

CHAPTER 283.

[H. B. 42.]

REGISTRATION OF ENGINEERS AND LAND SURVEYORS.

AN ACT relating to and regulating the practice of engineering and land surveying; defining terms; providing for the registration of professional engineers and land surveyors; creating and providing for the State Board of Registration for Professional Engineers and Land Surveyors; defining the powers and duties of officials in the administration of the act and the engineering of public works; providing penalties; and repealing chapter 167, Laws of 1935 (secs. 8306-1 to 8306-16, inclusive, Rem. Rev. Stat.; secs. 536-1 to 536-31, inclusive, PPC).

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

SECTION 1. *General Provisions.* In order to safeguard life, health, and property, and to promote the public welfare, any person in either public or private capacity practicing or offering to practice engineering or land surveying, shall hereafter be required to submit evidence that he is qualified so to practice and shall be registered as hereinafter provided; and it shall be unlawful for any person to practice or to offer to practice in this state, engineering or land surveying, as defined in the provisions of this act, 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 a land surveyor, unless such a person has been duly registered under the provisions of this act.

Evidence of qualification and registration.

SEC. 2. *Definitions.* Engineer: The term "engineer" as used in this act shall mean a professional engineer as hereinafter defined.

Definitions, "Engineer."

Professional Engineer: The term "professional engineer" within the meaning and intent of this act, shall mean a person who, by reason of his special knowledge of the mathematical and physical sciences and the principles and methods of engineering an-

"Professional engineer."

alysis and design, acquired by professional education and practical experience, is qualified to practice engineering as hereinafter defined, as attested by his legal registration as a professional engineer.

"Engineer-in-Training."

Engineer-in-Training: The term "engineer-in-training" as used in this act shall mean a candidate for registration as a professional engineer who is a graduate in an approved engineering curriculum of four years or more from a school or college approved by the board as of satisfactory standing, or who has had four years or more of experience in engineering work of a character satisfactory to the board; and who, in addition, has successfully passed the examination in the fundamental engineering subjects prior to completion of the requisite years of experience in engineering work as provided in section 9 of this act, and who shall have received a certificate stating that he has successfully passed this portion of the professional examination.

"Engineering."

Engineering: The term "engineering" as used in this act shall mean the "practice of engineering" as hereinafter defined.

"Practice of Engineering."

Practice of Engineering: The term "practice of engineering" within the meaning and intent of this act shall mean any professional service or creative work requiring engineering education, training, and experience and the application of special knowledge of the mathematical, physical, and engineering sciences to such professional services or creative work as consultation, investigation, evaluation, planning, design and supervision of construction for the purpose of assuring compliance with specifications and design, in connection with any public or private utilities, structures, buildings, machines, equipment, processes, works, or projects.

Practice construed.

A person shall be construed to practice or offer to practice engineering, within the meaning and intent of this act, who practices any branch of the profession of engineering; or who, by verbal claim, sign,

advertisement, letterhead, card, or in any other way represents himself to be a professional engineer, or through the use of some other title implies that he is a professional engineer; or who holds himself out as able to perform, or who does perform, any engineering service or work or any other professional service designated by the practitioner or recognized by educational authorities as engineering.

The practice of engineering shall not include the work ordinarily performed by persons who operate or maintain machinery or equipment.

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

Practice of Land Surveying: The term "practice of land surveying" within the meaning and intent of this act, shall mean 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 the preparing of maps and accurate records thereof, when the proper performance of such services requires technical knowledge and skill. "Practice of land surveying."

Board: The term "Board" as used in this act shall mean the State Board of Registration for Professional Engineers and Land Surveyors, provided for by this act. "Board."

SEC. 3. *Board.* A State Board of Registration for Professional Engineers and Land Surveyors is hereby created which shall exercise all of the powers and perform all of the duties conferred upon it by this act. The Board shall consist of five registered Board created.

- Members. professional engineers, who shall be appointed by the Governor and shall have the qualifications as hereinafter required. The members of the first Board shall be appointed within thirty days after the effective date of this act, to serve for the following terms: one member for one year, one member for two years, one member for three years, one member for four years, one member for five years, from the date of their appointment, or until their successors are duly appointed and qualified. Every member of the Board shall receive a certificate of his appointment from the Governor and before beginning his term of office shall file with the Secretary of State his written oath or affirmation for the faithful discharge of his official duty. On the expiration of the term of any member, the Governor shall in the manner hereinbefore provided appoint for a term of five years a registered professional engineer having the qualifications as hereinafter required, to take the place of the member whose term on said Board is about to expire. Each member shall hold office until the expiration of the term for which such member is appointed or until a successor shall have been duly appointed and shall have qualified.
- Terms of first members.
- Oath.
- Terms of succeeding members.
- Qualifications. Each member of the Board shall be a citizen of the United States and shall have been a resident of this state for at least five years immediately preceding his appointment, and shall have been engaged in the practice of the profession of engineering for at least twelve years, and shall have been in responsible charge of important engineering work for at least five years. Responsible charge of engineering teaching may be construed as responsible charge of important engineering work.
- Compensation. Each member of the Board shall receive the sum of twenty-five dollars (\$25) per diem when actually attending to the work of the Board or any of its committees and for the time spent in necessary

travel; and, in addition thereto, shall be reimbursed for actual traveling, incidental, and clerical expenses necessarily incurred in carrying out the provisions of this act. Expenses.

The Governor may remove any member of the Board for misconduct, incompetency, or neglect of duty. Vacancies in the membership of the Board shall be filled for the unexpired term by appointment by the Governor as hereinabove provided. Removal or vacancies.

The Board shall hold a meeting within thirty days after its members are first appointed, and thereafter shall hold at least one regular meeting each year. Special meetings shall be held at such time as the by-laws of the Board may provide. The notice of all meetings shall be given in such manner as the by-laws may provide. The Board shall elect annually the following officers: A chairman, a vice-chairman, and a secretary. A quorum of the Board shall consist of not less than three members.

SEC. 4. *Administration.* The Board shall have the power to adopt and amend such by-laws and rules of procedure not inconsistent with the constitution and laws of this state, which may be necessary for the proper performance of its duties and the regulations of the proceedings before it. Vetoed

In carrying into effect the provisions of the act, the Board, under the hand of its chairman may subpoena witnesses and compel their attendance, and also may require the production of books, papers, documents, etc., in a case involving the revocation of registration or practicing or offering to practice without registration. Any member of the Board may administer oaths or affirmations to witnesses appearing before the Board. If any person shall refuse to obey any subpoena so issued, or shall refuse to testify or to produce any books, papers, or documents, the Board may present its petition to the Superior Court of the county in which such person

resides, setting forth the facts, and thereupon the court shall, in a proper case, issue its subpoena to such person, requiring his attendance before such court and there to testify or to produce such books, papers, or documents as may be deemed necessary or pertinent by the Board. Any person failing or refusing to obey the subpoena or order of said court may be proceeded against in the same manner as for refusal to obey any other subpoena or order of the court.

SEC. 5. Receipts and Disbursements. All sums received from any sources, under the provisions of this act shall be paid to the State Treasurer as ex-officio custodian thereof and by him, as such custodian placed in a special fund designated as the "Professional Engineer's Fund," and by him paid out upon vouchers duly and regularly issued therefor and approved by the Secretary of the Board. The said treasurer as ex-officio custodian of said fund shall keep an accurate record of payments into, or receipts of, said fund, and of all disbursements therefrom. Said fund shall be charged with its pro rata share of the cost of administering said fund to be determined by the State Treasurer.

Vetoed.

The Department of Licenses shall provide the necessary office space and clerical services and supplies for the administration of this act, and the expense of such services and supplies as determined by the Director of Licenses, shall be paid by voucher approved by the Secretary of the Board.

The Board may employ such other clerical or special assistants as may be necessary for the proper performance of its work, and may make expenditures from the fund for any purpose which, in the opinion of the Board, is reasonably necessary for the proper performance of its duties under this act.

