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**SENATE BILL 5443**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** Senators Van De Wege and Zeiger

1 AN ACT Relating to the state board of registration for  
2 professional engineers and land surveyors; amending RCW 18.43.020,  
3 18.43.050, 18.43.060, 18.43.070, 18.43.080, 18.43.100, 18.43.110,  
4 18.43.130, 18.43.150, 18.210.010, 18.210.050, 18.210.120, 18.210.140,  
5 18.43.035, 70.118.120, 18.235.010, and 18.210.200; and creating a new  
6 section.

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

8 NEW SECTION. **Sec. 1.** The legislature intends to separate the  
9 state board of registration for professional engineers and land  
10 surveyors from the department of licensing and establish the board as  
11 a separate, independent state agency.

12 **Sec. 2.** RCW 18.43.020 and 2007 c 193 s 2 are each amended to  
13 read as follows:

14 The definitions in this section apply throughout this chapter  
15 unless the context clearly requires otherwise.

16 (1) "Engineer" means a professional engineer as defined in this  
17 section.

18 (2) "Professional engineer" means a person who, by reason of his  
19 or her special knowledge of the mathematical and physical sciences  
20 and the principles and methods of engineering analysis and design,

1 acquired by professional education and practical experience, is  
2 qualified to practice engineering as defined in this section, as  
3 attested by his or her legal registration as a professional engineer.

4 (3) "Engineer-in-training" means a candidate who: (a) Has  
5 satisfied the experience requirements in RCW 18.43.040 for  
6 registration; (b) has successfully passed the examination in the  
7 fundamental engineering subjects; and (c) is enrolled by the board as  
8 an engineer-in-training.

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

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

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

30 (c) The practice of engineering does not include the work  
31 ordinarily performed by persons who operate or maintain machinery or  
32 equipment.

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

34 (7) "Professional land surveyor" means a person who, by reason of  
35 his or her special knowledge of the mathematical and physical  
36 sciences and principles and practices of land surveying, which is  
37 acquired by professional education and practical experience, is  
38 qualified to practice land surveying and as attested to by his or her  
39 legal registration as a professional land surveyor.

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

6 (9) "Practice of land surveying" means assuming responsible  
7 charge of the surveying of land for the establishment of corners,  
8 lines, boundaries, and monuments, the laying out and subdivision of  
9 land, the defining and locating of corners, lines, boundaries, and  
10 monuments of land after they have been established, the survey of  
11 land areas for the purpose of determining the topography thereof, the  
12 making of topographical delineations and the preparing of maps and  
13 accurate records thereof, when the proper performance of such  
14 services requires technical knowledge and skill.

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

18 (11) "Significant structures" include:

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

22 (b) Essential facilities that have a ground area of more than  
23 five thousand square feet and are more than twenty feet in mean roof  
24 height above average ground level. Essential facilities are defined  
25 as:

26 (i) Hospitals and other medical facilities having surgery and  
27 emergency treatment areas;

28 (ii) Fire and police stations;

29 (iii) Tanks or other structures containing, housing, or  
30 supporting water or fire suppression material or equipment required  
31 for the protection of essential or hazardous facilities or special  
32 occupancy structures;

33 (iv) Emergency vehicle shelters and garages;

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

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

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

38 (viii) Aviation control towers, air traffic control centers, and  
39 emergency aircraft hangars; and

1 (ix) Buildings and other structures having critical national  
2 defense functions;

3 (c) Structures exceeding one hundred feet in height above average  
4 ground level;

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

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

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

12 (12) "Director" means the executive director of the Washington  
13 state board of registration for professional engineers and land  
14 surveyors.

15 **Sec. 3.** RCW 18.43.050 and 1995 c 356 s 3 are each amended to  
16 read as follows:

17 Application for registration shall be on forms prescribed by the  
18 board and furnished by the director, shall contain statements made  
19 under oath, showing the applicant's education and detail summary of  
20 his or her technical work and shall contain not less than five  
21 references, of whom three or more shall be engineers having personal  
22 knowledge of the applicant's engineering experience.

