
11 of his or her special knowledge of the mathematical and physical
12 sciences and the principles and methods of engineering analysis and
13 design, acquired by professional education and practical experience, is
14 qualified to practice engineering as hereinafter defined, as attested
15 by his or her legal registration as a professional engineer.

1 Engineer-in-training: The term "engineer-in-training" as used in
2 this chapter shall mean a candidate for registration as a professional
3 engineer who is a graduate in an approved engineering curriculum of
4 four years or more from a school or college approved by the board as of
5 satisfactory standing, or who has had four years or more of experience
6 in engineering work of a character satisfactory to the board; and who,
7 in addition, has successfully passed the examination in the fundamental
8 engineering subjects prior to completion of the requisite years of
9 experience in engineering work as provided in RCW 18.43.060, and who
10 shall have received a certificate stating that he or she has
11 successfully passed this portion of the professional examination.

12 Engineering: The term "engineering" as used in this chapter shall
13 mean the "practice of engineering" as hereinafter defined.

14 Practice of engineering: The term "practice of engineering" within
15 the meaning and intent of this chapter shall mean any professional
16 service or creative work requiring engineering education, training, and
17 experience and the application of special knowledge of the
18 mathematical, physical, and engineering sciences to such professional
19 services or creative work as consultation, investigation, evaluation,
20 planning, design and supervision of construction for the purpose of
21 assuring compliance with specifications and design, in connection with
22 any public or private utilities, structures, buildings, machines,
23 equipment, processes, works, or projects.

24 A person shall be construed to practice or offer to practice
25 engineering, within the meaning and intent of this chapter, who
26 practices any branch of the profession of engineering; or who, by
27 verbal claim, sign, advertisement, letterhead, card, or in any other
28 way represents himself or herself to be a professional engineer, or
29 through the use of some other title implies that he or she is a
30 professional engineer; or who holds himself or herself out as able to

1 perform, or who does perform, any engineering service or work or any
2 other professional service designated by the practitioner or recognized
3 by educational authorities as engineering.

4 The practice of engineering shall not include the work ordinarily
5 performed by persons who operate or maintain machinery or equipment.

6 Land surveyor: The term "land surveyor" as used in this chapter
7 shall mean a person who, through technical knowledge and skill gained
8 by education and/or by experience, is qualified to practice land
9 surveying as hereinafter defined.

10 Practice of land surveying: The term "practice of land surveying"
11 within the meaning and intent of this chapter, shall mean assuming
12 responsible charge of the surveying of land for the establishment of
13 corners, lines, boundaries, and monuments, the laying out and
14 subdivision of land, the defining and locating of corners, lines,
15 boundaries and monuments of land after they have been established, the
16 survey of land areas for the purpose of determining the topography
17 thereof, the making of topographical delineations and the preparing of
18 maps and accurate records thereof, when the proper performance of such
19 services requires technical knowledge and skill.

20 Board: The term "board" as used in this chapter shall mean the
21 state board of registration for professional engineers and land
22 surveyors, provided for by this chapter.

23 **Sec. 2.** RCW 18.43.040 and 1947 c 283 s 7 are each amended to read
24 as follows:

25 The following will be considered as minimum evidence satisfactory
26 to the board that the applicant is qualified for registration as a
27 professional engineer, engineer-in-training, or land surveyor,
28 respectively, to wit:

1 As a professional engineer: A specific record of eight years or
2 more of experience in engineering work of a character satisfactory to
3 the board and indicating that the applicant is competent to practice
4 engineering; and successfully passing a written or oral examination, or
5 both, in engineering as prescribed by the board.

6 Graduation in an approved engineering curriculum of four years or
7 more from a school or college approved by the board as of satisfactory
8 standing shall be considered equivalent to four years of such required
9 experience. The satisfactory completion of each year of such an
10 approved engineering course without graduation shall be considered as
11 equivalent to a year of such required experience. Graduation in a
12 curriculum other than engineering from a school or college approved by
13 the board shall be considered as equivalent to two years of such
14 required experience: PROVIDED, That no applicant shall receive credit
15 for more than four years of experience because of undergraduate
16 educational qualifications. The board may, at its discretion, give
17 credit as experience not in excess of one year, for satisfactory
18 postgraduate study in engineering.

