

The tax commission may, in its discretion, waive the payment of interest required to be assessed under the inheritance tax provisions of this title.

Passed the Senate March 11, 1959.

Passed the House March 12, 1959.

Approved by the Governor March 24, 1959.

CHAPTER 297.

[S. B. 127.]

ENGINEERING AND LAND SURVEYING.

AN ACT relating to the practice of engineering and land surveying; granting powers and immunities to the state board for registration of professional engineers and land surveyors; defining terms; providing for procedures; establishing the professional engineers' account of the general fund; providing exemptions and qualifications therefor; adding three new sections to chapter 283, Laws of 1947 and to chapter 18.43 RCW; and amending sections 10, 11, 13 and 16, chapter 283, Laws of 1947 and RCW 18.43.070, 18.43.080, 18.43.100 and 18.43.130.

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

New section.

SECTION 1. There is added to chapter 283, Laws of 1947 and to chapter 18.43 RCW a new section to read as follows:

Certain board duties enumerated—Investigative powers.

The board may adopt and amend bylaws establishing its organization and method of operation, including but not limited to meetings, maintenance of books and records, publication of reports, code of ethics, and rosters, and adoption and use of a seal. Three members of the board shall constitute a quorum for the conduct of any business of the

board. The board may employ such persons as are necessary to carry out its duties under this chapter. It may adopt rules and regulations reasonably necessary to administer the provisions of this chapter. It may conduct investigations concerning alleged violations of the provisions of this chapter. In making such investigations and in all proceedings under RCW 18.43.110, the chairman of the board or any member of the board acting in his place may administer oaths or affirmations to witnesses appearing before the board, subpoena witnesses and compel their attendance, and require the production of books, records, papers and documents. If any person shall refuse to obey any subpoena so issued, or shall refuse to testify or produce any books, records, papers or documents so required to be produced, 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 any proper case, enter a suitable order compelling compliance with the provisions of this chapter and imposing such other terms and conditions as the court may deem equitable.

SEC. 2. There is added to chapter 283, Laws of 1947 and to chapter 18.43 RCW a new section to read as follows:

As used in this chapter "misconduct in the practice of engineering" shall include but not be limited to the following:

"Misconduct in the practice of engineering" includes.

(1) Offering to pay, paying or accepting, either directly or indirectly, any substantial gift, bribe, or other consideration to influence the award of professional work;

(2) Being wilfully untruthful or deceptive in any professional report, statement or testimony;

(3) Attempting to injure falsely or maliciously, directly or indirectly, the professional reputation, prospects or business of anyone;

(4) Failure to state separately or to charge separately for professional engineering services or land surveying where other services or work are also being performed in connection with the engineering services;

(5) Conviction in any court of any offense involving moral turpitude;

(6) Violation of any provisions of this chapter;

(7) Committing any other act, or failing to act, which act or failure are customarily regarded as being contrary to the accepted professional conduct generally expected of those practicing professional engineering or land surveying.

New section.

SEC. 3. There is added to chapter 283, Laws of 1947 and to chapter 18.43 RCW a new section to read as follows:

Injunctive relief authorized.

The board is authorized to apply for relief by injunction without bond, to restrain a person from the commission of any act which is prohibited by this chapter. In such proceedings, it shall not be necessary to allege or prove either that an adequate remedy at law does not exist, or that substantial or irreparable damage would result from the continued violation thereof. The members of the board shall not be personally liable for their action in any such proceeding or in any other proceeding instituted by the board under the provisions of this chapter. The board in any proper case shall cause prosecution to be instituted in any county or counties where any violation of this chapter occurs, and shall aid in the prosecution of the violator.

RCW 18.43.070 amended.

SEC. 4. Section 10, chapter 283, Laws of 1947 and RCW 18.43.070 are each amended to read as follows:

Certificates and seals.

The director of licenses shall issue a certificate of registration upon payment of a registration fee as provided for in this chapter, to any applicant who, in the opinion of the board, has satisfactorily

met all the requirements of this chapter. 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 the said certificate remains unrevoked and unexpired.

