

Effective immediately.

SEC. 7. This act is necessary for the immediate support of the state government and its existing public institutions and shall take effect immediately.

Passed the House March 11, 1935.

Passed the Senate March 10, 1935.

Approved by the Governor March 22, 1935.

CHAPTER 167.

[H. B. 238.]

ENGINEERING AND LAND SURVEYING.

AN ACT relating to and regulating the practice of the profession of engineering and land surveying, defining the powers and duties of certain officers; providing penalties for violations thereof and making an appropriation.

Be it enacted by the Legislature of the State of Washington:

Definitions :

"Practice of the profession of engineering."

SECTION 1. The term "practice of the profession of engineering" whenever used in this act, shall mean assuming responsible charge of investigating, reporting on, designing and/or supervising the construction of equipment, structures, utilities and/or projects, when the proper performance of such services requires technical engineering knowledge and skill, and shall include civil, electrical, mechanical, structural and/or hydraulic engineering.

"Professional engineer."

The term "professional engineer" whenever used in this act, shall mean and include only a person who, through technical knowledge and skill, gained by education and/or by experience, is qualified to practice one or more of the above enumerated branches of the profession of engineering.

"Practice of land surveying."

The term "practice of land surveying" whenever used in this act, shall mean and include assuming responsible charge of the surveying of land for the establishment of corners, lines, boundaries and monuments, the laying out and subdivision of land, the

defining and locating of corners, lines, boundaries and monuments of land after they have been established, the survey of land areas for the purpose of determining the topography thereof, the making of topographical delineations and/or the preparing of maps and accurate records thereof, when the proper performance of such services requires technical knowledge and skill.

The term "professional land surveyor" whenever used in this act, shall mean only a person who, through technical knowledge and skill gained by education and/or by experience, is qualified to practice land surveying as above defined.

"Professional land surveyor."

The term "professional experience in engineering" whenever used in this act, shall mean experience had by a person, at least eighteen (18) years of age, which required original thought and responsibility and which began, as follows:

"Professional experience in engineering."

(a) In the field, when such person entered a position of responsibility equivalent to that of actual transitman.

In the field.

(b) In the shop, laboratory, office or drafting room, when such person entered a position of responsibility and began actual original designing.

In the shop, office, laboratory, etc.

The term "professional experience in land surveying" whenever used in this act, shall mean experience had by a person, at least eighteen (18) years of age, which required responsibility equivalent to that of an actual transitman and began when such person actually entered a position of such responsibility.

Actual transitman.

SEC. 2. From and after the first day of January, 1936, it shall be unlawful for any person to practice the profession of engineering or land surveying in this state, or to use in connection with his name, or otherwise assume, use or advertise, any title or description tending to convey the impression that he is a professional engineer or land surveyor, unless

Must be registered as professional engineer or land surveyor.

Incidental work.

Does not prevent.

U. S. employee.

State employee.

Residence.

such person has been duly registered as a professional engineer and/or land surveyor, and holds an unrevoked certificate of registration, under the provisions of this act: *Provided*, That this section shall not be construed as prohibiting any person duly registered under this act as a professional engineer in any branch of engineering, from supervising any engineering work of another branch of engineering, or from making any necessary surveys, incidental to the prosecution of his work as a professional engineer, on any project of which he has responsible charge: *And provided further*, That this section shall not prevent the practice of the profession of engineering and/or land surveying by the persons hereinafter enumerated solely to the extent hereinafter specified, without registration under the provisions of this act:

(a) A person practicing the profession of engineering and/or land surveying solely as an officer, appointee or employee of the United States.

(b) A person practicing the profession of engineering and/or land surveying solely as an officer, appointee, employee, or contractor of this state or any county, city or municipal corporation in this state, during the term of his office or the period of his employment pursuant to an election occurring, appointment made, or contract entered into prior to the taking effect of this act.

(c) A person practicing the profession of engineering and/or land surveying not to exceed in the aggregate more than sixty (60) days in any calendar year, who is not a resident of, and having no established place of business in this state and who is legally qualified to practice the profession of engineering and/or land surveying in the state, territory or country of his residence in which the standards of qualifications are substantially those provided for registration under this act, or such a person having

recently become a resident of this state and having been so qualified in the state, territory or country of his former residence, practicing the profession of engineering and/or land surveying after he shall have applied for registration under this act until such registration shall have been granted or refused as in this act provided.