SEC. 6. Records and Reports. The Board shall keep a record of its proceedings and a register of all

persons to whom a certificate of registration was granted, refused, or revoked and showing the date thereof.

The records of the Board shall be prima facie evidence of the proceedings of the Board set forth therein, and a transcript thereof duly certified by the Secretary of the Board, shall be admissible in evidence with the same force and effect as if the original were produced.

The Board shall submit to the Governor an annual report of its transactions of the preceding year, including a complete statement of the receipts and disbursements of the "Professional Engineer's Fund," attested by affidavits of its chairman and secretary. A roster, showing the names and places of business of all registered professional engineers and land surveyors shall also be included in the above mentioned annual report. Copies of this report shall be mailed to all professional engineers and land surveyors registered under this act, and furnished to the public upon request.

Vetoed.

SEC. 7. *Registration Requirements.* The following will be considered as minimum evidence satisfactory to the Board that the applicant is qualified for registration as a Professional Engineer, Engineer-in-Training, or Land Surveyor, respectively, to-wit:

Registration requirements.

As a Professional Engineer: A specific record of eight years or more of experience in engineering work of a character satisfactory to the Board and indicating that the applicant is competent to practice engineering; and successfully passing a written or oral examination, or both, in engineering as prescribed by the Board.

As a professional engineer.

Experience.

Examination.

Graduation in an approved engineering curriculum of four years or more from a school or college approved by the Board as of satisfactory standing shall be considered equivalent to four years of such required experience. The satisfactory completion

Education.

of each year of such an approved engineering course without graduation shall be considered as equivalent to a year of such required experience. Graduation in a curriculum other than engineering from a school or college approved by the Board shall be considered as equivalent to two years of such required experience: *Provided*, That no applicant shall receive credit for more than four years of experience because of undergraduate educational qualifications. The Board may, at its discretion, give credit as experience not in excess of one year, for satisfactory postgraduate study in engineering.

As an engineer-in-training.
Examination in two stages.

As an Engineer-in-Training: The Board shall permit an applicant for registration as a Professional Engineer, upon his request, to take the prescribed examination in two stages. The first stage of the examination may be taken upon submission of his application for certification as an Engineer-in-Training and payment of the application fee herein prescribed, at any time after the applicant has completed four years of the required engineering experience as defined above. The first stage of the examination shall test the applicant's knowledge of appropriate fundamentals of engineering subjects, including mathematics and the basic sciences.

First stage.

Experience.

At any time after the completion of the required eight years of engineering experience as defined above, the applicant may take the second stage of the examination, upon submission of application for registration and payment of the application fee herein prescribed. This stage of the examination shall test the applicant's ability, upon the basis of his greater experience, to apply his knowledge and experience in the field of his specific training and qualifications.

Second stage.

As a land surveyor.

As a Land Surveyor: A specific record of six years or more of experience in land surveying work of a character satisfactory to the Board and indicating that the applicant is competent to practice land surveying, and successfully passing a written or oral

Experience.

examination, or both, in surveying as prescribed by the Board.

Graduation from a school or college approved by the Board as of satisfactory standing, including the completion of an approved course in surveying, shall be considered equivalent to four years of such required experience. Education.

No person shall be eligible for registration as a Professional Engineer, Engineer-in-Training, or Land Surveyor, who is not of good character and reputation. Character and reputation.

Engineering teaching, of a character satisfactory to the Board, shall be considered as experience not in excess of two years for professional engineering and one year for land surveying. Teaching.

The mere execution, as a contractor, of work designed by a Professional Engineer, or the supervision of the construction of such work as a foreman or superintendent shall not be deemed to be practice of engineering. Certain work not deemed practice of engineering.

Any person having the necessary qualifications prescribed in this act to entitle him to registration shall be eligible for such registration although he may not be practicing his profession at the time of making his application. Not necessary to be practicing.

SEC. 8. *Application and Registration Fees.* Application for registration shall be on forms prescribed by the Board and furnished by the Director of Licenses, shall contain statements made under oath, showing the applicant's education and detail summary of his technical work and shall contain not less than five references, of whom three or more shall be engineers having personal knowledge of his engineering experience. Application and registration fees. Contents of application. References.