19 As an engineer-in-training: The board shall permit an applicant
20 for registration as a professional engineer, upon his or her request,
21 to take the prescribed examination in two stages. The first stage of
22 the examination may be taken upon submission of his or her application
23 for ((certification)) registration as an engineer-in-training and
24 payment of the application fee herein prescribed, at any time after the
25 applicant has completed four years of the required engineering
26 experience as defined above. The first stage of the examination shall
27 test the applicant's knowledge of appropriate fundamentals of
28 engineering subjects, including mathematics and the basic sciences.

29 At any time after the completion of the required eight years of
30 engineering experience as defined above, the applicant may take the

1 second stage of the examination, upon submission of application for
2 registration and payment of the application fee herein prescribed.
3 This stage of the examination shall test the applicant's ability, upon
4 the basis of his or her greater experience, to apply his or her
5 knowledge and experience in the field of his or her specific training
6 and qualifications.

7 As a land surveyor: A specific record of six years or more of
8 experience in land surveying work of a character satisfactory to the
9 board and indicating that the applicant is competent to practice land
10 surveying, and successfully passing a written or oral examination, or
11 both, in surveying as prescribed by the board.

12 Graduation from a school or college approved by the board as of
13 satisfactory standing, including the completion of an approved course
14 in surveying, shall be considered equivalent to four years of such
15 required experience.

16 No person shall be eligible for registration as a professional
17 engineer, engineer-in-training, or land surveyor, who is not of good
18 character and reputation.

19 Engineering teaching, of a character satisfactory to the board,
20 shall be considered as experience not in excess of two years for
21 professional engineering and one year for land surveying.

22 The mere execution, as a contractor, of work designed by a
23 professional engineer, or the supervision of the construction of such
24 work as a foreman or superintendent shall not be deemed to be practice
25 of engineering.

26 Any person having the necessary qualifications prescribed in this
27 chapter to entitle him or her to registration shall be eligible for
28 such registration although ((he)) the person may not be practicing his
29 or her profession at the time of making his or her application.

1 **Sec. 3.** RCW 18.43.050 and 1985 c 7 s 42 are each amended to read
2 as follows:

3 Application for registration shall be on forms prescribed by the
4 board and furnished by the director, shall contain statements made
5 under oath, showing the applicant's education and detail summary of his
6 or her technical work and shall contain not less than five references,
7 of whom three or more shall be engineers having personal knowledge of
8 ~~((his))~~ the applicant's engineering experience.

9 The registration fee for professional engineers shall be determined
10 by the director as provided in RCW 43.24.086, which shall accompany the
11 application and shall include the cost of examination and issuance of
12 certificate. ~~((The director shall also determine a fee as provided in~~
13 ~~RCW 43.24.086 to be paid upon issuance of the certificate.))~~ The fee
14 for engineer-in-training shall be determined by the director as
15 provided in RCW 43.24.086, which shall accompany the application and
16 shall include the cost of examination and issuance of certificate.
17 ~~((When registration as a professional engineer is completed by an~~
18 ~~engineer in training an additional fee determined by the director as~~
19 ~~provided in RCW 43.24.086 shall be paid before issuance of certificate~~
20 ~~as professional engineer.))~~

21 The registration fee for land surveyors shall be determined by the
22 director as provided in RCW 43.24.086, which shall accompany the
23 application and shall include the cost of examination and issuance of
24 certificate. ~~((The registration fee for professional engineers also~~
25 ~~qualified as land surveyors shall be the same as for professional~~
26 ~~engineers.))~~

27 Should the board ~~((deny the issuance of a certificate of~~
28 ~~registration to any applicant))~~ find an applicant ineligible for
29 registration, the ~~((initial))~~ registration fee ~~((deposited))~~ shall be
30 retained as an application fee.

1 **Sec. 4.** RCW 18.43.060 and 1961 c 142 s 2 are each amended to read
2 as follows:

3 When oral or written examinations are required, they shall be held
4 at such time and place as the board shall determine. If examinations
5 are required on fundamental engineering subjects (such as ordinarily
6 given in college curricula) the applicant shall be permitted to take
7 this part of the professional examination prior to his or her
8 completion of the requisite years of experience in engineering work.
9 The board shall issue to each applicant upon successfully passing the
10 examination in fundamental engineering subjects a certificate stating
11 that ((he)) the applicant has passed the examination in fundamental
12 engineering subjects and that his or her name has been recorded as an
13 engineer-in-training.

14 The scope of the examination and the methods of procedure shall be
15 prescribed by the board with special reference to the applicant's
16 ability to design and supervise engineering works so as to insure the
17 safety of life, health and property. Examinations shall be given for
18 the purpose of determining the qualifications of applicants for
19 registration separately in engineering and in land surveying. A
20 candidate failing an examination may apply for reexamination ((at the
21 expiration of six months and will be reexamined without payment of
22 additional fees)). Subsequent examinations will be granted upon
23 payment of a fee to be determined by the ((board)) director as provided
24 in RCW 43.24.086.

25 **Sec. 5.** RCW 18.43.070 and 1959 c 297 s 4 are each amended to read
26 as follows:

27 The director of licensing shall issue a certificate of registration
28 upon payment of a registration fee as provided for in this chapter, to
29 any applicant who, in the opinion of the board, has satisfactorily met

1 all the requirements of this chapter. In case of a registered
2 engineer, the certificate shall authorize the practice of "professional
3 engineering" and specify the branch or branches in which specialized,
4 and in case of a registered land surveyor, the certificate shall
5 authorize the practice of "land surveying". (~~In the case of a
6 registered professional engineer also qualified as land surveyor but
7 one certificate shall be issued.~~)

8 In case of engineer-in-training, the certificate shall state that
9 the applicant has successfully passed the examination in fundamental
10 engineering subjects required by the board and has been enrolled as an
11 "engineer-in-training". All certificates of registration shall show
12 the full name of the registrant, shall have a serial number, and shall
13 be signed by the chairman and the secretary of the board and by the
14 director of licensing.

15 The issuance of a certificate of registration by the director of
16 licensing shall be prima facie evidence that the person named therein
17 is entitled to all the rights and privileges of a registered
18 professional engineer or a registered land surveyor, while the said
19 certificate remains unrevoked and unexpired.

20 Each registrant hereunder shall upon registration obtain a seal of
21 the design authorized by the board, bearing the registrant's name and
22 the legend "registered professional engineer" or "registered land
23 surveyor". Plans, specifications, plats and reports prepared by the
24 registrant shall be signed, dated, and stamped with said seal or
25 facsimile thereof. Such signature and stamping shall constitute a
26 certification by the registrant that the same was prepared by or under
27 his or her direct supervision and that to his or her knowledge and
28 belief the same was prepared in accordance with the requirements of the
29 statute. It shall be unlawful for anyone to stamp or seal any document
30 with said seal or facsimile thereof after the certificate of registrant

1 named thereon has expired or been revoked, unless said certificate
2 shall have been renewed or reissued.

3 **Sec. 6.** RCW 18.43.130 and 1985 c 7 s 46 are each amended to read
4 as follows:

5 This chapter shall not be construed to prevent or affect:

6 (1) The practice of any other legally recognized profession or
7 trade; or

8 (2) The practice of a person not a resident and having no
9 established place of business in this state, practicing or offering to
10 practice herein the profession of engineering or land surveying, when
11 such practice does not exceed in the aggregate more than thirty days in
12 any calendar year: PROVIDED, Such person (~~(is)~~) has been determined by
13 the board to be legally qualified by registration to practice the said
14 profession in his or her own state or country in which the requirements
15 and qualifications for obtaining a certificate of registration are not
16 lower than those specified in this chapter. The person shall request
17 such a determination by completing an application prescribed by the
18 board and accompanied by a fee determined by the
19 director. Upon approval of the application, the board shall issue a
20 permit authorizing temporary practice; or

21 (3) The practice of a person not a resident and having no
22 established place of business in this state, or who has recently become
23 a resident thereof, practicing or offering to practice herein for more
24 than thirty days in any calendar year the profession of engineering or
25 land surveying, if he or she shall have filed with the board an
26 application for a certificate of registration and shall have paid the
27 fee required by this chapter: PROVIDED, That such person is legally
28 qualified by registration to practice engineering or land surveying in
29 his or her own state or country in which the requirements and

1 qualifications of obtaining a certificate of registration are not lower
2 than those specified in this chapter. Such practice shall continue
3 only for such time as the board requires for the consideration of the
4 application for registration; or

5 (4) The work of an employee or a subordinate of a person holding a
6 certificate of registration under this chapter, or an employee of a
7 person practicing lawfully under provisions of this section: PROVIDED,
8 That such work does not include final design or decisions and is done
9 under the direct responsibility, checking, and supervision of a person
10 holding a certificate of registration under this chapter or a person
11 practicing lawfully under the provisions of this section; or

12 (5) The work of a person rendering engineering or land surveying
13 services to a corporation, as an employee of such corporation, when
14 such services are rendered in carrying on the general business of the
15 corporation and such general business does not consist, either wholly
16 or in part, of the rendering of engineering services to the general
17 public: PROVIDED, That such corporation employs at least one person
18 holding a certificate of registration under this chapter or practicing
19 lawfully under the provisions of this chapter; or

