

Chapter 18.43 RCW

ENGINEERS AND LAND SURVEYORS

Sections

18.43.010	General provisions.
18.43.020	Definitions.
18.43.030	Board of registration—Members—Terms—Qualifications— Compensation and travel expenses.
18.43.033	Pro tem board members—Limits—Duties.
18.43.035	Bylaws—Employees—Rules—Periodic reports and roster.
18.43.040	Registration requirements.
18.43.050	Application—Registration fees.
18.43.060	Examinations.
18.43.070	Certificates and seals.
18.43.075	Retired status certificate.
18.43.080	Expiration and renewals of certificates—Fees—Continuing professional development.
18.43.100	Registration of out-of-state applicants.
18.43.105	Disciplinary action—Prohibited conduct, acts, conditions.
18.43.110	Discipline of registrant—Board's power—Unprofessional conduct—Reissuance of certificate of registration.
18.43.120	Violations and penalties.
18.43.130	Excepted services—Fees.
18.43.150	Disposition of fees.
18.43.160	Certificate of registration or license suspension—Nonpayment or default on educational loan or scholarship.
18.43.170	Registration suspension—Noncompliance with support order—Reissuance.
18.43.180	Uniform regulation of business and professions act.
18.43.900	Short title.
18.43.910	Severability—1947 c 283.
18.43.920	Severability—1959 c 297.
18.43.930	Severability—1961 c 142.

Actions or claims for engineering and surveying services, limitations upon:
RCW 4.16.300 through 4.16.320.

*Noncompliance with surveys and monuments recording law—Grounds for
revocation: RCW 58.09.140.*

Public contracts for engineering services: Chapter 39.80 RCW.

Surveys and monuments recording law: Chapter 58.09 RCW.

18.43.010 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 chapter, 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 chapter. [1947 c 283 § 1; Rem. Supp. 1947 § 8306-21. Prior: 1935 c 167 § 2; RRS § 8306-2.]

False advertising: Chapter 9.04 RCW.

18.43.020 Definitions. (Effective until July 1, 2008.)

(1) Engineer: The term "engineer" as used in this chapter shall mean a professional engineer as hereinafter defined.

(2) Professional engineer: The term "professional engineer" within the meaning and intent of this chapter, shall mean a person who, by reason of his or her special knowledge of the mathematical and physical sciences and the principles

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

(3) Engineer-in-training: The term "engineer-in-training" as used in this chapter means a candidate who has: (a) Satisfied the experience requirements in RCW 18.43.040 for registration; (b) successfully passed the examination in the fundamental engineering subjects; and (c) is enrolled by the board as an engineer-in-training.

(4) Engineering: The term "engineering" as used in this chapter shall mean the "practice of engineering" as hereinafter defined.

(5) Practice of engineering: The term "practice of engineering" within the meaning and intent of this chapter 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.

A person shall be construed to practice or offer to practice engineering, within the meaning and intent of this chapter, 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 or herself to be a professional engineer, or through the use of some other title implies that he or she is a professional engineer; or who holds himself or herself 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.

(6) Land surveyor: The term "land surveyor" as used in this chapter shall mean a professional land surveyor.

(7) Professional land surveyor: The term "professional land surveyor" as used in this chapter means a person who, by reason of his or her special knowledge of the mathematical and physical sciences and principles and practices of land surveying, which is acquired by professional education and practical experience, is qualified to practice land surveying and as attested to by his or her legal registration as a professional land surveyor.

(8) Land-surveyor-in-training: The term "land-surveyor-in-training" as used in this chapter means a candidate who: (a) Has satisfied the experience requirements in RCW 18.43.040 for registration; (b) successfully passes the exami-

nation in the fundamental land surveying subjects; and (c) is enrolled by the board as a land-surveyor-in-training.

(9) Practice of land surveying: The term "practice of land surveying" within the meaning and intent of this chapter, 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.

(10) Board: The term "board" as used in this chapter shall mean the state board of registration for professional engineers and land surveyors, provided for by this chapter. [1995 c 356 § 1; 1991 c 19 § 1; 1947 c 283 § 2; Rem. Supp. 1947 § 8306-22. Prior: 1935 c 167 § 1; RRS § 8306-1.]

Effective date—1995 c 356: "This act shall take effect July 1, 1996." [1995 c 356 § 6.]

18.43.020 Definitions. (Effective July 1, 2008.) The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Engineer" means a professional engineer as defined in this section.

(2) "Professional engineer" means a person who, by reason of his or her special knowledge of the mathematical and physical sciences and the principles and methods of engineering analysis and design, acquired by professional education and practical experience, is qualified to practice engineering as defined in this section, as attested by his or her legal registration as a professional engineer.

(3) "Engineer-in-training" means a candidate who: (a) Has satisfied the experience requirements in RCW 18.43.040 for registration; (b) has successfully passed the examination in the fundamental engineering subjects; and (c) is enrolled by the board as an engineer-in-training.

(4) "Engineering" means the "practice of engineering" as defined in this section.

(5)(a) "Practice of engineering" means 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.

(b) A person shall be construed to practice or offer to practice engineering, within the meaning and intent of this chapter, 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 or herself to be a professional engineer, or through the use of some other title implies that he or she is a professional engineer; or who holds himself or herself 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.

(c) The practice of engineering does not include the work ordinarily performed by persons who operate or maintain machinery or equipment.

(6) "Land surveyor" means a professional land surveyor.

(7) "Professional land surveyor" means a person who, by reason of his or her special knowledge of the mathematical and physical sciences and principles and practices of land surveying, which is acquired by professional education and practical experience, is qualified to practice land surveying and as attested to by his or her legal registration as a professional land surveyor.