(d) A person in the employ of an individual, co-partnership, corporation, or joint stock association who performs services, as a professional engineer or land surveyor, for his employer under the responsible charge of a professional engineer or land surveyor duly registered under the provisions of this act.

Individual
employment.

(e) A person duly registered and holding a certificate to practice architecture under the laws of this state, practicing engineering solely insofar as such laws permit him to do engineering work in connection with any building of which he is the architect.

Architecture.

But nothing in the foregoing proviso contained shall be construed to entitle any person therein specified to be considered a registrant under this act or to entitle such person to use in connection with his name, or otherwise assume, use or advertise, any title or description tending to convey the impression that such person is a professional engineer or land surveyor.

Advertising.

(f) A person rendering engineering services as an employee of a corporation when such services are undertaken in carrying on the general business of the corporation, and its general business does not consist either wholly or in part in rendering engineering services to the general public: *Provided*, That such corporation has at least one registered professional engineer.

Corporation
to have one
registered
professional
engineer.

(g) A member of the American Institute of Mining and Metallurgical Engineers.

Member of
institute.

Director of
licenses:
duties of.

SEC. 3. The director of licenses shall have the power and it shall be his duty, from time to time, to fix such times and places for holding examinations of applicants for registration under the provisions of this act, as may be necessary and convenient; to prepare and cause to be printed and to furnish to applicants, blank forms for applications for registration; to adopt and enforce general rules and regulations, not inconsistent with the provisions of this act, prescribing the method of conducting examinations and of approving, or rejecting, applications for registration, and to furnish all necessary postage, stationery, forms and clerical assistance required in the conduct of examinations or in the holding of hearings as in this act provided.

Applications
and exami-
nations.

Examining
committee.

SEC. 4. Within thirty (30) days after the taking effect of this act, and from time to time thereafter, the governor, upon the request of the director of licenses, shall appoint an examining committee of five (5) members who shall conduct examinations of applicants for registration under this act. Each member of such committee shall be a citizen of the United States and shall have been a resident of this state for at least five (5) years immediately preceding his appointment, and shall have been engaged in the practice of the profession of engineering and/or land surveying for at least seven (7) years, and not more than two (2) members of such committee shall have been engaged principally in the practice of the same branch of engineering, and not more than one (1) member of such committee shall have been engaged principally in the practice of land surveying.

Qualifica-
tions for
members.

Qualifica-
tions to reg-
ister as a pro-
fessional
engineer or
land
surveyor.

SEC. 5. No person shall be eligible to registration as a professional engineer and/or land surveyor, under this act, unless he,

(a) Is a resident of this state or of a state, territory, or foreign country in which the requirements for the practice of the profession of engineering

and/or land surveying are of a standard substantially equivalent to those of this act, and the state, territory, or country of his residence is authorized to grant equivalent reciprocal registration rights and privileges to registrants under this act; and,

Residence.

(b) Speaks, reads and writes the English language; and,

Knowledge of English language.

(c) Is of good character and repute; and,

Character.

(d) Has had at least seven (7) years of professional experience in engineer[ing] of a character satisfactory to the examining committee, or, with respect to land surveying, has had four (4) years of professional experience of a character satisfactory to the committee: *Provided*, That each year of study in an engineering school of a standard satisfactory to the committee shall be equivalent to one (1) year of professional experience in engineering, but the total number of years of such study which may be so credited shall not exceed four (4) years, and each two (2) years of study in such school shall be considered equivalent to one (1) year of professional experience in land surveying, but the total number of years of such study which may be so credited shall not exceed four (4) years: *And provided further*, That each year of teaching of engineering as a full time instructor in engineering in an engineering school or college of a standard satisfactory to the examining committee, shall be considered as equivalent to one (1) year of professional experience in engineering and/or land surveying, but the total number of years of such teaching which may be so credited shall not exceed five (5) years for professional engineering, and shall not exceed three (3) years for land surveying: *And provided, however*, That any person who has been an actual resident of this state for at least one (1) year prior to the taking effect of this act and who shall establish to the satisfaction of the examining committee, by the affi-

Experience.

Eligibility to register without examination.

Holding of an unexpired certificate of registration.