23 The registration fee for professional engineers shall be  
24 determined by the (~~director as provided in RCW 43.24.086~~) board,  
25 which shall accompany the application and shall include the cost of  
26 examination and issuance of certificate. The fee for engineer-in-  
27 training shall be determined by the (~~director as provided in RCW~~  
28 ~~43.24.086~~) board, which shall accompany the application and shall  
29 include the cost of examination and issuance of certificate.

30 The registration fee for professional land surveyors shall be  
31 determined by the (~~director as provided in RCW 43.24.086~~) board,  
32 which shall accompany the application and shall include the cost of  
33 examination and issuance of certificate. The fee for land-surveyor-  
34 in-training shall be determined by the (~~director as provided in RCW~~  
35 ~~43.24.086~~) board, which shall accompany the application and shall  
36 include the cost of examination and issuance of certificate.

37 Should the board find an applicant ineligible for registration,  
38 the registration fee shall be retained as an application fee.

1       **Sec. 4.** RCW 18.43.060 and 1991 c 19 s 4 are each amended to read  
2 as follows:

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

14       The scope of the examination and the methods of procedure shall  
15 be 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.  
21 Subsequent examinations will be granted upon payment of a fee to be  
22 determined by the (~~director as provided in RCW 43.24.086~~) board.

23       **Sec. 5.** RCW 18.43.070 and 2011 c 336 s 482 are each amended to  
24 read as follows:

25       The (~~director of licensing~~) board shall issue a certificate of  
26 registration upon payment of a registration fee as provided for in  
27 this chapter, to any applicant who, in the opinion of the board, has  
28 satisfactorily met all the requirements of this chapter. In case of a  
29 registered engineer, the certificate shall authorize the practice of  
30 "professional engineering" and specify the branch or branches in  
31 which specialized, and in case of a registered land surveyor, the  
32 certificate shall authorize the practice of "land surveying."

33       In case of engineer-in-training, the certificate shall state that  
34 the applicant has successfully passed the examination in fundamental  
35 engineering subjects required by the board and has been enrolled as  
36 an "engineer-in-training." In case of land-surveyor-in-training, the  
37 certificate shall state that the applicant has successfully passed  
38 the examination in fundamental surveying subjects required by the  
39 board and has been enrolled as a "land-surveyor-in-training." All

1 certificates of registration shall show the full name of the  
2 registrant, shall have a serial number, and shall be signed by the  
3 chair and the secretary of the board and by the director (~~of~~  
4 ~~licensing~~)).

5 The issuance of a certificate of registration by the (~~director~~  
6 ~~of licensing~~) board shall be prima facie evidence that the person  
7 named therein is entitled to all the rights and privileges of a  
8 registered professional engineer or a registered land surveyor, while  
9 the said certificate remains unrevoked and unexpired.

10 Each registrant hereunder shall upon registration obtain a seal  
11 of the design authorized by the board, bearing the registrant's name  
12 and the legend "registered professional engineer" or "registered land  
13 surveyor." Plans, specifications, plats, and reports prepared by the  
14 registrant shall be signed, dated, and stamped with said seal or  
15 facsimile thereof. Such signature and stamping shall constitute a  
16 certification by the registrant that the same was prepared by or  
17 under his or her direct supervision and that to his or her knowledge  
18 and belief the same was prepared in accordance with the requirements  
19 of the statute. It shall be unlawful for anyone to stamp or seal any  
20 document with said seal or facsimile thereof after the certificate of  
21 registrant named thereon has expired or been revoked, unless said  
22 certificate shall have been renewed or reissued.

23 **Sec. 6.** RCW 18.43.080 and 2005 c 29 s 1 are each amended to read  
24 as follows:

25 (1) Certificates of registration, and certificates of  
26 authorization and renewals thereof, shall expire on the last day of  
27 the month of December following their issuance or renewal and shall  
28 become invalid on that date unless renewed. It shall be the duty of  
29 the (~~administrator of the division of professional licensing~~) board  
30 to notify every person, firm, or corporation registered under this  
31 chapter of the date of the expiration of his or her certificate and  
32 the amount of the renewal fee that shall be required for its renewal  
33 for one year. Such notice shall be mailed at least thirty days before  
34 the end of December of each year. Renewal may be effected during the  
35 month of December by the payment of a fee determined by the  
36 (~~director as provided in RCW 43.24.086~~) board. In case any  
37 professional engineer and/or land surveyor registered under this  
38 chapter shall fail to pay the renewal fee hereinabove provided for,  
39 within ninety days from the date when the same shall become due, the

1 renewal fee shall be the current fee plus an amount equal to one  
2 year's fee.

