



PROPOSED RULE MAKING

CR-102 (June 2024)
(Implements RCW 34.05.320)
Do **NOT** use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: October 01, 2024

TIME: 3:04 PM

WSR 24-20-127

Agency: Board of Registration for Professional Engineers and Land Surveyors

- Original Notice**
- Supplemental Notice to WSR** _____
- Continuance of WSR** _____

- Preproposal Statement of Inquiry was filed as WSR 24-16-069 ; or**
- Expedited Rule Making--Proposed notice was filed as WSR _____; or**
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or**
- Proposal is exempt under RCW _____.**

Title of rule and other identifying information: (describe subject) WAC 196-26A Registered professional engineers and land surveyor fees, WAC 196-30 Fees for on-site wastewater treatment designers and inspectors.

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
November 6, 2024	12:30 pm	Board of Registration for Professional Engineers and Land Surveyors Office 605 11th Ave SE Suite 201 Olympia WA 98501 OR WebEx meeting	The Board of Registration for Professional Engineers and Land Surveyors is holding this hearing in person at the Board's offices in Olympia. The public may also virtually participate in the hearing by accessing the hearing link on the Board's rulemaking page: https://brpels.wa.gov/current-laws-and-rules/rulemaking-activity

Date of intended adoption: November 7, 2024 (Note: This is **NOT** the effective date)

Submit written comments to:

Name Shanan Gillespie
Address PO Box 9025 Olympia WA 98507-9025
Email shanan.gillespie@brpels.wa.gov
Fax
Other

Beginning (date and time) October 2, 2024, 12:01 am
By (date and time) November 6, 2024, 5:00 pm

Assistance for persons with disabilities:

Contact Mackenzie Wherrett
Phone 360-664-1568
Fax
TTY 711
Email Mackenzie.wherrett@brpels.wa.gov
Other

By (date) November 1, 2024

Purpose of the proposal and its anticipated effects, including any changes in existing rules: RCW 18.43.150 & RCW 18.210.200 requires the Board to "set fees at a level adequate to pay the costs of administering this chapter." Fee increases are needed to mitigate the risk of fund balance depletion due to expenses exceeding revenues. Further, the fee increase is moderate and should minimize the risk of over collecting revenues.

Reasons supporting proposal: It has been over 20 years since fees have been raised for engineers and land surveyors, and over 17 years since fees were raised for on-site septic designers. Fee increases are needed to mitigate the risk of fund balance depletion due to expenses exceeding revenues.

Statutory authority for adoption: RCW 18.43.035, RCW 18.43.150, RCW 18.210.050, RCW 18.210.060 and RCW 18.210.200

Statute being implemented: RCW 18.43.050, RCW 18.43.080, RCW 18.43.130, RCW 18.210.120, RCW 18.210.140 and RCW 18.210.190

Is rule necessary because of a:

Federal Law? Yes No

Federal Court Decision? Yes No

State Court Decision? Yes No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

Name of proponent: (person or organization) Board of Registration for Professional Engineers and Land Surveyors
Type of proponent: Private. Public. Governmental.

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting	Shanan Gillespie	605 11 th Ave SE #201 Olympia WA 98507	360.664.1570
Implementation	Ken Fuller	605 11 th Ave SE #201 Olympia WA 98507	360-664-1575
Enforcement	Ken Fuller	605 11 th Ave SE #201 Olympia WA 98507	360-664-1575

Is a school district fiscal impact statement required under [RCW 28A.305.135](#)? Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name
Address
Phone
Fax
TTY
Email
Other

Is a cost-benefit analysis required under [RCW 34.05.328](#)?

Yes: A preliminary cost-benefit analysis may be obtained by contacting:
Name
Address
Phone
Fax
TTY
Email
Other

No: Please explain: The Board of Registration for Professional Engineers and Land Surveyors is not one of the agencies to which RCW 34.05.328 applies pursuant to RCW 34.05.328(5)(a).

Regulatory Fairness Act and Small Business Economic Impact Statement
Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

(1) Identification of exemptions:
This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.061](#) because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.
Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by [RCW 34.05.313](#) before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of [RCW 15.65.570](#)(2) because it was adopted by a referendum.

- This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(3\)](#). Check all that apply:
- | | |
|---|---|
| <input type="checkbox"/> RCW 34.05.310 (4)(b)
(Internal government operations) | <input type="checkbox"/> RCW 34.05.310 (4)(e)
(Dictated by statute) |
| <input type="checkbox"/> RCW 34.05.310 (4)(c)
(Incorporation by reference) | <input checked="" type="checkbox"/> RCW 34.05.310 (4)(f)
(Set or adjust fees) |
| <input type="checkbox"/> RCW 34.05.310 (4)(d)
(Correct or clarify language) | <input type="checkbox"/> RCW 34.05.310 (4)(g)
(i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit) |
- This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(4\)](#). (Does not affect small businesses).
- This rule proposal, or portions of the proposal, is exempt under RCW _____.

Explanation of how the above exemption(s) applies to the proposed rule: The following sections of rule are exempt per RCW 34.05.310(4)(f) because fees are being adjusted: WAC 196-26A-025, WAC 196-26A-045 and WAC 196-26A-060.

(2) Scope of exemptions: *Check one.*

- The rule proposal: Is fully exempt. (*Skip section 3.*) Exemptions identified above apply to all portions of the rule proposal.
- The rule proposal: Is partially exempt. (*Complete section 3.*) The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):
- The rule proposal: Is not exempt. (*Complete section 3.*) No exemptions were identified above.

(3) Small business economic impact statement: *Complete this section if any portion is not exempt.*

If any portion of the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

- No Briefly summarize the agency's minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs. _____
- Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name
Address
Phone
Fax
TTY
Email
Other

Date: October 1, 2024

Name: Ken Fuller

Title: Director

Signature:

