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HOUSE BILL 1391

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State of Washington                      61st Legislature                      2009 Regular Session

By Representatives Springer, Alexander, and Williams

Read first time 01/20/09. Referred to Committee on Commerce & Labor.

1            AN ACT Relating to land surveyors; amending RCW 18.43.020; and  
2 adding a new section to chapter 18.43 RCW.

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

4            **Sec. 1.** RCW 18.43.020 and 2007 c 193 s 2 are each amended to read  
5 as follows:

6            The definitions in this section apply throughout this chapter  
7 unless the context clearly requires otherwise.

8            (1) "Engineer" means a professional engineer as defined in this  
9 section.

10           (2) "Professional engineer" means a person who, by reason of his or  
11 her special knowledge of the mathematical and physical sciences and the  
12 principles and methods of engineering analysis and design, acquired by  
13 professional education and practical experience, is qualified to  
14 practice engineering as defined in this section, as attested by his or  
15 her legal registration as a professional engineer.

16           (3) "Engineer-in-training" means a candidate who: (a) Has  
17 satisfied the experience requirements in RCW 18.43.040 for  
18 registration; (b) has successfully passed the examination in the

1 fundamental engineering subjects; and (c) is enrolled by the board as  
2 an engineer-in-training.

3 (4) "Engineering" means the "practice of engineering" as defined  
4 in this section.

5 (5)(a) "Practice of engineering" means any professional service or  
6 creative work requiring engineering education, training, and experience  
7 and the application of special knowledge of the mathematical, physical,  
8 and engineering sciences to such professional services or creative work  
9 as consultation, investigation, evaluation, planning, design, and  
10 supervision of construction for the purpose of assuring compliance with  
11 specifications and design, in connection with any public or private  
12 utilities, structures, buildings, machines, equipment, processes,  
13 works, or projects.

14 (b) A person shall be construed to practice or offer to practice  
15 engineering, within the meaning and intent of this chapter, who  
16 practices any branch of the profession of engineering; or who, by  
17 verbal claim, sign, advertisement, letterhead, card, or in any other  
18 way represents himself or herself to be a professional engineer, or  
19 through the use of some other title implies that he or she is a  
20 professional engineer; or who holds himself or herself out as able to  
21 perform, or who does perform, any engineering service or work or any  
22 other professional service designated by the practitioner or recognized  
23 by educational authorities as engineering.

24 (c) The practice of engineering does not include the work  
25 ordinarily performed by persons who operate or maintain machinery or  
26 equipment.

27 (6) "Land surveyor" means a professional land surveyor.

28 (7) "Professional land surveyor" means a person who, by reason of  
29 his or her special knowledge of the mathematical and physical sciences  
30 and principles and practices of land surveying, which is acquired by  
31 professional education and practical experience, is qualified to  
32 practice land surveying and as attested to by his or her legal  
33 registration as a professional land surveyor.

34 (8) "Land-surveyor-in-training" means a candidate who: (a) Has  
35 satisfied the experience requirements in RCW 18.43.040 for  
36 registration; (b) successfully passes the examination in the  
37 fundamental land surveying subjects; and (c) is enrolled by the board  
38 as a land-surveyor-in-training.

1 (9) "Practice of land surveying" means assuming responsible charge  
2 of (~~the surveying of land for the establishment of corners, lines,~~  
3 ~~boundaries, and monuments, the laying out and subdivision of land, the~~  
4 ~~defining and locating of corners, lines, boundaries, and monuments of~~  
5 ~~land after they have been established, the survey of land areas for the~~  
6 ~~purpose of determining the topography thereof, the making of~~  
7 ~~topographical delineations and the preparing of maps and accurate~~  
8 ~~records thereof, when the proper performance of such services requires~~  
9 ~~technical knowledge and skill~~) and providing, or offering to provide:  
10 Professional services involving acts of consultation; investigations;  
11 testimony evaluation; planning; preparation of descriptions, reports,  
12 and maps; assembling and interpreting gathered measurements; and  
13 information related to one or more of the following:

14 (a) Determining the size, shape, or contour of the earth's surface,  
15 any point on the earth, or the relative position of fixed objects on  
16 the earth by means of measuring. Photogrammetric mapping and the  
17 graphical representation of the resulting data performed by  
18 photogrammetrists may not be subject to provisions of this chapter;

19 (b) Determining the position of any boundary or nonboundary survey  
20 control monument or reference point, and the setting, resetting, or  
21 replacing of any monument or reference point;