3 (2) Beginning July 1, 2007, the (~~department of licensing~~) board  
4 may not renew a certificate of registration for a land surveyor  
5 unless the registrant verifies to the board that he or she has  
6 completed at least fifteen hours of continuing professional  
7 development per year of the registration period. By July 1, 2006, the  
8 board shall adopt rules governing continuing professional development  
9 for land surveyors that are generally patterned after the model rules  
10 of the national council of examiners for engineering and surveying.

11 **Sec. 7.** RCW 18.43.100 and 1991 c 19 s 7 are each amended to read  
12 as follows:

13 The board may, upon application and the payment of a fee  
14 determined by the (~~director as provided in RCW 43.24.086~~) board,  
15 issue a certificate without further examination as a professional  
16 engineer or land surveyor to any person who holds a certificate of  
17 qualification of registration issued to the applicant following  
18 examination by proper authority, of any state or territory or  
19 possession of the United States, the District of Columbia, or of any  
20 foreign country, provided: (1) That the applicant's qualifications  
21 meet the requirements of the chapter and the rules established by the  
22 board, and (2) that the applicant is in good standing with the  
23 licensing agency in said state, territory, possession, district, or  
24 foreign country.

25 **Sec. 8.** RCW 18.43.110 and 2002 c 86 s 226 are each amended to  
26 read as follows:

27 The board shall have the exclusive power to discipline the  
28 registrant and sanction the certificate of registration of any  
29 registrant.

30 Any person may file a complaint alleging unprofessional conduct,  
31 as set out in RCW (~~18.235.130 and~~) 18.43.105, against any  
32 registrant. The complaint shall be in writing and shall be sworn to  
33 in writing by the person making the allegation. A registrant against  
34 whom a complaint was made must be immediately informed of such  
35 complaint by the board.

36 The board, for reasons it deems sufficient, may reissue a  
37 certificate of registration to any person whose certificate has been  
38 revoked or suspended, providing a majority of the board vote in favor

1 of such issuance. A new certificate of registration to replace any  
2 certificate revoked, lost, destroyed, or mutilated may be issued,  
3 subject to the rules of the board, and a charge determined by the  
4 (~~director as provided in RCW 43.24.086~~) board shall be made for  
5 such issuance.

6 In addition to the imposition of disciplinary action under RCW  
7 18.235.110 and 18.43.105, the board may refer violations of this  
8 chapter to the appropriate prosecuting attorney for charges under RCW  
9 18.43.120.

10 **Sec. 9.** RCW 18.43.130 and 2002 c 86 s 227 are each amended to  
11 read as follows:

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

13 (1) The practice of any other legally recognized profession or  
14 trade; or

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

29 (3) The practice of a person not a resident and having no  
30 established place of business in this state, or who has recently  
31 become a resident thereof, practicing or offering to practice herein  
32 for more than thirty days in any calendar year the profession of  
33 engineering or land surveying, if he or she shall have filed with the  
34 board an application for a certificate of registration and shall have  
35 paid the fee required by this chapter: PROVIDED, That such person is  
36 legally qualified by registration to practice engineering or land  
37 surveying in his or her own state or country in which the  
38 requirements and qualifications of obtaining a certificate of  
39 registration are not lower than those specified in this chapter. Such



1 practice shall continue only for such time as the board requires for  
2 the consideration of the application for registration; or

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

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

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

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

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

28 (a) The corporation has filed with the board an application for  
29 certificate of authorization upon a form to be prescribed by the  
30 board and containing information required to enable the board to  
31 determine whether such corporation is qualified in accordance with  
32 this chapter to practice engineering or land surveying, or both, in  
33 this state;