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 signed, dated, and stamped with said seal or facsimile thereof. Such signature and stamping shall constitute a certification by the registrant that the same was prepared by or under his direct supervision and that to his knowledge and belief the same was prepared in accordance with the requirements of the statute. It shall be unlawful for anyone to stamp or seal any document with said seal or facsimile

thereof after the certificate of registrant named thereon has expired or been revoked, unless said certificate shall have been renewed or reissued.

RCW 18.43.080
amended.

SEC. 5. Section 11, chapter 283, Laws of 1947 and RCW 18.43.080 are each amended to read as follows:

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 chapter, 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 seven dollars and fifty cents for professional engineer, professional engineer and land surveyor, and seven dollars and fifty cents for land surveyor. In case any professional engineer and/or land surveyor registered under this chapter 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.

All fees provided by RCW 18.43.050 shall be paid into the state general fund. Also the first five dollars of each payment for renewal of a professional engineer certificate and of a professional engineer and land surveyor certificate and the first three dollars of each payment for renewal of a land surveyor's certificate paid under the provisions of RCW 18.43.080 as amended shall be paid into the state general fund, and all sums in excess of these amounts shall be paid into the professional engineers' account of the general fund, which account is hereby established, to be used to carry out

the purposes and provisions of sections 1 and 3 of this amendatory act and RCW 18.43.110.

SEC. 6. Section 13, chapter 283, Laws of 1947 and RCW 18.43.100 are each amended to read as follows:

RCW 18.43.100 amended.

The board may, upon application therefor, and the payment of a fee of fifteen dollars issue a certificate without further examination as a professional engineer or land surveyor to any person who holds a certificate of qualification of registration issued to him following examination by proper authority, of any state or territory or possession of the United States, the District of Columbia, or of any foreign country, provided: (1) That the applicant's qualifications meet the requirements of the chapter, and the rules established by the board, (2) that the applicant is in good standing with the licensing agency in said state, territory, possession, district, or foreign country; and (3) that the said state, territory, possession, district or foreign country gives like consideration on a reciprocal basis to those persons who have been registered by examination in this state.

Interstate registration.

SEC. 7. Section 16, chapter 283, Laws of 1947 and RCW 18.43.130 are each amended to read as follows:

RCW 18.43.130 amended.

This chapter shall not be construed to prevent or affect:

Excepted services.

(1) The practice of any other legally recognized profession or trade; or

(2) 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

Excepted
services.

in which the requirements and qualifications for obtaining a certificate of registration are not lower than those specified in this chapter; or

(3) 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 chapter: *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 chapter. Such practice shall continue only for such time as the board requires for the consideration of the application for registration; or

(4) The work of an employee or a subordinate of a person holding a certificate of registration under this chapter, 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 chapter or a person practicing lawfully under the provisions of this section; or

(5) 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 chapter or practicing lawfully under the provisions of this chapter; or

Excepted services.

(6) 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

(7) Nonresident engineers employed for the purpose of making engineering examinations; or

(8) The practice of engineering in this state by a corporation or joint stock association: *Provided*, That the provisions of this subsection (8) of this section shall expire on December 31, 1961 and no certificate of authorization or renewal thereof shall be valid thereafter: *Provided further*, That

(a) Such corporation shall file with the board a certified copy of a resolution of the board of directors of the corporation which shall designate a person holding a certificate of registration under this chapter as responsible for the practice of engineering by said corporation in this state and shall provide that full authority to make all final engineering decisions on behalf of said corporation with respect to work performed by the corporation in this state shall be granted and delegated by the board of directors to the person so designated in said resolution;

(b) Such corporation shall file with the board a designation in writing setting forth the name or names of a person or persons holding certificates of registration under this chapter who shall be in responsible charge of each project and each major branch of the engineering activities in which the corporation shall specialize in this state. In the event there shall be a change in the person or persons in responsible charge of any project or major branch of the engineering activities, such changes shall be

Excepted
services.

designated in writing and filed with the board within thirty days after the effective date of such changes;

(c) Upon the filing with the board of the certified copy of resolution, affidavit and designation of persons specified in subparagraph (a) and (b) of this section, there shall be issued to the corporation a certificate of authorization to practice engineering in this state. The certificate of authorization shall specify the major branches of engineering of which the corporation has designated a person or persons in responsible charge as provided in subsection (8) (b) of this section.