(8) "Land-surveyor-in-training" means a candidate who: (a) Has satisfied the experience requirements in RCW 18.43.040 for registration; (b) successfully passes the examination in the fundamental land surveying subjects; and (c) is enrolled by the board as a land-surveyor-in-training.

(9) "Practice of land surveying" means 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.

(10) "Board" means the state board of registration for professional engineers and land surveyors, provided for by this chapter.

(11) "Significant structures" include:

(a) Hazardous facilities, defined as: Structures housing, supporting, or containing sufficient quantities of explosive substances to be of danger to the safety of the public if released;

(b) Essential facilities that have a ground area of more than five thousand square feet and are more than twenty feet in mean roof height above average ground level. Essential facilities are defined as:

(i) Hospitals and other medical facilities having surgery and emergency treatment areas;

(ii) Fire and police stations;

(iii) Tanks or other structures containing, housing, or supporting water or fire suppression material or equipment required for the protection of essential or hazardous facilities or special occupancy structures;

(iv) Emergency vehicle shelters and garages;

(v) Structures and equipment in emergency preparedness centers;

(vi) Standby power-generating equipment for essential facilities;

(vii) Structures and equipment in government communication centers and other facilities requiring emergency response;

(viii) Aviation control towers, air traffic control centers, and emergency aircraft hangars; and

(ix) Buildings and other structures having critical national defense functions;

(c) Structures exceeding one hundred feet in height above average ground level;

(d) Buildings that are customarily occupied by human beings and are five stories or more above average ground level;

(e) Bridges having a total span of more than two hundred feet and piers having a surface area greater than ten thousand square feet; and

(f) Buildings and other structures where more than three hundred people congregate in one area. [2007 c 193 § 2; 1995 c 356 § 1; 1991 c 19 § 1; 1947 c 283 § 2; Rem. Supp. 1947 § 8306-22. Prior: 1935 c 167 § 1; RRS § 8306-1.]

Effective date—2007 c 193: See note following RCW 18.43.040.

Effective date—1995 c 356: "This act shall take effect July 1, 1996." [1995 c 356 § 6.]

18.43.030 Board of registration—Members—Terms—Qualifications—Compensation and travel expenses. 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 chapter. After July 9, 1986, the board shall consist of seven members, who shall be appointed by the governor and shall have the qualifications as hereinafter required. The terms of board members in office on June 11, 1986, shall not be affected. The first additional member shall be appointed for a four-year term and the second additional member shall be appointed for a three-year term. On the expiration of the term of any member, the governor shall appoint a successor for a term of five years to take the place of the member whose term on said board is about to expire. However, no member shall serve more than two consecutive terms on the board. 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.

Five members of the board shall be registered professional engineers licensed under the provisions of this chapter. Two members shall be registered professional land surveyors licensed under this chapter. Each of the members of the board shall have been actively engaged in the practice of engineering or land surveying for at least ten years subsequent to registration, five of which shall have been immediately prior to their appointment to the board.

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.

Each member of the board shall be compensated in accordance with RCW 43.03.240 and, in addition thereto, shall be reimbursed for travel expenses incurred in carrying out the provisions of this chapter in accordance with RCW 43.03.050 and 43.03.060.

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. [1986 c 102 § 1; 1984 c 287 § 35; 1975-'76 2nd ex.s. c 34 § 37; 1947 c 283 § 3; Rem. Supp. 1947 § 8306-23.]

Legislative findings—Severability—Effective date—1984 c 287: See notes following RCW 43.03.220.

Effective date—Severability—1975-'76 2nd ex.s. c 34: See notes following RCW 2.08.115.

18.43.033 Pro tem board members—Limits—Duties.

Upon request of the board, and with approval of the director, the board chair shall appoint up to two individuals to serve as pro tem members of the board. The appointments are limited, as defined by the board chair, for the purpose of participating as a temporary member of the board on any combination of one or more committees or formal disciplinary hearing panels. An appointed individual must meet the same qualifications as a regular member of the board. While serving as a board member pro tem, an appointed person has all the powers, duties, and immunities of a regular member of the board and is entitled to the same compensation, including travel expenses, in accordance with RCW 18.43.030. A pro tem appointment may not last for more than one hundred eighty days unless approved by the director. [1997 c 247 § 1.]

18.43.035 Bylaws—Employees—Rules—Periodic reports and roster. 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. Four 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 reasonably necessary to administer the provisions of this chapter. The board shall submit to the governor such periodic reports as may be required. A roster, showing the names and places of business of all registered professional engineers and land surveyors may be published for distribution, upon request, to professional engineers and land surveyors registered under this chapter and to the public. [2002 c 86 § 224; 1997 c 247 § 2; 1986 c 102 § 2; 1977 c 75 § 10; 1961 c 142 § 1; 1959 c 297 § 1.]

Effective dates—2002 c 86: See note following RCW 18.08.340.

Part headings not law—Severability—2002 c 86: See RCW 18.235.902 and 18.235.903.

18.43.040 Registration requirements. (Effective until July 1, 2008.) 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, professional land surveyor, or land-surveyor-in-training, respectively:

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.

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 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.

Structural engineering is recognized as a specialized branch of professional engineering. To receive a certificate of registration in structural engineering, an applicant must hold a current registration in this state in engineering and have at least two years of structural engineering experience, of a character satisfactory to the board, in addition to the eight years' experience required for registration as a professional engineer. An applicant for registration as a structural engineer must also pass an additional examination as prescribed by the board. Applicants for a certificate of registration in structural engineering who have had their application approved by the board prior to July 1, 2001, are not required to have an additional two years of structural engineering experience if the applicant passes the additional structural examination before January 30, 2002.