34 (b) For engineering, the corporation has filed with the board a  
35 certified copy of a resolution of the board of directors of the  
36 corporation that shall designate a person holding a certificate of  
37 registration under this chapter as responsible for the practice of  
38 engineering by the corporation in this state and shall provide that  
39 full authority to make all final engineering decisions on behalf of  
40 the corporation with respect to work performed by the corporation in

1 this state shall be granted and delegated by the board of directors  
2 to the person so designated in the resolution. For land surveying,  
3 the corporation has filed with the board a certified copy of a  
4 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 land surveying by the  
7 corporation in this state and shall provide full authority to make  
8 all final land surveying decisions on behalf of the corporation with  
9 respect to work performed by the corporation in this state be granted  
10 and delegated by the board of directors to the person so designated  
11 in the resolution. If a corporation offers both engineering and land  
12 surveying services, the board of directors shall designate both a  
13 licensed engineer and a licensed land surveyor. If a person is  
14 licensed in both engineering and land surveying, the person may be  
15 designated for both professions. The resolution shall further state  
16 that the bylaws of the corporation shall be amended to include the  
17 following provision: "The designated engineer or land surveyor,  
18 respectively, named in the resolution as being in responsible charge,  
19 or an engineer or land surveyor under the designated engineer or land  
20 surveyor's direct supervision, shall make all engineering or land  
21 surveying decisions pertaining to engineering or land surveying  
22 activities in the state of Washington." However, the filing of the  
23 resolution shall not relieve the corporation of any responsibility or  
24 liability imposed upon it by law or by contract;

25 (c) If there is a change in the designated engineer or designated  
26 land surveyor, the corporation shall notify the board in writing  
27 within thirty days after the effective date of the change. If the  
28 corporation changes its name, the corporation shall submit a copy of  
29 its amended certificate of authority or amended certificate of  
30 incorporation as filed with the secretary of state within thirty days  
31 of the filing;

32 (d) Upon the filing with the board the application for  
33 certificate for authorization, certified copy of resolution and an  
34 affidavit, the designation of a designated engineer or designated  
35 land surveyor, or both, specified in (b) of this subsection, a  
36 certificate of incorporation or certificate of authorization as filed  
37 with the secretary of state, and a copy of the corporation's current  
38 Washington business license, the board shall issue to the corporation  
39 a certificate of authorization to practice engineering or land

1 surveying, or both, in this state upon a determination by the board  
2 that:

3 (i) The designated engineer or designated land surveyor, or both,  
4 hold a certificate of registration in this state in accordance with  
5 this chapter and the certificate is in force;

6 (ii) The designated engineer or designated land surveyor, or  
7 both, are not designated in responsible charge for another  
8 corporation or a limited liability company; and

9 (iii) The corporation is licensed with the secretary of state and  
10 holds a current unified business identification number and the board  
11 determines, based on evaluating the findings and information in this  
12 section, that the applicant corporation possesses the ability and  
13 competence to furnish engineering or land surveying services, or  
14 both, in the public interest.

15 The board may exercise its discretion to take any of the actions  
16 under RCW 18.235.110 or this chapter with respect to a certificate of  
17 authorization issued to a corporation if the board finds that any of  
18 the officers, directors, incorporators, or the stockholders holding a  
19 majority of stock of such corporation has engaged in unprofessional  
20 conduct as defined in RCW 18.43.105 or 18.235.130 or has been found  
21 personally responsible for unprofessional conduct under (f) and (g)  
22 of this subsection.

23 (e) Engineers or land surveyors organized as a professional  
24 service corporation under chapter 18.100 RCW are exempt from applying  
25 for a certificate of authorization under this chapter.

26 (f) Any corporation authorized to practice engineering under this  
27 chapter, together with its directors and officers for their own  
28 individual acts, are responsible to the same degree as an individual  
29 registered engineer, and must conduct its business without  
30 unprofessional conduct in the practice of engineering as defined in  
31 this chapter and RCW 18.235.130.

32 (g) Any corporation that is certified under this chapter is  
33 subject to the authority of the board as provided in RCW 18.43.035,  
34 18.43.105, 18.43.110, 18.43.120, and chapter 18.235 RCW.

