



PROPOSED RULE MAKING

CR-102 (July 2022)
(Implements RCW 34.05.320)
Do **NOT** use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: October 07, 2022
TIME: 8:53 AM

WSR 22-21-033

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 20-16-112 ; 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 196-25 Business practices

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
November 30, 2022	2:00 pm	Board of Registration for Professional Engineers and Land Surveyors Office 605 11 th Ave SE Suite 201 Olympia WA 98501 OR Join WebEx meeting https://brpels.my.webex.com/brpels.my/j.php?MTID=mc89432e03703036c24229ca426dc62ee Join by phone +1-650-479-3208 United States Toll	The Board of Registration for Professional Engineers and Land Surveyors will be holding this hearing in-person at the Board's offices in Olympia. The public may also participate in the hearing virtually by accessing the hearing link on the Board's rulemaking page: https://brpels.wa.gov/about-us/laws-and-rules/rulemaking-activity or calling the phone number provided.

Date of intended adoption: December 8, 2022 (Note: This is **NOT** the effective date)

Submit written comments to: Name: Shanana Gillespie Address: PO Box 9025 Olympia WA 98507-9025 Email: Shanana.Gillespie@brpels.wa.gov Fax: Other: By (date) _____	Assistance for persons with disabilities: Contact <u>Shanana Gillespie</u> Phone: 360.664.1570 Fax: TTY: 711 or 1-800-835-5388 Email: Shanana.Gillespie@brpels.wa.gov Other: By (date) _____
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Purpose of the proposal and its anticipated effects, including any changes in existing rules: Changes are necessary because of updates to RCW 18.43 in 2019. Changes also include language to clarify requirements for licensure. Rule amendments will impact all businesses that are required to apply for or renew a Certificate of Authorization per RCW 18.43.130.

Reasons supporting proposal: The amendments and new sections help clarify what businesses need to obtain a Certificate of Authorization from the Board and which businesses are exempt, as well as clarifies the designated licensee requirements

Statutory authority for adoption: RCW 18.43.035

Statute being implemented: RCW 18.43.130

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:

Type of proponent: Private Public Governmental

Name of proponent: (person or organization) Board of Registration for Professional Engineers and Land Surveyors

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Shanan Gillespie	605 11 th Ave SE Ste 201 Olympia WA 98501	360-664-1570
Implementation:	Ken Fuller	605 11 th Ave SE Ste 201 Olympia WA 98501	360-968-4805
Enforcement:	Ken Fuller	605 11 th Ave SE Ste 201 Olympia WA 98501	360-968-4805

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 checked="" type="checkbox"/> RCW 34.05.310 (4)(c)
(Incorporation by reference) | <input type="checkbox"/> RCW 34.05.310 (4)(f)
(Set or adjust fees) |
| <input checked="" type="checkbox"/> RCW 34.05.310 (4)(d)
(Correct or clarify language) | <input checked="" 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 rules are exempt per RCW 34.05.310(4)(c) because the language incorporates by reference without material change Washington state statutes, rules of other Washington state agencies: WAC 196-25-003 Business licenses, WAC 196-25-005 Corporation and LLC certificates of authorization, WAC 196-25-046 Professional service corporation, WAC196-25-047 Professional limited liability company, WAC 196-25-060 Offer to practice by all businesses.

The following rules are exempt per RCW 34.05.310(4)(d) the amendments clarify language without changing its effect: WAC 196-25-002 Definitions, WAC 196-25-070 Providing direct supervision, WAC 196-25-080 Practice by businesses, organizations or public agencies.

The following rules are exempt per RCW 34.05.310(4)(g)(ii) process requirements for applying to an agency for a license or permit: WAC196-25-010 Applications for certificates of authorization, WAC 196-25-040 Corporation and limited liability company designees, WAC 196-25-045 Changes and renewals.

(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 7, 2022

Name: Ken Fuller

Title: Director

Signature:

