



PROPOSED RULE MAKING

CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: July 26, 2021

TIME: 8:04 AM

WSR 21-16-027

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 20-16-109 ; 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) Chapter 196-09 RCW Board practices and procedures.

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
September 15, 2021	6:00 pm	Join via WebEx Meeting number (access code): 1774 35 5700 Meeting password: r2pJmPVMV49 Join by phone +1-415-655-0001 US Toll +1-206-207-1700 United States Toll (Seattle)	In response to the COVID-19 public health emergency, the Board of Registration for Professional Engineers and Land Surveyors will not provide a physical location for this hearing to promote social distancing and the safety of the citizens of Washington State. A virtual public hearing, without a physical space, will be held instead. The public may participate in the hearing 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: October 21, 2021 (Note: This is **NOT** the effective date)

Submit written comments to:

Name: Shanán Gillespie

Address: PO Box 9025 Olympia WA 98507-9025

Email: Shanán.Gillespie@brpels.wa.gov

Fax:

Other:

By (date) September 15, 2021

Assistance for persons with disabilities:

Contact Shanán Gillespie

Phone: 360-664-1570

Fax:

TTY: 711 or 1-800-833-6388

Email: Shanán.Gillespie@brpels.wa.gov

Other:

By (date) September 14, 2021

Purpose of the proposal and its anticipated effects, including any changes in existing rules: Review and revision of existing rules were initiated because of the 2019 legislation making the Board of Registration for Professional Engineers and Land Surveyors an independent state agency, which lead to an overall review and update to Title 196 WAC.

Reasons supporting proposal: Changes to current language, and the addition of new language will help licensees, and the public understand agency processes, including adjudicative proceedings, the complaint process, how to request public records, board member limitations, and change of address.

Statutory authority for adoption: RCW 18.43.035

Statute being implemented: Chapter 18.43 RCW

Is rule necessary because of a:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> 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

<input type="checkbox"/> Private
<input type="checkbox"/> Public
<input checked="" type="checkbox"/> Governmental

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 Cost Considerations for a Small Business Economic Impact Statement:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). 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 checked="" 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 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 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 _____.

Explanation of exemptions, if necessary:

COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES

If 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 analysis showing how costs were calculated. _____

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert 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: July 26, 2021

Name: Ken Fuller

Title: Director

Signature:

