



# 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: December 16, 2022

TIME: 8:29 AM

WSR 23-01-085

**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** 20-06-024 ; 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 196-26A WAC Registered professional engineers and land surveyor fees and Chapter 196-30 WAC Fees for on-site wastewater treatment system designers and inspectors

**Hearing location(s):**

Date:	Time:	Location: (be specific)	Comment:
February 1, 2023	2:00 p.m.	Board of Registration for Professional Engineers and Land Surveyors Office 605 11 <sup>th</sup> Ave SE Suite 201 Olympia WA 98501  OR  WebEx meeting <a href="https://brpels.my.webex.com/brpels.my/j.php?MTID=mc48e954e7eaeafb410b29ca60a12603a">https://brpels.my.webex.com/brpels.my/j.php?MTID=mc48e954e7eaeafb410b29ca60a12603a</a>  Phone number: 1-650-479-3208	The public may participate in the hearing by providing written comment, coming to the Board's office or they may participate in the hearing virtually by accessing the hearing link on the Board's rule making page: <a href="https://brpels.wa.gov/about-us-laws-and-rules/rulemaking-activity">https://brpels.wa.gov/about-us-laws-and-rules/rulemaking-activity</a> or calling the phone number provided.

**Date of intended adoption:** February 23, 2023 (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) February 1, 2023

**Assistance for persons with disabilities:**

Contact Shanán Gillespie  
Phone: 360-664-1570  
Fax:  
TTY: 711 or 1-800-833-5388  
Email: Shanán.Gillespie@brpels.wa.gov  
Other:  
By (date) January 27, 2023

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** Amendments to WAC 196-26A-040 will remove the reference to the director of the department of licensing; will speak to the legal history questions on the initial and renewal applications for professional engineers and land surveyors as a requirement for license renewal; will require licensees to pass the board's law review exam if their license was expired for five or more years; and, increase expiration date for initial licenses issued to no earlier than one year after the issue date.

Amendments to WAC 196-30-030 will remove the reference to the director of the department of licensing and will speak to the legal history questions on the initial and renewal application for on-site wastewater designers and inspectors as a requirement for license/certificate renewal.

**Reasons supporting proposal:** Changes to current language, and the addition of new language clarify what information is needed when applying for or renewing a license. Increases the expiration date for an initial license for at least one calendar year after the initial issue date. Requires professional engineer and land surveyor licensees that have been expired for 5 years of longer pass a law review exam to familiarize the licensee with the laws and rules regulating the profession.

**Statutory authority for adoption:** RCW 18.43.035, RCW 18.210.050 and RCW 18.210.060

**Statute being implemented:** RCW 18.43.080 and RCW 18.210.140

**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:** None

**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 <sup>th</sup> Ave SE Ste 201 Olympia WA 98501	360-664-1570
Implementation:	Ken Fuller	605 11 <sup>th</sup> Ave SE Ste 201 Olympia WA 98501	360-968-4805
Enforcement:	Ken Fuller	605 11 <sup>th</sup> 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"/> <a href="#">RCW 34.05.310</a> (4)(b)<br>(Internal government operations) | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(e)<br>(Dictated by statute)                                                                                                        |
| <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(c)<br>(Incorporation by reference)     | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(f)<br>(Set or adjust fees)                                                                                                         |
| <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(d)<br>(Correct or clarify language)    | <input checked="" type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(g)<br>((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)(d) correct or clarify language: WAC 196-26A-040 and WAC 196-30-030.

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: WAC 196-26A-040 and WAC 196-30-030.

**(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:** December 16, 2022

**Name:** Ken Fuller

**Title:** Director

**Signature:**