Eligibility to register.

davits of two (2) reputable citizens of this state, that he was engaged in the practice of professional engineering and/or of land surveying, as herein defined, in this state, on the date of, and for one (1) year immediately prior to, the taking effect of this act, shall be eligible to registration in his classification without examination, provided he make application for registration and pay the required fee prior to the first day of January, 1936: *And provided further*, That any person who shall prove to the satisfaction of the examining committee that he holds an unexpired certificate of registration, or its substantial equivalent, issued to him by the proper authority in any state or territory of the United States, or in any province of Canada, or in any other foreign country, in which state, territory, province or country the requirements for the practice of professional engineering and/or land surveying are substantially equivalent to the requirements for registration under the provisions of this act, provided the state, territory, province or country issuing said unexpired certificate is authorized by law to grant equivalent reciprocal registration rights and privileges to registrants under this act, may, on making application therefor and the payment of the required fee, and without examination, be issued a certificate of registration under this act, in the branch or branches of professional engineering and/or land surveying covered by his certificate issued by the authority of such state, territory, province or country: *And provided further*, That any person residing in the State of Washington and qualified to practice professional engineering and/or land surveying under this act at the time it takes effect shall be eligible to register under the terms of the act at any subsequent date on the same basis as if he had applied for registration at the time the act became effective: *Provided, however*, That any person not desiring to practice engi-

neering and/or land surveying at the time this act becomes effective shall be required to qualify under this act and pay a qualifying fee of five dollars (\$5). Fee.

SEC. 6. Any person desiring to register under the provisions of this act shall file with the state treasurer his application for registration upon a form to be furnished by the director of licenses, stating therein his name, age and place of residence and his qualifications for registration as provided in the preceding section, and the particular branch or branches of engineering and/or land surveying in which he desires to be registered, and accompanied by a certificate signed by two (2) or more reputable citizens of this state that he is of good moral character, and accompanied by a certified bank check or United States post office money order for the sum of fifteen dollars (\$15); and it shall be the duty of the state treasurer on the next business day after the receipt of any such application and fee, to transmit the application, accompanied by his duplicate receipt for the fee, to the department of licenses, and to deposit in the state treasury to the credit of the general fund the balance of moneys received as advanced fees for registration on hand at the close of the preceding business day, after making all corrections and refunding all overpayments and other sums authorized by law to be refunded. Upon the receipt of any such application for registration under the provisions of this act, accompanied by the treasurer's duplicate receipt for the advanced fee, it shall be the duty of the director of licenses to examine the application, and if it shall appear to the satisfaction of the director of licenses that the application is in proper form and the applicant is eligible for registration, as hereinabove provided, to notify the applicant of the day and place of the next ensuing examination applied for, otherwise he shall return the application to the applicant. Examination of application.

Application for registration: contents of.

Fee for.

Examining of applicant.

Notifying of applicant.

stating his grounds for refusing the application, and in case the applicant is unable to show that he is eligible for registration shall authorize the state treasurer to refund the advanced fee.

Refund of fee.

SEC. 7. At the time and place fixed by the director of licenses for holding examinations for registration, the director of licenses shall transmit to the examining committee the applications of those persons who appear to the satisfaction of the director to be eligible for registration, and the examining committee shall prepare the necessary lists of examination questions to be submitted to the respective applicants for registration, and conduct examinations of all such applicants, except those found entitled to registration without examination, which examinations may be either oral, or written, or partly oral and partly written, and shall make and file with the director of licenses, lists, signed by all the members of the committee conducting the examination, showing the names and addresses of all applicants entitled to registration without examination, and of all applicants who shall have successfully passed the examination, and the respective branch or branches of engineering and/or land surveying in which the applicants, respectively, are entitled to registration and showing separately the names and addresses of the applicants who have failed to pass the examination, together with all examination questions and the written answers thereto submitted by the applicants. Any applicant who shall have failed to pass the examination, may, after the expiration of six (6) months from the date of such failure, again apply for registration by examination. Each member of such committee shall receive ten dollars (\$10) per day for each day spent in conducting the examination, and in going to and returning from the place of examination, and his actual and necessary travel expenses incurred in

Submitting of application.

Preparation of examination questions.

Repeating of examination.

Compensation for committee.

the performance of his duty as a member of such examining committee.