35 (h) All plans, specifications, designs, and reports when issued  
36 in connection with work performed by a corporation under its  
37 certificate of authorization shall be prepared by or under the direct  
38 supervision of and shall be signed by and shall be stamped with the  
39 official seal of a person holding a certificate of registration under  
40 this chapter.

1 (i) For each certificate of authorization issued under this  
2 subsection (8) there shall be paid an initial fee determined by the  
3 (~~director as provided in RCW 43.24.086~~) board and an annual renewal  
4 fee determined by the (~~director as provided in RCW 43.24.086~~)  
5 board.

6 (9) The practice of engineering and/or land surveying in this  
7 state by a partnership if the partnership employs at least one person  
8 holding a valid certificate of registration under this chapter to  
9 practice engineering or land surveying, or both. The board shall not  
10 issue certificates of authorization to partnerships after July 1,  
11 1998. Partnerships currently registered with the board are not  
12 required to pay an annual renewal fee after July 1, 1998.

13 (10) The practice of engineering or land surveying, or both, in  
14 this state by limited liability companies: Provided, That

15 (a) The limited liability company has filed with the board an  
16 application for certificate of authorization upon a form to be  
17 prescribed by the board and containing information required to enable  
18 the board to determine whether the limited liability company is  
19 qualified under this chapter to practice either or both engineering  
20 or land surveying in this state.

21 (b) The limited liability company has filed with the board a  
22 certified copy of a resolution by the company manager or managers  
23 that shall designate a person holding a certificate of registration  
24 under this chapter as being responsible for the practice of  
25 engineering or land surveying, or both, by the limited liability  
26 company in this state and that the designated person has full  
27 authority to make all final engineering or land surveying decisions  
28 on behalf of the limited liability company with respect to work  
29 performed by the limited liability company in this state. The  
30 resolution shall further state that the limited liability company  
31 agreement shall be amended to include the following provision: "The  
32 designated engineer or land surveyor, respectively, named in the  
33 resolution as being in responsible charge, or an engineer or land  
34 surveyor under the designated engineer or land surveyor's direct  
35 supervision, shall make all engineering or land surveying decisions  
36 pertaining to engineering or land surveying activities in the state  
37 of Washington." However, the filing of the resolution shall not  
38 relieve the limited liability company of responsibility or liability  
39 imposed upon it by law or by contract.

1 (c) The designated engineer for the limited liability company  
2 must hold a current professional engineer license issued by this  
3 state.

4 The designated land surveyor for the limited liability company  
5 must hold a current professional land surveyor license issued by this  
6 state.

7 If a person is licensed as both a professional engineer and as a  
8 professional land surveyor in this state, then the limited liability  
9 company may designate the person as being in responsible charge for  
10 both professions.

11 If there is a change in the designated engineer or designated  
12 land surveyor, the limited liability company shall notify the board  
13 in writing within thirty days after the effective date of the change.  
14 If the limited liability company changes its name, the company shall  
15 submit to the board a copy of the certificate of amendment filed with  
16 the secretary of state's office.

17 (d) Upon the filing with the board the application for  
18 certificate of authorization, a certified copy of the resolution, an  
19 affidavit from the designated engineer or the designated land  
20 surveyor, or both, specified in (b) and (c) of this subsection, a  
21 copy of the certificate of formation as filed with the secretary of  
22 state, and a copy of the company's current business license, the  
23 board shall issue to the limited liability company a certificate of  
24 authorization to practice engineering or land surveying, or both, in  
25 this state upon determination by the board that:

26 (i) The designated engineer or designated land surveyor, or both,  
27 hold a certificate of registration in this state under this chapter  
28 and the certificate is in force;

29 (ii) The designated engineer or designated land surveyor, or  
30 both, are not designated in responsible charge for another limited  
31 liability company or a corporation;

32 (iii) The limited liability company is licensed with the  
33 secretary of state and has a current unified business identification  
34 number and that the board determines, based on evaluating the  
35 findings and information under this subsection, that the applicant  
36 limited liability company possesses the ability and competence to  
37 furnish either or both engineering or land surveying services in the  
38 public interest.