The registration fee for Professional Engineers shall be twenty-five dollars (\$25), fifteen dollars (\$15) of which shall accompany the application, the remaining ten dollars (\$10) to be paid upon issuance Fees.

of the certificate. The fee for Engineer-in-Training shall be ten dollars (\$10) which shall accompany the application and shall include the cost of examination and issuance of certificate. When registration as a Professional Engineer is completed by an Engineer-in-Training an additional fee of fifteen dollars (\$15) shall be paid before issuance of certificate as Professional Engineer.

The registration fee for Land Surveyors shall be fifteen dollars (\$15) which shall accompany the application and shall include the cost of examination and issuance of certificate. The registration fee for Professional Engineers also qualified as Land Surveyors shall be the same as for Professional Engineers.

Should the Board deny the issuance of a certificate of registration to any applicant, the initial fee deposited shall be retained as an application fee.

Examina-
tions.

SEC. 9. *Examinations.* When oral or written examinations are required, they shall be held at such time and place as the Board shall determine. If examinations are required on fundamental engineering subjects (such as ordinarily given in college curricula) the applicant shall be permitted to take this part of the professional examination prior to his completion of the requisite years of experience in engineering work, and satisfactory passage of this part of the professional examination by the applicant shall constitute a credit for a period of ten years. The Board shall issue to each applicant upon successfully passing the examination in fundamental engineering subjects a certificate stating that he has passed the examination in fundamental engineering subjects and that his name has been recorded as an Engineer-in-Training.

Certificate
of passing
examination.

Scope of
examination.
Procedure.

The scope of the examination and the methods of procedure shall be prescribed by the Board with special reference to the applicant's ability to design

and supervise engineering works so as to insure the safety of life, health and property. Examinations shall be given for the purpose of determining the qualifications of applicants for registration separately in engineering and in land surveying. A candidate failing an examination may apply for re-examination at the expiration of six months and will be re-examined without payment of additional fees. Subsequent examinations will be granted upon payment of a fee to be determined by the Board.

Re-examination.

SEC. 10. *Certificates and Seals.* The Director of Licenses shall issue a certificate of registration upon payment of a registration fee as provided for in this act, to any applicant who, in the opinion of the Board, has satisfactorily met all the requirements of this act. In case of a registered engineer, the certificate shall authorize the practice of "Professional Engineering" and specify the branch or branches in which specialized, and in case of a registered Land Surveyor, the certificate shall authorize the practice of "Land Surveying." In the case of a registered Professional Engineer also qualified as Land Surveyor but one certificate shall be issued.

Certificates and Seals.

In case of Engineer-in-Training, the certificate shall state that the applicant has successfully passed the examination in fundamental engineering subjects required by the Board and has been enrolled as an "Engineer-in-Training." All certificates of registration shall show the full name of the registrant, shall have a serial number, and shall be signed by the chairman and the secretary of the Board and by the Director of Licenses.

The issuance of a certificate of registration by the Director of Licenses shall be prima facie evidence that the person named therein is entitled to all the rights and privileges of a registered Professional Engineer or a registered Land Surveyor, while

Prima facie evidence.

the said certificate remains unrevoked and unexpired.

Seal to be obtained.

Each registrant hereunder shall upon registration obtain a seal of the design authorized by the Board, bearing the registrant's name and the legend "Registered Professional Engineer" or "Registered Land Surveyor." Plans, specifications, plats and reports prepared by the registrant shall be stamped with said seal when filed with public authorities, during the life of registrant's certificate, but it shall be unlawful for any one to stamp or seal any document with said seal after the certificate of registrant named thereon has expired or been revoked, unless said certificate shall have been renewed or reissued.

Seal to be used.

Unlawful act.

Expiration and renewals.