20 (6) The practice of officers or employees of the government of the
21 United States while engaged within the state in the practice of the
22 profession of engineering or land surveying for said government; or

23 (7) Nonresident engineers employed for the purpose of making
24 engineering examinations; or

25 (8) The practice of engineering in this state by a corporation or
26 joint stock association: PROVIDED, That

27 (a) Such corporation shall file with the board an application for
28 certificate of authorization upon a form to be prescribed by the board
29 and containing information required to enable the board to determine

1 whether such corporation is qualified in accordance with the provisions
2 of this chapter to practice engineering in this state;

3 (b) Such corporation shall file with the board a certified copy of
4 a resolution of the board of directors of the corporation which shall
5 designate a person holding a certificate of registration under this
6 chapter as responsible for the practice of engineering by said
7 corporation in this state and shall provide that full authority to make
8 all final engineering decisions on behalf of said corporation with
9 respect to work performed by the corporation in this state shall be
10 granted and delegated by the board of directors to the person so
11 designated in said resolution: PROVIDED, That the filing of such
12 resolution shall not relieve the corporation of any responsibility or
13 liability imposed upon it by law or by contract;

14 (c) Such corporation shall file with the board a designation in
15 writing setting forth the name or names of a person or persons holding
16 certificates of registration under this chapter who shall be in
17 responsible charge of each project and each major branch of the
18 engineering activities in which the corporation shall specialize in
19 this state. In the event there shall be a change in the person or
20 persons in responsible charge of any project or major branch of the
21 engineering activities, such changes shall be designated in writing and
22 filed with the board within thirty days after the effective date of
23 such changes;

24 (d) Upon the filing with the board of the application for
25 certificate for authorization, certified copy of resolution, affidavit
26 and designation of persons specified in subparagraphs (a), (b), and (c)
27 of this section the board shall issue to such corporation a certificate
28 of authorization to practice engineering in this state upon a
29 determination by the board ((+1)) that:

1 (i) The bylaws of the corporation contain provisions that all
2 engineering decisions pertaining to any project or engineering
3 activities in this state shall be made by the specified engineer in
4 responsible charge, or other responsible engineers under his or her
5 direction or supervision;

6 (ii) The application for certificate of authorization states the
7 type, or types, of engineering practiced, or to be practiced by such
8 corporation;

9 (iii) A current certified financial statement accurately reflecting
10 the financial condition of the corporation has been filed with the
11 board and is available for public inspection;

12 (iv) The applicant corporation has the ability to provide through
13 qualified engineering personnel, professional services or creative work
14 requiring engineering experience, and that with respect to the
15 engineering services which the corporation undertakes or offers to
16 undertake such personnel have the ability to apply special knowledge of
17 the mathematical, physical, and engineering sciences to such
18 professional services or creative work as consultation, investigation,
19 evaluation, planning, design, and supervision of construction for the
20 purpose of assuring compliance with specifications and design, in
21 connection with any public or private utilities, structures, buildings,
22 machines, equipment, processes, works, or projects;

23 (v) The application for certificate of authorization states the
24 professional records of the designated person or persons who shall be
25 in responsible charge of each project and each major branch of
26 engineering activities in which the corporation shall specialize;

27 (vi) The application for certificate of authorization states the
28 experience of the corporation, if any, in furnishing engineering
29 services during the preceding five year period and states the

1 experience of the corporation, if any, in the furnishing of all
2 feasibility and advisory studies made within the state of Washington;

3 (vii) The applicant corporation meets such other requirements
4 related to professional competence in the furnishing of engineering
5 services as may be established and promulgated by the board in
6 furtherance of the objectives and provisions of this chapter; and

7 ((+2)) Upon a determination by the board based upon an evaluation
8 of the foregoing findings and information that the applicant
9 corporation is possessed of the ability and competence to furnish
10 engineering services in the public interest.

11 The board may in the exercise of its discretion refuse to issue or
12 may suspend and/or revoke a certificate of authorization to a
13 corporation where the board shall find that any of the officers,
14 directors, incorporators, or the stockholders holding a majority of
15 stock of such corporation has committed misconduct or malpractice as
16 defined in RCW 18.43.105 or has been found personally responsible for
17 misconduct or malpractice under the provisions of subsections (f) and
18 (g) hereof.