39 The board may exercise its discretion to take any of the actions  
40 under RCW 18.235.110 and 18.43.105 with respect to a certificate of

1 authorization issued to a limited liability company if the board  
2 finds that any of the managers or members holding a majority interest  
3 in the limited liability company has engaged in unprofessional  
4 conduct as defined in RCW 18.43.105 or 18.235.130 or has been found  
5 personally responsible for unprofessional conduct under the  
6 provisions of (f) and (g) of this subsection.

7 (e) Engineers or land surveyors organized as a professional  
8 limited liability company are exempt from applying for a certificate  
9 of authorization under this chapter.

10 (f) Any limited liability company authorized to practice  
11 engineering or land surveying, or both, under this chapter, together  
12 with its manager or managers and members for their own individual  
13 acts, are responsible to the same degree as an individual registered  
14 engineer or registered land surveyor, and must conduct their business  
15 without unprofessional conduct in the practice of engineering or land  
16 surveying, or both.

17 (g) A limited liability company that is certified under this  
18 chapter is subject to the authority of the board as provided in RCW  
19 18.43.035, 18.43.105, 18.43.110, 18.43.120, and chapter 18.235 RCW.

20 (h) All plans, specifications, designs, and reports when issued  
21 in connection with work performed by a limited liability company  
22 under its certificate of authorization shall be prepared by or under  
23 the direct supervision of and shall be signed by and shall be stamped  
24 with the official seal of a person holding a certificate of  
25 registration under this chapter.

26 (i) For each certificate of authorization issued under this  
27 subsection (10) there shall be paid an initial fee determined by the  
28 (~~director as provided in RCW 43.24.086~~) board and an annual renewal  
29 fee determined by the (~~director as provided in RCW 43.24.086~~)  
30 board.

31 **Sec. 10.** RCW 18.43.150 and 2016 sp.s. c 36 s 913 are each  
32 amended to read as follows:

33 The board shall set fees at a level adequate to pay the costs of  
34 administering this chapter. All fees collected under the provisions  
35 of RCW 18.43.050, 18.43.060, 18.43.080, 18.43.100, and 18.43.130 and  
36 fines collected under RCW 18.43.110 shall be paid into the  
37 professional engineers' account, which account is hereby established  
38 in the state treasury to be used to carry out the purposes and  
39 provisions of RCW 18.43.050, 18.43.060, 18.43.080, 18.43.100,

1 18.43.110, 18.43.120, 18.43.130, and all other duties required for  
2 operation and enforcement of this chapter. During the 2013-2015 and  
3 2015-2017 fiscal (~~(biennium [biennia])~~) biennia, the legislature may  
4 transfer moneys from the professional engineers' account to the state  
5 general fund such amounts as reflect the excess fund balance of the  
6 fund.

7 **Sec. 11.** RCW 18.210.010 and 2011 c 256 s 1 are each amended to  
8 read as follows:

9 The definitions in this section apply throughout this chapter  
10 unless the context clearly requires otherwise.

11 (1) "Board" means the board of registration for professional  
12 engineers and land surveyors as defined in chapter 18.43 RCW.

13 (2) "Certificate of competency" or "certificate" means a  
14 certificate issued to employees of local health jurisdictions  
15 indicating that the certificate holder has passed the licensing  
16 examination required under this chapter.

17 (3) "Designer" or "licensee" means an individual authorized under  
18 this chapter to perform design services for on-site wastewater  
19 treatment systems.

20 (4) "Director" means the executive director of the Washington  
21 state (~~(department of licensing)~~) board of registration for  
22 professional engineers and land surveyors.

23 (5) "Engineer" means a professional engineer licensed under  
24 chapter 18.43 RCW.

25 (6) "License" means a license to design on-site wastewater  
26 treatment systems under this chapter.

27 (7) "Local health jurisdiction" or "jurisdictional health  
28 department" means an administrative agency created under chapter  
29 70.05, 70.08, or 70.46 RCW, that administers the regulation and codes  
30 regarding on-site wastewater treatment systems.