SEC. 8. The director of licenses shall issue to each applicant reported by the examining committee as having furnished satisfactory proof of his qualifications to practice professional engineering and/or land surveying, or as having satisfactorily passed an examination, a certificate of registration in such form as may be determined by the director of licenses and clearly indicating that the recipient is registered as a professional engineer and/or land surveyor, and unless said certificate be revoked for cause as in this act provided, is entitled to practice the profession of engineering as a civil, electrical, mechanical, structural, and/or hydraulic engineer and/or land surveyor, or any number of these branches of engineering or land surveying in which he has been found qualified as hereinabove provided, until the first day of January next following the date of the issuance of such certificate, provided that all certificates issued prior to the first day of January, 1936, shall, unless sooner revoked, entitle the registrant to practice until the first day of January, 1937.

Issuance of certificate of registration: contents of.

SEC. 9. A co-partnership, or a corporation, or a joint stock association, may engage in the practice of professional engineering and/or land surveying in this state, provided, that such practice is carried on under the responsible charge of one (1) or more registered professional engineers and/or land surveyors, whose name or names, and seal or seals shall appear on all official plans and other official documents, issued in connection with such professional practice.

Partnerships or corporations.

Responsible charge.

SEC. 10. Every professional engineer or land surveyor registered under this act, who desires to continue the practice of his profession, shall annually, on or before the first day of January in each

year, file with the state treasurer his application for a renewal certificate of registration for the ensuing calendar year, accompanied by a certified bank check or a United States post office money order for the sum of three dollars (\$3); and it shall be the duty of the state treasurer on the next business day after the receipt of any such application for renewal, and fee, to transmit the application, accompanied by his duplicate receipt for the fee, to the department of licenses, and to deposit in the state treasury to the credit of the general fund the balance of moneys received as advanced fees for renewal certificates of registration on hand at the close of the preceding business day, after making all corrections and refunding all overpayments and other sums authorized by law to be refunded. It shall be the duty of the director of licenses, upon receipt of any application for renewal of certificate of registration, accompanied by the treasurer's duplicate receipt for the advanced fee, to issue to the applicant such renewal certificate, entitling the registrant to continue in the practice of his profession until the first day of January next following the date of issue of such renewal certificate. In case any professional engineer and/or land surveyor registered under this act shall fail to pay the renewal fee hereinabove provided for, within sixty (60) days from the date when the same shall become due, it shall be the duty of the director of licenses to revoke his certificate of registration: *Provided, however,* That a professional engineer and/or land surveyor who has previously registered under the act but who has been engaged in work not requiring a Washington certificate of registration under the terms of this act and/or has allowed his license to lapse due to non-payment of the renewal fee shall be reinstated provided he pays his current renewal fee plus an amount equal to one (1) year's fee.

Renewal of certificate of registration.

Fee for.

Time limit.

Reinstatement after lapse of license.

SEC. 11. A board, consisting of the director of licenses and two (2) persons registered under the provisions of this act, to be appointed by the governor, shall have the power to revoke the certificate of registration of any registrant who is found guilty of the practice of any fraud or deceit in obtaining a certificate of registration, and to revoke or suspend the certificate of registration of any registrant who is found guilty of any gross negligence, incompetency, or misconduct in the practice of professional engineering and/or land surveying.

Board to rule on conduct, etc.

Any person may prefer charges of fraud, deceit, negligence, incompetency or misconduct against any registrant. Such charges shall be in writing, and shall be sworn to by the person making them, and shall be filed with the director of licenses.

Preferring of charges.

All charges, unless dismissed by the director of licenses as unfounded or trivial, shall be heard and disposed of by the board within three months after the date on which they shall have been preferred.

Hearing on charges.

The time and place for hearing such charges shall be fixed by the director of licenses, and a copy of the charges, together with the notice of the time and place of hearing, shall be personally served on, or mailed to the last known address of, the registrant against whom the charges are made, and notice of the time and place of hearing shall be mailed to the person preferring the charges, at least thirty (30) days before the date fixed for the hearing. At any hearing, the accused shall have the right, personally and/or by counsel, to cross-examine witnesses appearing against him, and to produce evidence and witnesses in his defense.

Notice by director of licenses as to time, place, charges, etc. of hearing.