19 The certificate of authorization shall specify the major branches
20 of engineering of which the corporation has designated a person or
21 persons in responsible charge as provided in subsection (8)(c) of this
22 section.

23 (e) In the event a corporation, organized solely by a group of
24 engineers, each holding a certificate of registration under this
25 chapter, applies for a certificate of authorization, the board may, in
26 its discretion, grant a certificate of authorization to such
27 corporation based on a review of the professional records of such
28 incorporators, in lieu of the required qualifications set forth in this
29 subsection. In the event the ownership of such corporation shall be
30 altered, the corporation shall apply for a revised certificate of

1 authorization, based upon the professional records of the owners, if
2 exclusively engineers or, otherwise, under the qualifications required
3 by subparagraphs (a), (b), (c), and (d) hereof.

4 (f) Any corporation authorized to practice engineering under this
5 chapter, together with its directors and officers for their own
6 individual acts, are responsible to the same degree as an individual
7 registered engineer, and must conduct its business without misconduct
8 or malpractice in the practice of engineering as defined in this
9 chapter.

10 (g) Any corporation which has been duly certified under the
11 provisions of this chapter and has engaged in the practice of
12 engineering shall have its certificate of authorization either
13 suspended or revoked by the board if, after a proper hearing, the board
14 shall find that the corporation has committed misconduct or malpractice
15 as defined in RCW 18.43.105. In such case any individual engineer
16 holding a certificate of registration under this chapter, involved in
17 such malpractice or misconduct, shall have his or her certificate of
18 registration suspended or revoked also.

19 (h) All plans, specifications, designs, and reports when issued in
20 connection with work performed by a corporation under its certificate
21 of authorization shall be prepared by or under the responsible charge
22 of and shall be signed by and shall be stamped with the official seal
23 of a person holding a certificate of registration under this chapter.

24 (i) For each certificate of authorization issued under the
25 provisions of this subsection (8) of this section there shall be paid
26 an initial fee determined by the director as provided in RCW 43.24.086
27 and an annual renewal fee determined by the director as provided in RCW
28 43.24.086.

29 (9) The practice of engineering and/or land surveying in this state
30 by partnership: PROVIDED, That

1 (a) A majority of the members of the partnership are engineers or
2 architects or land surveyors duly certificated by the state of
3 Washington or by a state, territory, possession, district, or foreign
4 country meeting the reciprocal provisions of RCW 18.43.100: PROVIDED,
5 That at least one of the members is a professional engineer or land
6 surveyor holding a certificate issued by the director under the
7 provisions of RCW 18.43.070; and

8 (b) Except where all members of the partnership are professional
9 engineers or land surveyors or a combination of professional engineers
10 and land surveyors or where all members of the partnership are either
11 professional engineers or land surveyors in combination with an
12 architect or architects all of which are holding certificates of
13 qualification therefor issued under the laws of the state of
14 Washington, the partnership shall file with the board an instrument
15 executed by a partner on behalf of the partnership designating the
16 persons responsible for the practice of engineering by the partnership
17 in this state and in all other respects such person so designated and
18 such partnership shall meet the same qualifications and shall be
19 subject to the same requirements and the same penalties as those
20 pertaining to corporations and to the responsible persons designated by
21 corporations as provided in subsection (8) of this section.

22 For each certificate of authorization issued under the provisions
23 of this subsection (9) of this section there shall be paid an initial
24 fee determined by the director as provided in RCW 43.24.086 and an
25 annual renewal fee determined by the director as provided in RCW
26 43.24.086.

27 **Sec. 7.** RCW 18.43.100 and 1985 c 7 s 44 are each amended to read
28 as follows:

1 The board may, upon application (~~((therefor,))~~) and the payment of a
2 fee determined by the director as provided in RCW 43.24.086, issue a
3 certificate without further examination as a professional engineer or
4 land surveyor to any person who holds a certificate of qualification of
5 registration issued to (~~(him))~~ the applicant following examination by
6 proper authority, of any state or territory or possession of the United
7 States, the District of Columbia, or of any foreign country, provided:
8 (1) That the applicant's qualifications meet the requirements of the
9 chapter(~~(7)~~) and the rules established by the board, and (2) that the
10 applicant is in good standing with the licensing agency in said state,
11 territory, possession, district, or foreign country(~~(; and (3) that the~~
12 ~~said state, territory, possession, district, or foreign country gives~~
13 ~~like consideration on a reciprocal basis to those persons who have been~~
14 ~~registered by examination in this state))~~).