31 (8) "On-site wastewater design" means the development of plans,  
32 details, specifications, instructions, or inspections by application  
33 of specialized knowledge in analysis of soils, on-site wastewater  
34 treatment systems, disposal methods, and technologies to create an  
35 integrated system of collection, transport, distribution, treatment,  
36 and disposal of on-site wastewater.

37 (9) "On-site wastewater treatment system" means an integrated  
38 system of components that: Convey, store, treat, and/or provide  
39 subsurface soil treatment and disposal of wastewater effluent on the

1 property where it originates or on adjacent or other property and  
2 includes piping, treatment devices, other accessories, and soil  
3 underlying the disposal component of the initial and reserve areas,  
4 for on-site wastewater treatment under three thousand five hundred  
5 gallons per day when not connected to a public sewer system.

6 (10) "Practice of engineering" has the meaning set forth in RCW  
7 18.43.020(5).

8 **Sec. 12.** RCW 18.210.050 and 2011 c 256 s 4 are each amended to  
9 read as follows:

10 The (~~director~~) board may:

11 (1) Employ administrative, clerical, and investigative staff as  
12 necessary to administer and enforce this chapter;

13 (2) Establish fees for applications, examinations, and renewals  
14 in accordance with chapter (~~43.24~~) 18.43 RCW;

15 (3) Issue licenses to applicants who meet the requirements of  
16 this chapter; and

17 (4) Exercise rule-making authority to implement this section.

18 **Sec. 13.** RCW 18.210.120 and 2011 c 256 s 7 are each amended to  
19 read as follows:

20 (1) Application for licensure must be on forms prescribed by the  
21 board and furnished by the director. The application must contain  
22 statements, made under oath, demonstrating the applicant's education  
23 and work experience.

24 (2) Applicants shall provide not less than two verifications of  
25 experience. Verifications of experience may be provided by licensed  
26 professional engineers, licensed on-site wastewater treatment system  
27 designers, or state/local regulatory officials in the on-site  
28 wastewater treatment field who have direct knowledge of the  
29 applicant's qualifications to practice in accordance with this  
30 chapter and who can verify the applicant's work experience.

31 (3) The (~~director, as provided in RCW 43.24.086~~) board, shall  
32 determine an application fee for licensure as an on-site wastewater  
33 treatment system designer. A nonrefundable application fee must  
34 accompany the application. The (~~director~~) board shall ensure that  
35 the application fee includes the cost of the examination and the cost  
36 issuance of a license and certificate. A candidate who fails an  
37 examination may apply for reexamination. The (~~director~~) board shall  
38 determine the fee for reexamination.



1       **Sec. 14.** RCW 18.210.140 and 2011 c 256 s 8 are each amended to  
2 read as follows:

3       (1) Licenses and certificates issued under this chapter are valid  
4 for a period of time as determined by the (~~director~~) board and may  
5 be renewed under the conditions described in this chapter. An expired  
6 license or certificate is invalid and must be renewed. Any licensee  
7 or certificate holder who fails to pay the renewal fee within ninety  
8 days following the date of expiration shall be assessed a penalty fee  
9 as determined by the (~~director~~) board and must pay the penalty fee  
10 and the base renewal fee before the license or certificate may be  
11 renewed.

12       (2) Any license issued under this chapter that is not renewed  
13 within two years of its date of expiration must be canceled.  
14 Following cancellation, a person seeking to renew must reapply as a  
15 new applicant under this chapter.

16       (3) The (~~director, as provided in RCW 43.24.086,~~) board shall  
17 determine the fee for applications and for renewals of licenses and  
18 certificates issued under this chapter. For determining renewal fees,  
19 the pool of licensees and certificate holders under this chapter must  
20 be combined with the licensees established in chapter 18.43 RCW.

21       **Sec. 15.** RCW 18.43.035 and 2002 c 86 s 224 are each amended to  
22 read as follows:

23       (1) The board may adopt and amend bylaws establishing its  
24 organization and method of operation, including but not limited to  
25 meetings, maintenance of books and records, publication of reports,  
26 code of ethics, and rosters, and adoption and use of a seal.

27       (2) Four members of the board shall constitute a quorum for the  
28 conduct of any business of the board.