If, after such hearing, a majority of the board shall find the accused guilty of the practice of any fraud or deceit in obtaining his certificate of registration, the director of licenses shall revoke the certificate of registration of the registrant so found

Outcome of hearing, penalty.

guilty; and, if, after such hearing, a majority of the board shall find the accused guilty of any gross negligence, incompetency, or misconduct in the practice of his profession, the director of licenses shall revoke the certificate of registration of the registrant so found guilty, or suspend such certificate for such length of time as the board shall recommend.

Any registrant who shall feel himself aggrieved by any action of the board, or director of licenses, in revoking or suspending his certificate of registration as above provided, may appeal therefrom to the superior court of Thurston county, and after full hearing, said court shall make such decree, either sustaining the action of the board or director, or reinstating the certificate of registration of such registrant as it may deem just and proper.

Right of appeal.

Loss of certificate.

SEC. 12. If any certificate of registration be lost, destroyed, or mutilated, the director of licenses, subject to such general rules and regulations as he may prescribe, may upon the payment of the fee of one dollar (\$1) issue a duplicate certificate.

SEC. 13. The issuance of a certificate of registration by a director of licenses shall be evidence that the person named therein is entitled to all the rights and privileges of a registered professional engineer and/or land surveyor, in the branches specified in such certificate, while such certificate remains unrevoked, unsuspended or unexpired.

Rights and privileges.

Obtaining of a seal of design.

Each registrant under the provisions of this act, shall upon registration, obtain a seal of the design authorized by the director of licenses bearing the registrant's name and the legend "Registered Professional Engineer" and/or "Registered Land Surveyor."

Use of seal.

No plans, specifications, plates, or reports issued by a registrant under the provisions of this act, shall be official unless sealed with his seal.

It shall be unlawful for any person to seal any documents with the seal of a registrant under this act if or after the certificate of the registrant named therein has expired or has been revoked, or while such certificate is suspended.

SEC. 14. Any person required by this act to become a registered professional engineer or a registered land surveyor who shall after the first day of January, 1936:

Regarding
misde-
meanors.

(a) Practice professional engineering and/or land surveying as defined in this act, or advertise, or hold himself out as a professional engineer and/or land surveyor, without being so registered; or

(b) Present or attempt to use as his own the certificate of registration or seal of another; or

(c) Wilfully use or attempt to use a certificate of registration, or seal, after the certificate has been revoked or suspended, or has expired, shall be guilty of a misdemeanor.

Any person who shall give any false evidence to the director of licenses or to the examining committee, or to any member thereof, in obtaining a certificate of registration, shall be guilty of a misdemeanor.

SEC. 15. If any section, subdivision, sentence, or clause of this act shall be adjudged unconstitutional, such adjudication shall not affect the validity of the act as a whole, or of any section, subdivision, sentence or clause thereof not adjudged unconstitutional.

Partial
invalidity.

SEC. 16. This act shall be known and may be cited as the "Professional Engineers Registration Act."

Name
of act.

SEC. 17. For the purpose of carrying out the provisions of this act, there is hereby appropriated from the general fund in the state treasury, to the use of the director of licenses, for the biennium end-

Appropriation.

ing March 31, 1937, the sum of ten thousand dollars (\$10,000), or so much thereof as may be necessary, not, however, to exceed collections made under the provisions of this act. The director of licenses shall estimate the cost of auditing and supervising the collection and disbursements of the fund herein referred to; and such cost shall be deducted from the funds herein appropriated and shall be a first charge against the receipts thereof.

Estimate
of cost.

Passed the House March 13, 1935.

Passed the Senate March 12, 1935.

Approved by the Governor March 22, 1935.

CHAPTER 168.

[H. B. 529.]

HORTICULTURE.

AN ACT relating to horticulture, amending sections 1, 2, 11 and 20 of chapter 166 of the Laws of 1915 as subsequently amended.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. That section 1 of chapter 166 of the Laws of 1915, as amended by section 1 of chapter 141 of the Laws of 1921 and section 1 of chapter 311 of the Laws of 1927 (section 2939 of Remington's Compiled Statutes 1927 Supplement) be amended to read as follows:

Vetoed. { Section 1. That the term "director" whenever used in this act shall be held and construed to mean the director of agriculture of the State of Washington, and the term "assistant director" and "assistant" shall be held and construed to mean the assistant director of agriculture for the division of horticulture; the term "horticultural inspector" and the term "inspector" wherever used in this act