



STATE OF WASHINGTON
**BOARD OF REGISTRATION FOR
PROFESSIONAL ENGINEERS AND LAND SURVEYORS**
P.O. Box 9025, Olympia, WA 98507-9025

**Washington Administrative Code
Notice of Permanent Rules for WAC 196-12
Registered professional engineers**

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 196-12

Effective date: These rule changes will become effective 31 days after filing.

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

Comment:

In the interest of providing clarity and consistency with State Law RCW 18.43 for the non-attorney professionals and general public, I suggest the following changes/comments:

- a) WAC 196-12-010 – Maintain the heading “Registration” instead of changing to “Licensure.”

Rationale – Using Registration is consistent with RCW 18.43.010 language

- b) WAC 196-12-010(1)(a) – Maintain the use of “practical” in referring to work experience or perhaps use text similar to RCW 18.43.060 “experience in engineering work.”

Rationale – not all work or employment responsibilities is engineering. Using similar text to RCW 18.43 reinforces and avoids ambiguity to the reader.

- c) WAC 196-12-010 – Edit to read “(B) An equivalent examination as determined by the board which tests the applicant’s knowledge of appropriate fundamentals of engineering subjects including mathematics and the basic sciences as defined in RCW 18.43.040(1)(b)(i) and was administered by a board approved foreign jurisdiction”

Rationale – adding the reference to a foreign jurisdiction assists with providing clarity that the board is intending to limit their acceptance of alternative examinations to those entities and is not unintentionally allowing others (businesses, agencies, or organizations) within the United States to do so.

- d) New Section WAC 196-12-014 (2)(b)(ii) – Edit to include supervisors or verifiers engineering credentials.

Rationale – (I think that is what the text might be intending) it ensures supervisors have engineering knowledge and background to be able to make engineering judgement determinations that the applicant is competent to practice and to be considered for licensure in Washington State.

- e) WAC 196-12-021 (6) – Support the removal of “technology” in the last sentence.

Rationale – the proposed edit provides clarity.

- f) WAC 196-12-045 – Add website link to the list of board currently recognized branches

Rationale – links are proposed in other WAC changes, and it would be useful to have the information readily available.

Response:

- a) The Board believes that the term “Licensure” is a more contemporary term, and most applicants will identify with that term. Most people understand that registration and licensure have similar meanings.
- b) The word “practical” has been put back in the language.
- c) The Board agrees with this change, and the language has been added.
- d) Additional language, referring to RCW 18.43.050 is being added. This RCW states verification of work experience be from professional engineers that supervised the applicant’s work.
- e) The Board appreciates your support.
- f) We will add a link upon completion of web page updates.

Comment:

I am a licensed PE in Washington. The wording here would not allow me to get a Washington license. When I came to the US, there was a provision to waive the FE exam. If you could demonstrate you had the equivalent of ABET courses, you have professional registration somewhere in the world, and you could pass the PE exam, you basically had the fundamentals under your belt. There is a principle in the engineering profession that you act within your realm of competency.

Exam equivalency cannot be readily identified or could be burdensome within the current revisions. With the current revisions it’s the FE or an equivalent exam. What I am advocating for, is that a professional engineer that has many years of registration in another jurisdiction whether internationally or in the US and can pass the PE exam, it is reasonable that they should be able to get an exemption on the FE exam or the Board should have the discretion in determining whether that was required or not. At the moment the wording states it’s the FE exam or some equivalent. The definition of equivalency appears to be either difficult to either define or satisfy and that potentially leaves the board in a position where they could not give either a PE license or entry into the PE exam. They need more discretion at their availability to make judgement of a candidate.

Response:

The FE waiver language that used to be in rule was repealed in 2015, based upon advice from the Board's Assistant Attorney General Advisor. The Board is currently working on amending language in RCW 18.43.100 that will allow applicants to waive the FE exam if they meet the requirements established by the board in that section and in rule.

Comment:

It looks to me, and maybe someone could clarify it, on the FE exam, section (A)(i), you've eliminated the exemption for Canadians but then you say or an equivalent exam as determined by the board. Isn't that going to eliminate the Canadians, because they don't have to take a FE exam to get their PEng?

I understand the intent, but the way it's worded, would leave you to believe there isn't going to be that exemption for Canadians.

Response:

We are expanding that exception for other foreign jurisdictions, which will include Canada. There will be a process regarding exam equivalency for the applicant to complete.

Comment:

In WAC 196-12-020 Work experience records, it looks like you fully eliminated item 2. I would like an explanation or rationale why you eliminated it.

Response: The language regarding structural experience was removed because WAC 196-12-047 *Structural licensing requirements* details the type of structural experience an applicant must meet when applying for a structural license.

Comment:

Are you saying WAC 196-12-047 replaces item 2?

Response: Yes.

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

WAC 196-12-010(1)(a): Added "practical" back in language.

WAC 196-12-010(2)(a)(ii)(B): Added "and was administered by a board approved foreign jurisdiction."

WAC 196-12-014 (2)(b)(ii): Added "per RCW 18.43.050."

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