29       (3) The governor shall appoint an executive director of the  
30 board. The executive director must hold a valid Washington license as  
31 a professional engineer or professional land surveyor.

32       (4) The board may employ such persons as are necessary to carry  
33 out its duties under this chapter.

34       (5) It may adopt rules reasonably necessary to administer the  
35 provisions of this chapter. The board shall submit to the governor  
36 (~~such~~) periodic reports as may be required. A roster, showing the  
37 names and places of business of all registered professional engineers  
38 and land surveyors may be published for distribution, upon request,

1 to professional engineers and land surveyors registered under this  
2 chapter and to the public.

3 **Sec. 16.** RCW 70.118.120 and 1999 c 263 s 22 are each amended to  
4 read as follows:

5 (1) The local board of health shall ensure that individuals who  
6 conduct inspections of on-site wastewater treatment systems or who  
7 otherwise conduct reviews of such systems are qualified in the  
8 technology and application of on-site sewage treatment principles. A  
9 certificate of competency issued by the (~~department of licensing~~)  
10 state board of registration for professional engineers and land  
11 surveyors is adequate demonstration that an individual is competent  
12 in the engineering aspects of on-site wastewater treatment system  
13 technology.

14 (2) A local board of health may allow noncertified individuals to  
15 review designs of, and conduct inspections of, on-site wastewater  
16 treatment systems for a maximum of two years after the date of hire,  
17 if a certified individual reviews or supervises the work during that  
18 time.

19 **Sec. 17.** RCW 18.235.010 and 2017 c 281 s 36 are each amended to  
20 read as follows:

21 The definitions in this section apply throughout this chapter  
22 unless the context clearly requires otherwise.

23 (1) "Board" means those boards specified in RCW 18.235.020(2)(b).

24 (2) "Department" means the department of licensing.

25 (3) (a) "Director" means the:

26 (i) Executive director of the state board of registration for  
27 professional engineers and land surveyors for matters under the  
28 authority of the state board of registration for professional  
29 engineers and land surveyors established under chapter 18.43 RCW; or

30 (ii) Director of the department or the director's designee in all  
31 other contexts.

32 (b) The director of the department has no authority under this  
33 chapter over the state board of registration for professional  
34 engineers and land surveyors.

35 (4) "Disciplinary action" means sanctions identified in RCW  
36 18.235.110.

37 (5) "Disciplinary authority" means the director, board, or  
38 commission having the authority to take disciplinary action against a

1 holder of, or applicant for, a professional or business license upon  
2 a finding of a violation of this chapter or a chapter specified under  
3 RCW 18.235.020.

4 (6) "License," "licensing," and "licensure" are deemed equivalent  
5 to the terms "license," "licensing," "licensure," "certificate,"  
6 "certification," and "registration" as those terms are defined in RCW  
7 18.118.020. Each of these terms, and the term "commission" under  
8 chapter 42.45 RCW, are interchangeable under the provisions of this  
9 chapter.

10 (7) "Unlicensed practice" means:

11 (a) Practicing a profession or operating a business identified in  
12 RCW 18.235.020 without holding a valid, unexpired, unrevoked, and  
13 unsuspended license to do so; or

14 (b) Representing to a person, through offerings, advertisements,  
15 or use of a professional title or designation, that the individual or  
16 business is qualified to practice a profession or operate a business  
17 identified in RCW 18.235.020 without holding a valid, unexpired,  
18 unrevoked, and unsuspended license to do so.

19 **Sec. 18.** RCW 18.210.200 and 1999 c 263 s 21 are each amended to  
20 read as follows:

21 (1) The board shall set fees at a level adequate to pay the costs  
22 of administering this chapter. All fees and fines collected under  
23 this chapter shall be paid into the professional engineers' account  
24 established under RCW 18.43.150. Moneys in the account may be spent  
25 only after appropriation and must be used to carry out all the  
26 purposes and provisions of this chapter and chapter 18.43 RCW,  
27 including the cost of administering this chapter.

28 (2) The director shall biennially prepare a budget request based  
29 on the anticipated cost of administering licensing and certification  
30 activities. The budget request shall include the estimated income  
31 from fees contained in this chapter.

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