As an engineer-in-training: An applicant for registration as a professional engineer shall take the prescribed examination in two stages. The first stage of the examination may be taken upon submission of his or her application for registration as an engineer-in-training and payment of the application fee prescribed in RCW 18.43.050 at any time after the applicant has completed four years of the required engineering experience, as defined in this section, or has achieved senior standing in a school or college approved by the board. The first stage of the examination shall test the applicant's knowledge of appropriate fundamentals of engineering subjects, including mathematics and the basic sciences.

At any time after the completion of the required eight years of engineering experience, as defined in this section, the applicant may take the second stage of the examination upon submission of an application for registration and payment of the application fee prescribed in RCW 18.43.050. This stage of the examination shall test the applicant's ability, upon the basis of his or her greater experience, to apply his or her knowledge and experience in the field of his or her specific training and qualifications.

As a professional land surveyor: A specific record of eight 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 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 the required experience. Postgraduate college courses approved by the board shall be considered for up to one additional year of the required experience.

As a land-surveyor-in-training: An applicant for registration as a professional land surveyor shall take the prescribed examination in two stages. The first stage of the examination may be taken upon submission of his or her application for registration as a land-surveyor-in-training and payment of the application fee prescribed in RCW 18.43.050 at any time after the applicant has completed four years of the required land surveying experience, as defined in this section, or has achieved senior standing in a school or college

approved by the board. The first stage of the examination shall test the applicant's knowledge of appropriate fundamentals of land surveying subjects, including mathematics and the basic sciences.

At any time after the completion of the required eight years of land surveying experience, as defined in this section, the applicant may take the second stage of the examination upon submission of an application for registration and payment of the application fee prescribed in RCW 18.43.050. This stage of the examination shall test the applicant's ability, upon the basis of greater experience, to apply knowledge and experience in the field of land surveying.

The first stage shall be successfully completed before the second stage may be attempted. Applicants who have been approved by the board to take the examination based on the requirement for six years of experience under this section before July 1, 1996, are eligible to sit for the examination.

No person shall be eligible for registration as a professional engineer, engineer-in-training, professional land surveyor, or land-surveyor-in-training, who is not of good character and reputation.

Teaching, of a character satisfactory to the board shall be considered as experience not in excess of two years for the appropriate profession.

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.

Any person having the necessary qualifications prescribed in this chapter to entitle him or her to registration shall be eligible for such registration although the person may not be practicing his or her profession at the time of making his or her application. [2000 c 172 § 1; 1995 c 356 § 2; 1991 c 19 § 2; 1947 c 283 § 7; Rem. Supp. 1947 § 8306-24. Prior: 1935 c 167 § 2; RRS § 8306-2.]

Effective date—1995 c 356: See note following RCW 18.43.020.

18.43.040 Registration requirements. (Effective July 1, 2008.) (1) 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, professional land surveyor, or land-surveyor-in-training, respectively:

(a)(i) 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.

(ii) 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 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. However, no applicant shall receive credit for more than four years of experi-

ence 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.

(iii) Structural engineering is recognized as a specialized branch of professional engineering. To receive a certificate of registration in structural engineering, an applicant must hold a current registration in this state in engineering and have at least two years of structural engineering experience, of a character satisfactory to the board, in addition to the eight years' experience required for registration as a professional engineer. An applicant for registration as a structural engineer must also pass an additional examination as prescribed by the board.

(iv) An engineer must be registered as a structural engineer in order to provide structural engineering services for significant structures. The board may waive the requirements of this subsection (1)(a)(iv) until December 31, 2010, if:

(A) On January 1, 2007, the engineer is registered with the board as a professional engineer; and

(B) Within two years of January 1, 2007, the engineer demonstrates to the satisfaction of the board that the engineer has sufficient experience in the duties typically provided by a professional structural engineer regarding significant structures.

(b)(i) As an engineer-in-training: An applicant for registration as a professional engineer shall take the prescribed examination in two stages. The first stage of the examination may be taken upon submission of his or her application for registration as an engineer-in-training and payment of the application fee prescribed in RCW 18.43.050 at any time after the applicant has completed four years of the required engineering experience, as defined in this section, or has achieved senior standing in a school or college approved by the board. The first stage of the examination shall test the applicant's knowledge of appropriate fundamentals of engineering subjects, including mathematics and the basic sciences.

(ii) At any time after the completion of the required eight years of engineering experience, as defined in this section, the applicant may take the second stage of the examination upon submission of an application for registration and payment of the application fee prescribed in RCW 18.43.050. This stage of the examination shall test the applicant's ability, upon the basis of his or her greater experience, to apply his or her knowledge and experience in the field of his or her specific training and qualifications.

(c)(i) As a professional land surveyor: A specific record of eight 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 examination, or both, in surveying as prescribed by the board.

(ii) 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 the required experience. Postgraduate college courses approved by the board shall be considered for up to one additional year of the required experience.

(d)(i) As a land-surveyor-in-training: An applicant for registration as a professional land surveyor shall take the pre-

scribed examination in two stages. The first stage of the examination may be taken upon submission of his or her application for registration as a land-surveyor-in-training and payment of the application fee prescribed in RCW 18.43.050 at any time after the applicant has completed four years of the required land surveying experience, as defined in this section, or has achieved senior standing in a school or college approved by the board. The first stage of the examination shall test the applicant's knowledge of appropriate fundamentals of land surveying subjects, including mathematics and the basic sciences.

(ii) At any time after the completion of the required eight years of land surveying experience, as defined in this section, the applicant may take the second stage of the examination upon submission of an application for registration and payment of the application fee prescribed in RCW 18.43.050. This stage of the examination shall test the applicant's ability, upon the basis of greater experience, to apply knowledge and experience in the field of land surveying.

(iii) The first stage shall be successfully completed before the second stage may be attempted. Applicants who have been approved by the board to take the examination based on the requirement for six years of experience under this section before July 1, 1996, are eligible to sit for the examination.

(2) No person shall be eligible for registration as a professional engineer, engineer-in-training, professional land surveyor, or land-surveyor-in-training, who is not of good character and reputation.

(3) Teaching, of a character satisfactory to the board shall be considered as experience not in excess of two years for the appropriate profession.

(4) 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.

(5) Any person having the necessary qualifications prescribed in this chapter to entitle him or her to registration shall be eligible for such registration although the person may not be practicing his or her profession at the time of making his or her application. [2007 c 193 § 1; 2000 c 172 § 1; 1995 c 356 § 2; 1991 c 19 § 2; 1947 c 283 § 7; Rem. Supp. 1947 § 8306-24. Prior: 1935 c 167 § 2; RRS § 8306-2.]

Effective date—2007 c 193: "This act takes effect July 1, 2008." [2007 c 193 § 3.]

Effective date—1995 c 356: See note following RCW 18.43.020.

18.43.050 Application—Registration fees. Application for registration shall be on forms prescribed by the board and furnished by the director, shall contain statements made under oath, showing the applicant's education and detail summary of his or her technical work and shall contain not less than five references, of whom three or more shall be engineers having personal knowledge of the applicant's engineering experience.

The registration fee for professional engineers shall be determined by the director as provided in RCW 43.24.086, which shall accompany the application and shall include the cost of examination and issuance of certificate. The fee for engineer-in-training shall be determined by the director as provided in RCW 43.24.086, which shall accompany the

application and shall include the cost of examination and issuance of certificate.

The registration fee for professional land surveyors shall be determined by the director as provided in RCW 43.24.086, which shall accompany the application and shall include the cost of examination and issuance of certificate. The fee for land-surveyor-in-training shall be determined by the director as provided in RCW 43.24.086, which shall accompany the application and shall include the cost of examination and issuance of certificate.

Should the board find an applicant ineligible for registration, the registration fee shall be retained as an application fee. [1995 c 356 § 3; 1991 c 19 § 3; 1985 c 7 § 42; 1975 1st ex.s. c 30 § 46; 1947 c 283 § 8; Rem. Supp. 1947 § 8306-25. Prior: 1935 c 167 § 6; RRS § 8306-6.]

Effective date—1995 c 356: See note following RCW 18.43.020.

18.43.060 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 or her completion of the requisite years of experience in engineering work. The board shall issue to each applicant upon successfully passing the examination in fundamental engineering subjects a certificate stating that the applicant has passed the examination in fundamental engineering subjects and that his or her name has been recorded as an engineer-in-training.

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 reexamination. Subsequent examinations will be granted upon payment of a fee to be determined by the director as provided in RCW 43.24.086. [1991 c 19 § 4; 1961 c 142 § 2; 1947 c 283 § 9; Rem. Supp. 1947 § 8306-26. Prior: 1935 c 167 § 7; RRS § 8306-7.]

18.43.070 Certificates and seals. The director of licensing 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 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". In case of land-surveyor-in-training, the certificate shall state that the applicant has successfully passed the examination in fundamental surveying subjects required by the board and has been enrolled as a "land-surveyor-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 licensing.

The issuance of a certificate of registration by the director of licensing 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 or her direct supervision and that to his or her 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. [1995 c 356 § 4; 1991 c 19 § 5; 1959 c 297 § 4; 1947 c 283 § 10; Rem. Supp. 1947 § 8306-27. Prior: 1935 c 167 §§ 8, 13; RRS § 8306-8, 13.]

Effective date—1995 c 356: See note following RCW 18.43.020.

18.43.075 Retired status certificate. The board may adopt rules under this section authorizing a retired status certificate. An individual certificated under this chapter who has reached the age of sixty-five years and has retired from the active practice of engineering and land surveying may, upon application and at the discretion of the board, be exempted from payment of annual renewal fees thereafter. [1995 c 356 § 5.]

Effective date—1995 c 356: See note following RCW 18.43.020.

18.43.080 Expiration and renewals of certificates—Fees—Continuing professional development. (1) Certificates of registration, and certificates of authorization and renewals thereof, 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 administrator of the division of professional licensing to notify every person, firm, or corporation registered under this chapter of the date of the expiration of his or her 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 determined by the director as provided in RCW 43.24.086. In case any professional engineer and/or land surveyor registered under this chapter shall fail to pay the renewal fee hereinabove provided for, within ninety 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.

(2) Beginning July 1, 2007, the department of licensing may not renew a certificate of registration for a land surveyor

unless the registrant verifies to the board that he or she has completed at least fifteen hours of continuing professional development per year of the registration period. By July 1, 2006, the board shall adopt rules governing continuing professional development for land surveyors that are generally patterned after the model rules of the national council of examiners for engineering and surveying. [2005 c 29 § 1; 1985 c 7 § 43; 1981 c 260 § 4. Prior: 1975 1st ex.s. c 30 § 47; 1975 c 23 § 1; 1965 ex.s. c 126 § 1; 1961 c 142 § 3; 1959 c 297 § 5; 1947 c 283 § 11; Rem. Supp. 1947 § 8306-28; prior: 1935 c 167 § 10; RRS § 8306-10.]

