



Special Board Meeting
February 13, 2025
Addendum to Board Packet

The Special Board Meeting agenda and other meeting materials can be found on the [BRPELS' website](#).



STATE OF WASHINGTON
**BOARD OF REGISTRATION FOR PROFESSIONAL
 ENGINEERS AND LAND SURVEYORS**
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**Washington Administrative Code
 Notice of Permanent Rules for WAC 196-09
 Board practices and procedures.**

The Administrative Procedure Act (RCW 34.05.325(6)) requires agencies to complete a concise explanatory statement before filing adopted rules with the Office of the Code Reviser. This statement must be provided to anyone who gave comment about the proposed rulemaking.

Adoption of: WAC 196-09-152 Records index

Effective date: These rule changes will become effective 31 days after filing (approximately **insert date**).

Summary of all public comments received on this rule proposal and the agency’s response to those comments:

Comment:

The draft rule WAC 196-09-152 meets many of the PRA’s requirements, but not quite all.

Board of Registration for Professional Engineers and Land Surveyors	WAC vs. PRA REQUIREMENTS	
WAC 196-09-152Records index. (1) Purpose. This rule implements RCW 42.56.070 (5) and (6) and 34.05.220 (2) and (3).# (2) The board has implemented an indexing system for the identification and location of the following records: (a) All records issued before July 1, 1990, for which the board has maintained an index which include final orders and board orders;	Does the rule cover indexes of – ○ Final orders in adjudicative proceedings “that contain an analysis or decisions of substantial importance to the agency in carrying out its duties”?	yes
	○ Declaratory orders “that contain an analysis or decisions of substantial importance to the agency in carrying out its duties”?	no

<p>(b) Final orders entered after June 30, 1990, that are issued in adjudicative proceedings as defined in RCW 34.05.010(1) indexed by type of order, date issued, profession, case number, and respondent name;</p> <p>(c) Policy statements as defined in RCW 34.05.010(15) that were entered after June 30, 1990;</p> <p>(d) Minutes of board meetings shall be indexed chronologically.</p> <p>(3) Most indexes are available online at brpels.wa.gov and are available for public inspection and copying weekdays, excluding legal holidays or other days the agency is closed, between 8:30 a.m. and 4:30 p.m. at the board's office, 605 11th Ave SE, Suite 201, Olympia, Washington.</p> <p>(4) The indexes are updated quarterly. In addition to the indexing system, the board also maintains and continually updates its website at brpels.wa.gov, which includes board laws and rules; board forms;</p>	<ul style="list-style-type: none"> ○ Interpretive statements? 	no
	<ul style="list-style-type: none"> ○ Policy statements? 	yes
	<p>Does the rule describe “a system of indexing for the identification and location” of the covered orders and statements?</p>	partially*
	<p>Does the rule include –</p> <ul style="list-style-type: none"> ○ Requirements for the form and content of the indexes? 	partially*
	<ul style="list-style-type: none"> ○ The indexes’ location and availability? 	partially*
<ul style="list-style-type: none"> ○ The schedule for revising or updating the indexes? 	yes	

Response:

The Board appreciates your involvement in the rulemaking process, and working with our Advising AAG, we have amended the proposed language to include the topics addressed in the table above.

Changes made to the proposed WAC because of public comment:

- (1)(a) Added “indexed by type of order, date issued, profession, case number, and respondent name”
- (1)(b) Added “of substantial importance as defined in RCW 42.56.070(5)(b), other final orders, agreed orders and default orders” and “topic”
- (1)(c) Added “interpretive statements as defined in RCW 34.05.010(8), and declaratory orders that are issued pursuant to RCW 34.05.240” and “indexed by title, topic and date issued”
- (3) Removed “Most”

If you have any questions, please contact Shanan Gillespie, Board Rules Coordinator, at (360) 664-1570 or e-mail at Shanan.Gillespie@brpels.wa.gov.

NEW SECTION

WAC 196-09-152 Records index. (1) **Purpose.** This rule implements RCW 42.56.070 (5) and (6) and 34.05.220 (2) and (3).

(2) The board has implemented an indexing system for the identification and location of the following records:

(a) All records issued before July 1, 1990, for which the board has maintained an index which include final orders and board orders, indexed by type of order, date issued, profession, case number, and respondent name;

(b) Final orders of substantial importance as defined in RCW 42.56.070(5)(b), other final orders, agreed orders and default orders entered after June 30, 1990, that are issued in adjudicative proceedings as defined in RCW 34.05.010(1) indexed by type of order, date issued, profession, case number, topic, and respondent name;

(c) Policy statements as defined in RCW 34.05.010(15), interpretive statements as defined in RCW 34.05.010(8), and declaratory orders that are issued pursuant to RCW 34.05.240 that were entered after June 30, 1990 indexed by title, topic and date issued;

(d) Minutes of board meetings shall be indexed chronologically.

Commented [EL1]: Might as well have an index of all types of orders. You do not need to post them all, but it is not a bad idea. It would be good to have an index to all of them, if if people ask.

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(3) Indexes are available online at brpels.wa.gov and are available for public inspection and copying weekdays, excluding legal holidays or other days the agency is closed, between 8:30 a.m. and 4:30 p.m. at the board's office, 605 11th Ave SE, Suite 201, Olympia, Washington.

(4) The indexes are updated quarterly. In addition to the indexing system, the board also maintains and continually updates its website at brpels.wa.gov, which includes board laws and rules; board forms; board meeting agendas and materials; and other agency documents.

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Washington Administrative Code

Notice of Permanent Rules for WAC 196-26A Fees and WAC 196-30 Fees for on-site wastewater treatment designers and inspectors.

The Administrative Procedure Act (RCW 34.05.325(6)) requires agencies to complete a concise explanatory statement before filing adopted rules with the Office of the Code Reviser. This statement must be provided to anyone who gave comment about the proposed rulemaking.

Adoption of: WAC 196-26A-010, and -040. Repealed: WAC 196-26A-030, -050, -055 and WAC 196-30-030.

Effective date: These rule changes will become effective 31 days after filing (approximately **insert date**).

Summary of all public comments received on this rule proposal and the agency's response to those comments:

Comment:

I appreciate and respect the proposed changes to the language of WAC 196-26A-040(2). It is also appropriate to include on-site wastewater treatment system designers and other licensees in this section and eliminate redundancies in the Board's regulations.

This letter constitutes my written statement and my testimony in support of the proposed amendatory language to WAC 196-26A-010 and WAC 196-26A-040, and proposed Repealer.

Response:

The Board appreciates your involvement in the rulemaking process and thanks you for your support of the amendments.

Changes made to the proposed WAC as a result of public comment:

None.

The Board appreciates your involvement in this rule making process. If you have any questions, please contact Shanán Gillespie, Board Rules Coordinator, at (360) 664-1570 or e-mail at Shanan.Gillespie@brpels.wa.gov.

AMENDATORY SECTION (Amending WSR 14-03-029, filed 1/8/14, effective 2/8/14)

WAC 196-26A-010 State fee authority(~~(, applications)~~) and payment procedures. The board of registration for professional engineers and land surveyors (board) reviews and approves registration applications (~~(for all examinations)~~) under the provisions of chapters 18.43 and 18.210 RCW. The state fees listed in this chapter are adopted by the (~~(director of the department of licensing (department))~~) board in accordance with RCW (~~(43.24.086)~~) 18.43.050, 18.210.050 and 18.210.140.

The required state fees (~~(as listed in WAC 196-26A-025)~~) must accompany all registration applications. If payment is made by check or money order, the payment should be made payable to (~~(the department of licensing. Should an applicant be judged ineligible for examination,)~~) BRPELS. The fee paid to the (~~(department of licensing shall be retained to cover the costs of processing. An applicant who fails an examination may reapply to the board for examination by paying the required fee and providing any information requested. Applicants who fail to appear for their scheduled examination will forfeit their fees. Applicants may withdraw from an examination without forfeiting their fees by submitting a written notice to the board by the date established by the)~~) board is nonrefundable.

AMENDATORY SECTION (Amending WSR 23-06-073, filed 3/1/23, effective 4/1/23)

WAC 196-26A-040 Renewals (~~(for professional engineer and professional land surveyor licenses)~~). (1) Licenses for professional engineers (~~(or)~~), professional land surveyors, on-site wastewater treatment system designers, or certificate of competency holders (inspectors) shall be renewed every two years. The date of expiration shall be the licensee's birthday. The initial license issued to an individual shall expire no earlier than one year after the issue date.

(2) To renew your license, complete an application for renewal, pay the required renewal fee, and provide the information requested in the renewal notice and application form. This information may include email address or other contact information (~~(and information regarding prior unprofessional conduct)~~). In addition, you must disclose any criminal conviction or sanction against you including suspension, revocation, or restriction of your license by a licensing authority in any state, federal, or foreign jurisdiction pursuant to RCW 18.235.110 and 18.235.130. ((Information regarding unprofessional conduct will be evaluated by the board to determine whether it is related to the practice of the applicant's profession.))

(3) For a professional land surveyor the renewal application requires completion of professional development requirements and an attestation by the applicant that they have read chapters 58.09 RCW and 332-130 WAC as part of the renewal process.

(4) For a licensed on-site designer, the renewal application requires completion of professional development requirements as part of the renewal process.

(5) If a completed application for renewal has not been received by the board by the date of expiration (postmarked before the date of expiration if mailed or transacted online before the date of expiration), the license is invalid. (~~Renewals~~) Licenses that remain expired over 90 days past the date of expiration require payment of a late fee equivalent to the fee for a one-year renewal in addition to the base renewal fee(~~(,r)~~) and completing (~~(of)~~) a renewal application.

(~~(+5)~~) (6) If your professional engineer or professional land surveyor license has been expired for five or more years, you must submit a renewal application and you will be required to take and receive a passing score on the board's law review examination. In the first year of reactivated practice professional land surveyors may be required by the board to collect an additional 15 professional development hours (PDH).

(7) Any on-site designer license that remains expired for more than two years will be canceled. After cancellation, a new application must be made in accordance with chapter 18.210 RCW to obtain another license.

The licensee is responsible for timely renewal whether or not they (~~received~~) receive a renewal notice from the department.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 196-26A-030	Applications for comity licensure and temporary permits.
WAC 196-26A-050	Application for certificate of authorization.
WAC 196-26A-055	Renewal of certificate of authorization.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 196-30-030 License renewals.