22 (c) Locating, relocating, laying out, or retracing any property  
23 line, right-of-way, or easement;

24 (d) Locating, relocating, establishing, or laying out any primary  
25 horizontal or vertical control for construction alignment, or any  
26 survey for determining final as-constructed locations;

27 (e) Making any survey for the subdivision of real property;

28 (f) Locating, relocating, laying out, or retracing any lines that  
29 restrict the use of real property;

30 (g) Creating or modifying the descriptions of the limits of real  
31 property interests. The creating or modification by an agency of a  
32 description of existing parcels or interests must comply with the  
33 provisions of RCW 58.24.040; and

34 (h) Creating, preparing, or modifying documents, maps, electronic  
35 data, or computerized data used in the performance of the activities in  
36 (a) through (g) of this subsection.

37 (10) "Board" means the state board of registration for professional  
38 engineers and land surveyors, provided for by this chapter.

1       (11) "Responsible charge" means the practice of engineering or land  
2 surveying performed by the registrant or under the registrant's direct  
3 supervision.

4       (12) "Survey" means to determine and delineate the form, extent,  
5 and position of objects and legal boundaries by taking linear and  
6 angular measurements of the earth's surface and applying the principles  
7 of geometry and trigonometry.

8       (13) "Surveying" means the practice of land surveying as defined in  
9 this section.

10       (14) "Photogrammetric mapping" means evaluating and measuring land  
11 that is limited to the determination of the topography, area, contours,  
12 and location of planimetric features, by using photogrammetric methods  
13 or a similar remote sensing mapping process.

14       (15) "Photogrammetrist" means a person who is certified by a  
15 national organization of photogrammetry and remote sensing approved by  
16 the board.

17       (16) "State agency" means any department, agency, commission,  
18 bureau, office, or any other entity or authority of the state  
19 government.

20       (17) "Local agency" means any city and any town, county, special  
21 district, municipal corporation, agency, port district or authority, or  
22 political subdivision of any type, or any other entity or authority of  
23 local government in corporate form or otherwise.

24       (18) "Special district" means a local unit of government, other  
25 than a city, town, or county, authorized by law to perform a single  
26 function or a limited number of functions, including, but not limited  
27 to, water-sewer districts, irrigation districts, fire districts, school  
28 districts, community college districts, hospital districts,  
29 transportation districts, and metropolitan municipal corporations  
30 organized under chapter 35.58 RCW.

31       (19) "Agency" means state and local agencies and special districts  
32 as defined in this section.

33       (20) "Significant structures" include:

34       (a) Hazardous facilities, defined as: Structures housing,  
35 supporting, or containing sufficient quantities of explosive substances  
36 to be of danger to the safety of the public if released;

37       (b) Essential facilities that have a ground area of more than five

1 thousand square feet and are more than twenty feet in mean roof height  
2 above average ground level. Essential facilities are defined as:

3 (i) Hospitals and other medical facilities having surgery and  
4 emergency treatment areas;

5 (ii) Fire and police stations;

6 (iii) Tanks or other structures containing, housing, or supporting  
7 water or fire suppression material or equipment required for the  
8 protection of essential or hazardous facilities or special occupancy  
9 structures;

10 (iv) Emergency vehicle shelters and garages;

11 (v) Structures and equipment in emergency preparedness centers;

12 (vi) Standby power-generating equipment for essential facilities;

13 (vii) Structures and equipment in government communication centers  
14 and other facilities requiring emergency response;

15 (viii) Aviation control towers, air traffic control centers, and  
16 emergency aircraft hangars; and

17 (ix) Buildings and other structures having critical national  
18 defense functions;

19 (c) Structures exceeding one hundred feet in height above average  
20 ground level;

21 (d) Buildings that are customarily occupied by human beings and are  
22 five stories or more above average ground level;

23 (e) Bridges having a total span of more than two hundred feet and  
24 piers having a surface area greater than ten thousand square feet; and

25 (f) Buildings and other structures where more than three hundred  
26 people congregate in one area.

27 NEW SECTION. **Sec. 2.** A new section is added to chapter 18.43 RCW  
28 to read as follows:

29 If professional land surveying judgment is required in the review,  
30 approval, or examination by an agency of survey data, documents  
31 prepared by a person authorized to practice land surveying, or services  
32 performed by a person authorized to practice land surveying, the  
33 review, approval, or examination must be performed by, or under the  
34 direct supervision of, another person authorized to practice land  
35 surveying or as otherwise authorized by state law.

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