18.43.100 Registration of out-of-state applicants.

The board may, upon application and the payment of a fee determined by the director as provided in RCW 43.24.086, 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 the applicant 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, and (2) that the applicant is in good standing with the licensing agency in said state, territory, possession, district, or foreign country. [1991 c 19 § 7; 1985 c 7 § 44; 1975 1st ex.s. c 30 § 48; 1959 c 297 § 6; 1947 c 283 § 13; Rem. Supp. 1947 § 8306-30. Prior: 1935 c 167 § 5; RRS § 8306-5.]

18.43.105 Disciplinary action—Prohibited conduct, acts, conditions. In addition to the unprofessional conduct described in RCW 18.235.130, the board may take disciplinary action for the following conduct, acts, or conditions:

- (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 willfully 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) Violation of any provisions of this chapter;
- (6) Conflict of interest—Having a financial interest in bidding for or performance of a contract to supply labor or materials for or to construct a project for which employed or retained as an engineer except with the consent of the client or employer after disclosure of such facts; or allowing an interest in any business to affect a decision regarding engineering work for which retained, employed, or called upon to perform;
- (7) Nondisclosure—Failure to promptly disclose to a client or employer any interest in a business which may compete with or affect the business of the client or employer;
- (8) Unfair competition—Reducing a fee quoted for prospective employment or retainer as an engineer after being

informed of the fee quoted by another engineer for the same employment or retainer;

(9) Improper advertising—Soliciting retainer or employment by advertisement which is undignified, self-laudatory, false or misleading, or which makes or invites comparison between the advertiser and other engineers;

(10) Committing any other act, or failing to act, which act or failure are customarily regarded as being contrary to the accepted professional conduct or standard generally expected of those practicing professional engineering or land surveying. [2002 c 86 § 225; 1961 c 142 § 4; 1959 c 297 § 2.]

Effective dates—2002 c 86: See note following RCW 18.08.340.

Part headings not law—Severability—2002 c 86: See RCW 18.235.902 and 18.235.903.

18.43.110 Discipline of registrant—Board's power—Unprofessional conduct—Reissuance of certificate of registration. The board shall have the exclusive power to discipline the registrant and sanction the certificate of registration of any registrant.

Any person may file a complaint alleging unprofessional conduct, as set out in RCW 18.235.130 and 18.43.105, against any registrant. The complaint shall be in writing and shall be sworn to in writing by the person making the allegation. A registrant against whom a complaint was made must be immediately informed of such complaint by the board.

The board, for reasons it deems sufficient, may reissue a certificate of registration to any person whose certificate has been revoked or suspended, providing a majority 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, subject to the rules of the board, and a charge determined by the director as provided in RCW 43.24.086 shall be made for such issuance.

In addition to the imposition of disciplinary action under RCW 18.235.110, the board may refer violations of this chapter to the appropriate prosecuting attorney for charges under RCW 18.43.120. [2002 c 86 § 226; 1997 c 247 § 3; 1989 c 175 § 62; 1986 c 102 § 3; 1985 c 7 § 45; 1982 c 37 § 1; 1975 1st ex.s. c 30 § 49; 1947 c 283 § 14; Rem. Supp. 1947 § 8306-31. Prior: 1935 c 167 § 11; RRS § 8306-11.]

Effective dates—2002 c 86: See note following RCW 18.08.340.

Part headings not law—Severability—2002 c 86: See RCW 18.235.902 and 18.235.903.

Effective date—1989 c 175: See note following RCW 34.05.010.

18.43.120 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 chapter, 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 chapter shall be guilty of a gross misdemeanor.

It shall be the duty of all officers of the state or any political subdivision thereof, to enforce the provisions of this

chapter. 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 chapter. [1986 c 102 § 4; 1947 c 283 § 15; Rem. Supp. 1947 § 8306-32. Prior: 1935 c 167 § 14; RRS § 8306-14.]

Forgery: RCW 9A.60.020.

18.43.130 Excepted services—Fees. This chapter shall not be construed to prevent or affect:

(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 has been determined by the board to be legally qualified by registration to practice the said profession in his or her own state or country in which the requirements and qualifications for obtaining a certificate of registration are not lower than those specified in this chapter. The person shall request such a determination by completing an application prescribed by the board and accompanied by a fee determined by the director. Upon approval of the application, the board shall issue a permit authorizing temporary practice; 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 or she 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 or her 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, That 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

(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 the government of the United States; or

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

(8) The practice of engineering or land surveying, or both, in this state by a corporation or joint stock association: PROVIDED, That

(a) The corporation has filed with the board an application for certificate of authorization upon a form to be prescribed by the board and containing information required to enable the board to determine whether such corporation is qualified in accordance with this chapter to practice engineering or land surveying, or both, in this state;

(b) For engineering, the corporation has filed with the board a certified copy of a resolution of the board of directors of the corporation that shall designate a person holding a certificate of registration under this chapter as responsible for the practice of engineering by the corporation in this state and shall provide that full authority to make all final engineering decisions on behalf of the 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 the resolution. For land surveying, the corporation has filed 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 land surveying by the corporation in this state and shall provide full authority to make all final land surveying decisions on behalf of the corporation with respect to work performed by the corporation in this state be granted and delegated by the board of directors to the person so designated in the resolution. If a corporation offers both engineering and land surveying services, the board of directors shall designate both a licensed engineer and a licensed land surveyor. If a person is licensed in both engineering and land surveying, the person may be designated for both professions. The resolution shall further state that the bylaws of the corporation shall be amended to include the following provision: "The designated engineer or land surveyor, respectively, named in the resolution as being in responsible charge, or an engineer or land surveyor under the designated engineer or land surveyor's direct supervision, shall make all engineering or land surveying decisions pertaining to engineering or land surveying activities in the state of Washington." However, the filing of the resolution shall not relieve the corporation of any responsibility or liability imposed upon it by law or by contract;