In the event of a violation of any of the provisions of this chapter by the corporation or by any employee acting at its direction the certificate of authorization shall be subject to suspension or revocation in the same manner as certificates of registration issued under this chapter. The suspension or revocation of any certificate of authorization issued to a corporation shall not preclude the board from suspending or revoking the certificate of registration of any person employed by such corporation and holding a certificate of registration under this chapter.

(d) All plans, specifications, designs and reports when issued in connection with work performed by a corporation under its certificate of authorization shall be prepared by or under the responsible charge of and shall be signed by and shall be stamped with the official seal of a person holding a certificate of registration under this chapter.

(e) For each certificate of authorization issued under the provisions of this subsection (8) of this section there shall be paid an initial fee of five hundred dollars and an annual renewal fee of one hundred dollars, which sums shall be paid into the professional engineers' account of the general fund.

(9) The practice of engineering and/or land

surveying in this state by partnership: *Provided, That*

(a) A majority of the members of the partnership are engineers or architects or land surveyors duly certificated by the state of Washington or by a state, territory, possession, district or foreign country meeting the reciprocal provisions of RCW 18.43.100: *Provided, That* at least one of the members is a professional engineer or land surveyor holding a certificate issued by the director of licenses under the provisions of RCW 18.43.070; and

(b) Except where all members of the partnership are professional engineers or land surveyors holding certificates of qualification therefor issued under the laws of the state of Washington, the partnership shall file with the board an instrument executed by a partner on behalf of the partnership designating the persons responsible for the practice of engineering by the partnership in this state and in all other respects such person so designated and such partnership shall meet the same qualifications and shall be subject to the same requirements and the same penalties as those pertaining to corporations and to the responsible persons designated by corporations as provided in subsection (8) of this section.

For each certificate of authorization issued under the provisions of this subsection (9) of this section there shall be paid an initial fee of two hundred and fifty dollars and an annual renewal fee of fifty dollars, which sum shall be paid into the professional engineers' account of the general fund.

SEC. 8. If any section of this act or part thereof shall be declared unconstitutional or invalid, such adjudication shall not invalidate any other provision or provisions thereof. Severability.

Passed the Senate March 12, 1959.

Passed the House March 12, 1959.

Statement
by Governor.

NOTE: Statement by Governor as to why he allowed Senate Bill 127 to become law without his approval reads as follows:

“My inclination is to oppose any move on the part of the legislature to permit a profession to be practiced by a corporate organization.

“Senate Bill 127 is a comprehensive statute relating to the practice of engineering and land surveying. Section 1 authorizes the State Board of Registration for Professional Engineers and Land Surveyors to establish a code of ethics for the engineering and surveying professions. Section 2 defines numerous categories of illegal engineering practices. Section 3 authorizes the State Board to apply for injunctions against unethical practices. Section 4 contains numerous housekeeping amendments. Section 5 and 6 increase fees for annual professional licenses and certificates for engineers and surveyors. Section 7, subsection (8) and (9) allow the practice of engineering by a corporate and by a partnership, all the members of which need not be duly certificated engineers, architects or land surveyors. The provisions allowing the corporate practice of engineering automatically expires on December 31, 1961.

“I have received numerous telegrams and letters from responsible organizations and individuals who either favor this bill or who are opposed to it. I have granted the opponents of this bill a hearing.

“On the other hand, I am aware that the construction of certain large scale engineering projects such as atomic reactors can be accomplished only through organizations who practice engineering in corporate form. It is known to me that as a matter of fact during the past several years, corporate engineering firms have in fact operated in the state.

“The bill passed unanimously in the Senate. In the House it passed by a majority of 23 votes.

“The provisions of this act expire automatically by December, 1961. I have full confidence that the State Board of Registration for Professional Engineers and Land Surveyors through the powers granted to it in this bill will closely supervise the practices of corporations engaging in engineering. Therefore, I am reluctantly allowing this bill to become law without my signature.”

ALBERT D. ROSELLINI,
Governor.