SEC. 11. *Expiration and Renewals.* Certificates of registration shall expire on the last day of the month of December following their issuance or renewal and shall become invalid on that date unless renewed. It shall be the duty of the Director of Licenses to notify every person registered under this act, of the date of the expiration of his certificate and the amount of the renewal fee that shall be required for its renewal for one year. Such notice shall be mailed at least thirty days before the end of December of each year. Renewal may be effected during the month of December by the payment of a fee of five dollars (\$5) for Professional Engineer, Professional Engineer and Land Surveyor, and three dollars (\$3) for Land Surveyor. In case any Professional Engineer and/or Land Surveyor registered under this act shall fail to pay the renewal fee hereinabove provided for, within thirty days from the date when the same shall become due, the renewal fee shall be the current fee plus an amount equal to one year's fee.

Fees for renewals.

Practitioners at time of act.

SEC. 12. *Practitioners at Time of Act.* Any person who has been an actual resident of this state prior to January 1, 1947, and who shall establish to the

satisfaction of the Board by affidavits of two professional engineers, registered under this act, that he was engaged in the practice of engineering other than civil, electrical, mechanical, structural and hydraulic engineering and/or land surveying as defined by chapter 167, Laws of 1935, one year immediately prior to the taking effect of this act, shall be eligible for registration without examination provided he makes application for registration and pays the registration fee of fifteen dollars (\$15) before January 1, 1948. After January 1, 1948, the Director of Licenses shall issue certificates of registration only as provided in section 8. All persons holding certificates of registration as Professional Engineers in civil, electrical, mechanical, structural and hydraulic engineering and/or land surveying under chapter 167, Laws of 1935, at the time this act becomes effective shall be automatically registered under this act, without issuance of an additional certificate.

Affidavit of practice.

Registration without examination.

Fee.

Persons holding certificates.

SEC. 13. *Interstate Registration.* The board may, upon application therefor, and the payment of a fee of fifteen dollars (\$15) issue a certificate as a Professional Engineer or Land Surveyor to any person who holds a certificate of qualification of registration issued to him by proper authority of any state or territory or possession of the United States or of any country, provided that the applicant's qualifications meet the requirements of the act, and the rules established by the board.

Interstate registration.

Fee.

SEC. 14. *Revocations.* The Board shall have the exclusive power to revoke the certificate of registration of any registrant who is found guilty of:

Revocations.

The practice of any fraud or deceit in obtaining a certificate of registration; or

Any gross negligence, incompetency, or misconduct in the practice of engineering or land surveying as a registered engineer or land surveyor.

Any person may prefer charges.

Any person may prefer charges of fraud, deceit, gross 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 secretary of the Board.

To be heard within three months.

All charges, unless dismissed by the Board as unfounded or trivial, shall be heard by the Board within three months after the date on which they have been preferred.

Time and place of hearing.

The time and place for said hearing shall be fixed by the Board and a copy of the charges, together with a notice of the time and place of hearing, shall be personally served on or mailed to the last known address of such registrant, at least thirty days before the date set for the hearing. At any hearing the accused registrant shall have the right to appear personally and by counsel, to cross-examine witnesses appearing against him, and to produce evidence and witnesses in his own defense.

Notice to be served or mailed.

Determination by three or more members of Board.

If, after such hearing, three or more members of the Board vote in favor of finding the accused guilty, the Board shall revoke the certificate of registration of such registered Professional Engineer or Land Surveyor.

Reissue of certificate.

The Board, for reasons it deems sufficient, may reissue a certificate of registration to any person whose certificate has been revoked, providing three or more members of the Board vote in favor of such issuance. A new certificate of registration to replace any certificate revoked, lost, destroyed, or mutilated may be issued by the Director of Licenses, subject to the rules of the Board, and a charge of one dollar (\$1) shall be made for such issuance.

Lost or destroyed certificates.

Fee.

Appeals to Superior Court.

Any person who shall feel aggrieved by any action of the Board in denying or revoking his certificate of registration may appeal therefrom to the Superior Court of the county in which such person resides, and after full hearing, said Court shall make

such decree sustaining or revoking the action of the Board as it may deem just and proper.