(c) If there is a change in the designated engineer or designated land surveyor, the corporation shall notify the board in writing within thirty days after the effective date of the change. If the corporation changes its name, the corporation shall submit a copy of its amended certificate of authority or amended certificate of incorporation as filed with the secretary of state within thirty days of the filing;

(d) Upon the filing with the board the application for certificate for authorization, certified copy of resolution and an affidavit, the designation of a designated engineer or designated land surveyor, or both, specified in (b) of this subsection, a certificate of incorporation or certificate of authorization as filed with the secretary of state, and a copy of the corporation's current Washington business license, the board

shall issue to the corporation a certificate of authorization to practice engineering or land surveying, or both, in this state upon a determination by the board that:

(i) The designated engineer or designated land surveyor, or both, hold a certificate of registration in this state in accordance with this chapter and the certificate is in force;

(ii) The designated engineer or designated land surveyor, or both, are not designated in responsible charge for another corporation or a limited liability company; and

(iii) The corporation is licensed with the secretary of state and holds a current unified business identification number and the board determines, based on evaluating the findings and information in this section, that the applicant corporation possesses the ability and competence to furnish engineering or land surveying services, or both, in the public interest.

The board may exercise its discretion to take any of the actions under RCW 18.235.110 with respect to a certificate of authorization issued to a corporation if the board finds that any of the officers, directors, incorporators, or the stockholders holding a majority of stock of such corporation has engaged in unprofessional conduct as defined in RCW 18.43.105 or 18.235.130 or has been found personally responsible for unprofessional conduct under (f) and (g) of this subsection.

(e) Engineers or land surveyors organized as a professional service corporation under chapter 18.100 RCW are exempt from applying for a certificate of authorization under this chapter.

(f) Any corporation authorized to practice engineering under this chapter, together with its directors and officers for their own individual acts, are responsible to the same degree as an individual registered engineer, and must conduct its business without unprofessional conduct in the practice of engineering as defined in this chapter and RCW 18.235.130.

(g) Any corporation that is certified under this chapter is subject to the authority of the board as provided in RCW 18.43.035, 18.43.105, 18.43.110, 18.43.120, and chapter 18.235 RCW.

(h) 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 direct supervision 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.

(i) For each certificate of authorization issued under this subsection (8) there shall be paid an initial fee determined by the director as provided in RCW 43.24.086 and an annual renewal fee determined by the director as provided in RCW 43.24.086.

(9) The practice of engineering and/or land surveying in this state by a partnership if the partnership employs at least one person holding a valid certificate of registration under this chapter to practice engineering or land surveying, or both. The board shall not issue certificates of authorization to partnerships after July 1, 1998. Partnerships currently registered with the board are not required to pay an annual renewal fee after July 1, 1998.

(10) The practice of engineering or land surveying, or both, in this state by limited liability companies: Provided, That

(a) The limited liability company has filed with the board an application for certificate of authorization upon a form to be prescribed by the board and containing information required to enable the board to determine whether the limited liability company is qualified under this chapter to practice either or both engineering or land surveying in this state.

(b) The limited liability company has filed with the board a certified copy of a resolution by the company manager or managers that shall designate a person holding a certificate of registration under this chapter as being responsible for the practice of engineering or land surveying, or both, by the limited liability company in this state and that the designated person has full authority to make all final engineering or land surveying decisions on behalf of the limited liability company with respect to work performed by the limited liability company in this state. The resolution shall further state that the limited liability company agreement shall be amended to include the following provision: "The designated engineer or land surveyor, respectively, named in the resolution as being in responsible charge, or an engineer or land surveyor under the designated engineer or land surveyor's direct supervision, shall make all engineering or land surveying decisions pertaining to engineering or land surveying activities in the state of Washington." However, the filing of the resolution shall not relieve the limited liability company of responsibility or liability imposed upon it by law or by contract.

(c) The designated engineer for the limited liability company must hold a current professional engineer license issued by this state.

The designated land surveyor for the limited liability company must hold a current professional land surveyor license issued by this state.

If a person is licensed as both a professional engineer and as a professional land surveyor in this state, then the limited liability company may designate the person as being in responsible charge for both professions.

If there is a change in the designated engineer or designated land surveyor, the limited liability company shall notify the board in writing within thirty days after the effective date of the change. If the limited liability company changes its name, the company shall submit to the board a copy of the certificate of amendment filed with the secretary of state's office.

(d) Upon the filing with the board the application for certificate of authorization, a certified copy of the resolution, an affidavit from the designated engineer or the designated land surveyor, or both, specified in (b) and (c) of this subsection, a copy of the certificate of formation as filed with the secretary of state, and a copy of the company's current business license, the board shall issue to the limited liability company a certificate of authorization to practice engineering or land surveying, or both, in this state upon determination by the board that:

(i) The designated engineer or designated land surveyor, or both, hold a certificate of registration in this state under this chapter and the certificate is in force;

(ii) The designated engineer or designated land surveyor, or both, are not designated in responsible charge for another limited liability company or a corporation;

(iii) The limited liability company is licensed with the secretary of state and has a current unified business identification number and that the board determines, based on evaluating the findings and information under this subsection, that the applicant limited liability company possesses the ability and competence to furnish either or both engineering or land surveying services in the public interest.

The board may exercise its discretion to take any of the actions under RCW 18.235.110 with respect to a certificate of authorization issued to a limited liability company if the board finds that any of the managers or members holding a majority interest in the limited liability company has engaged in unprofessional conduct as defined in RCW 18.43.105 or 18.235.130 or has been found personally responsible for unprofessional conduct under the provisions of (f) and (g) of this subsection.

(e) Engineers or land surveyors organized as a professional limited liability company are exempt from applying for a certificate of authorization under this chapter.

(f) Any limited liability company authorized to practice engineering or land surveying, or both, under this chapter, together with its manager or managers and members for their own individual acts, are responsible to the same degree as an individual registered engineer or registered land surveyor, and must conduct their business without unprofessional conduct in the practice of engineering or land surveying, or both.

(g) A limited liability company that is certified under this chapter is subject to the authority of the board as provided in RCW 18.43.035, 18.43.105, 18.43.110, 18.43.120, and chapter 18.235 RCW.

(h) All plans, specifications, designs, and reports when issued in connection with work performed by a limited liability company under its certificate of authorization shall be prepared by or under the direct supervision 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.

(i) For each certificate of authorization issued under this subsection (10) there shall be paid an initial fee determined by the director as provided in RCW 43.24.086 and an annual renewal fee determined by the director as provided in RCW 43.24.086. [2002 c 86 § 227; 1997 c 247 § 4; 1991 c 19 § 6; 1985 c 7 § 46; 1975 1st ex.s. c 30 § 50; 1965 ex.s. c 126 § 2; 1961 c 142 § 5; 1959 c 297 § 7; 1947 c 283 § 16; Rem. Supp. 1947 § 8306-33. Prior: 1935 c 167 § 2; RRS § 8306-2.]

Effective dates—2002 c 86: See note following RCW 18.08.340.

Part headings not law—Severability—2002 c 86: See RCW 18.235.902 and 18.235.903.

Effective date—1997 c 247 § 4: "Section 4 of this act takes effect July 1, 1998." [1997 c 247 § 5.]

18.43.150 Disposition of fees. All fees collected under the provisions of RCW 18.43.050, 18.43.060, 18.43.080, 18.43.100, and 18.43.130 and fines collected under RCW 18.43.110 shall be paid into the professional engineers' account, which account is hereby established in the state treasury to be used to carry out the purposes and provisions of RCW 18.43.050, 18.43.060, 18.43.080, 18.43.100, 18.43.110, 18.43.120, 18.43.130, *18.43.140 and all other duties required for operation and enforcement of this chapter. [1991 c 277 § 2; 1985 c 57 § 5; 1965 ex.s. c 126 § 3.]

***Reviser's note:** RCW 18.43.140 was repealed by 2002 c 86 § 401, effective January 1, 2003.

Effective date—1991 c 277: See note following RCW 18.85.220.

Effective date—1985 c 57: See note following RCW 18.04.105.

18.43.160 Certificate of registration or license suspension—Nonpayment or default on educational loan or scholarship. The board shall suspend the certificate of registration or license of any person who has been certified by a lending agency and reported to the board for nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship. Prior to the suspension, the agency must provide the person an opportunity for a brief adjudicative proceeding under RCW 34.05.485 through 34.05.494 and issue a finding of nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship. The person's certificate of registration or license shall not be reissued until the person provides the board a written release issued by the lending agency stating that the person is making payments on the loan in accordance with a repayment agreement approved by the lending agency. If the person has continued to meet all other requirements for registration or licensure during the suspension, reinstatement shall be automatic upon receipt of the notice and payment of any reinstatement fee the board may impose. [1996 c 293 § 10.]

Severability—1996 c 293: See note following RCW 18.04.420.

18.43.170 Registration suspension—Noncompliance with support order—Reissuance. The board shall immediately suspend the registration of a person who has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order or a *residential or visitation order. If the person has continued to meet all other requirements for membership during the suspension, reissuance of the certificate of registration shall be automatic upon the board's receipt of a release issued by the department of social and health services stating that the person is in compliance with the order. [1997 c 58 § 821.]

***Reviser's note:** 1997 c 58 § 887 requiring a court to order certification of noncompliance with residential provisions of a court-ordered parenting plan was vetoed. Provisions ordering the department of social and health services to certify a responsible parent based on a court order to certify for non-compliance with residential provisions of a parenting plan were vetoed. See RCW 74.20A.320.

Short title—Part headings, captions, table of contents not law—Exemptions and waivers from federal law—Conflict with federal requirements—Severability—1997 c 58: See RCW 74.08A.900 through 74.08A.904.

Effective dates—Intent—1997 c 58: See notes following RCW 74.20A.320.

18.43.180 Uniform regulation of business and professions act. The uniform regulation of business and professions act, chapter 18.235 RCW, governs unlicensed practice, the issuance and denial of licenses, and the discipline of licensees under this chapter. [2002 c 86 § 228.]

Effective dates—2002 c 86: See note following RCW 18.08.340.

Part headings not law—Severability—2002 c 86: See RCW 18.235.902 and 18.235.903.

18.43.900 Short title. This chapter shall be known and may be cited as the "Professional Engineers' Registration Act". [1947 c 283 § 19.]

18.43.910 Severability—1947 c 283. If any section of this chapter shall be declared unconstitutional or invalid, such adjudication shall not invalidate any other provision or provisions thereof. [1947 c 283 § 17.]

18.43.920 Severability—1959 c 297. 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. [1959 c 297 § 8.]

18.43.930 Severability—1961 c 142. If any section of this act or part thereof shall be adjudged unconstitutional or invalid, such adjudication shall not invalidate any other provision or provisions thereof. [1961 c 142 § 6.]