SEC. 15. *Violations and Penalties.* Any person who shall practice, or offer to practice, engineering or land surveying in this state without being registered in accordance with the provisions of the act, or any person presenting or attempting to use as his own the certificate of registration or the seal of another, or any person who shall give any false or forged evidence of any kind to the Board or to any member thereof in obtaining a certificate of registration, or any person who shall falsely impersonate any other registrant, or any person who shall attempt to use the expired or revoked certificate of registration, or any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor.

Violations
and
penalties.

It shall be the duty of all officers of the state or any political subdivision thereof, to enforce the provisions of this act. The Attorney General shall act as legal adviser of the Board, and render such legal assistance as may be necessary in carrying out the provisions of this act.

Attorney
General is
legal
adviser.

SEC. 16. *Saving Clause.* This act shall not be construed to prevent or affect:

Saving
clause.

The practice of any other legally recognized profession or trade; or

Persons and
practices ex-
cluded from
effect of act.

The practice of a person not a resident and having no established place of business in this state, practicing or offering to practice herein the profession of engineering or land surveying, when such practice does not exceed in the aggregate more than thirty days in any calendar year, provided such person is legally qualified by registration to practice the said profession in his own state or country in which the requirements and qualifications for obtaining a certificate of registration are not lower than those specified in this act; or

Temporary
practice by
non-resident.

Non-resident
or new resi-
dent with
registration
filed.

The practice of a person not a resident and having no established place of business in this state, or who has recently become a resident thereof, practicing or offering to practice herein for more than thirty days in any calendar year the profession of engineering or land surveying, if he shall have filed with the Board an application for a certificate of registration and shall have paid the fee required by this act, provided that such person is legally qualified by registration to practice engineering or land surveying in his own state or country in which the requirements and qualifications of obtaining a certificate of registration are not lower than those specified in this act. Such practice shall continue only for such time as the Board requires for the consideration of the application for registration; or

Qualification.

Employee of
registered
engineer or
one lawfully
practicing.

The work of an employee or a subordinate of a person holding a certificate of registration under this act, or an employee of a person practicing lawfully under provisions of this section; provided such work does not include final design or decisions and is done under the direct responsibility, checking and supervision of a person holding a certificate of registration under this act or a person practicing lawfully under the provisions of this section; or

Employee of
corporation.

The work of a person rendering engineering or land surveying services to a corporation, as an employee of such corporation, when such services are rendered in carrying on the general business of the corporation and such general business does not consist, either wholly or in part, of the rendering of engineering services to the general public: *Provided*, That such corporation employs at least one person holding a certificate of registration under this act or practicing lawfully under the provisions of this act.

Employees of
government.

The practice of officers or employees of the government of the United States while engaged within

the state in the practice of the profession of engineering or land surveying for said government; or

Non-resident Engineers employed for the purpose of making engineering examinations.

SEC. 17. *Severability Clause.* If any section of this act shall be declared unconstitutional or invalid, such adjudication shall not invalidate any other provision or provisions thereof. Severability clause.

SEC. 18. *Repealing Clause.* Chapter 167, Laws of 1935 (secs. 8306-1 to 8306-16, inclusive, Rem. Rev. Stat.; secs. 536-1 to 536-31, inclusive, PPC), and any and all laws or parts of laws in conflict with the provisions of this act are hereby repealed. Repealing clause.

SEC. 19. *Short Title.* This act shall be known and may be cited as the "Professional Engineers' Registration Act." Short title.

Passed the House March 9, 1947.

Passed the Senate March 9, 1947.

Approved by the Governor March 22, 1947, with the exception of the last unnumbered item of section 3, sections 4, 5, and 6, which are vetoed.

CHAPTER 284.

[H. B. 268.]

UNIVERSITY OF WASHINGTON—BOARD OF REGENTS.

AN ACT relating to the University of Washington and the old University grounds, defining the powers of the Board of Regents with respect thereto and repealing sections 7 and 8 of chapter 122 of the Laws of 1893.

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

SECTION 1. For the purposes of this act—(a) the word "Board" means the Board of Regents of the University of Washington; Definitions.
"Board."

(b) the word "leasehold" and the term "leasehold interest" mean the interest of the lessee in the University tract under the lease entered into on the "Leasehold" and the term "leasehold interest."