Chapter 18.235 RCW

UNIFORM REGULATION OF BUSINESS AND PROFESSIONS ACT

Sections

18.235.005	Intent.
18.235.010	Definitions.
18.235.020	Application of chapter—Director's authority—Disciplinary authority.
18.235.030	Disciplinary authority—Powers.
18.235.040	Director's authority.
18.235.050	Statement of charges—Hearing.
18.235.060	Procedures governing adjudicative proceedings.
18.235.070	Previous denial, revocation, or suspension of license.
18.235.080	Orders.
18.235.090	Appeal.
18.235.100	Reinstatement.
18.235.110	Unprofessional conduct—Finding.
18.235.120	Payment of a fine.
18.235.130	Unprofessional conduct—Acts or conditions that constitute.
18.235.140	Final order issued under RCW 18.235.130—Failure to comply.
18.235.150	Investigation of complaint—Cease and desist order/notice of intent to issue—Final determination—Fine—Temporary cease and desist order—Action/who may maintain—Remedies not limited.
18.235.160	Violation of injunction—Contempt of court—Civil penalty.
18.235.170	Misrepresentation—Gross misdemeanor.
18.235.180	Crime or violation by license holder—Disciplinary authority may give notification.
18.235.190	Immunity from suit.
18.235.200	Use of records—Exchange of information—Chapter does not affect or limit.
18.235.210	Application of chapter—January 1, 2003.
18.235.900	Short title.
18.235.901	Effective date—2002 c 86 §§ 101-123.
18.235.902	Part headings not law—2002 c 86.
18.235.903	Severability—2002 c 86.

18.235.005 Intent. It is the intent of the legislature to consolidate disciplinary procedures for the licensed businesses and professions under the department of licensing by providing a uniform disciplinary act with standardized procedures for the regulation of businesses and professions and the enforcement of laws, the purpose of which is to assure the public of the adequacy of business and professional competence and conduct.

It is also the intent of the legislature that all businesses and professions newly credentialed by the state and regulated by the department of licensing come under this chapter. [2007 c 256 § 10; 2002 c 86 § 101.]

18.235.010 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means those boards specified in RCW 18.235.020(2)(b).

(2) "Department" means the department of licensing.

(3) "Director" means the director of the department or director's designee.

(4) "Disciplinary action" means sanctions identified in RCW 18.235.110.

(5) "Disciplinary authority" means the director, board, or commission having the authority to take disciplinary action

against a holder of, or applicant for, a professional or business license upon a finding of a violation of this chapter or a chapter specified under RCW 18.235.020.

(6) "License," "licensing," and "licensure" are deemed equivalent to the terms "license," "licensing," "licensure," "certificate," "certification," and "registration" as those terms are defined in RCW 18.118.020. Each of these terms, and the term "appointment" under chapter 42.44 RCW, are interchangeable under the provisions of this chapter.

(7) "Unlicensed practice" means:

(a) Practicing a profession or operating a business identified in RCW 18.235.020 without holding a valid, unexpired, unrevoked, and unsuspended license to do so; or

(b) Representing to a person, through offerings, advertisements, or use of a professional title or designation, that the individual or business is qualified to practice a profession or operate a business identified in RCW 18.235.020 without holding a valid, unexpired, unrevoked, and unsuspended license to do so. [2007 c 256 § 11; 2002 c 86 § 102.]

18.235.020 Application of chapter—Director's authority—Disciplinary authority. (1) This chapter applies only to the director and the boards and commissions having jurisdiction in relation to the businesses and professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2)(a) The director has authority under this chapter in relation to the following businesses and professions:

(i) Auctioneers under chapter 18.11 RCW;

(ii) Bail bond agents and bail bond recovery agents under chapter 18.185 RCW;

(iii) Camping resorts' operators and salespersons under chapter 19.105 RCW;

(iv) Commercial telephone solicitors under chapter 19.158 RCW;

(v) Cosmetologists, barbers, manicurists, and estheticians under chapter 18.16 RCW;

(vi) Court reporters under chapter 18.145 RCW;

(vii) Driver training schools and instructors under chapter 46.82 RCW;

(viii) Employment agencies under chapter 19.31 RCW;

(ix) For hire vehicle operators under chapter 46.72 RCW;

(x) Limousines under chapter 46.72A RCW;

(xi) Notaries public under chapter 42.44 RCW;

(xii) Private investigators under chapter 18.165 RCW;

(xiii) Professional boxing, martial arts, and wrestling under chapter 67.08 RCW;

(xiv) Real estate appraisers under chapter 18.140 RCW;

(xv) Real estate brokers and salespersons under chapters 18.85 and 18.86 RCW;

(xvi) Security guards under chapter 18.170 RCW;

(xvii) Sellers of travel under chapter 19.138 RCW;

(xviii) Timeshares and timeshare salespersons under chapter 64.36 RCW; and

(xix) Whitewater river outfitters under chapter 79A.60 RCW.

(b) The boards and commissions having authority under this chapter are as follows:

(i) The state board of registration for architects established in chapter 18.08 RCW;

(ii) The cemetery board established in chapter 68.05 RCW;

(iii) The Washington state collection agency board established in chapter 19.16 RCW;

(iv) The state board of registration for professional engineers and land surveyors established in chapter 18.43 RCW governing licenses issued under chapters 18.43 and 18.210 RCW;

(v) The state board of funeral directors and embalmers established in chapter 18.39 RCW;

(vi) The state board of registration for landscape architects established in chapter 18.96 RCW; and

(vii) The state geologist licensing board established in chapter 18.220 RCW.

(3) In addition to the authority to discipline license holders, the disciplinary authority may grant or deny licenses based on the conditions and criteria established in this chapter and the chapters specified in subsection (2) of this section. This chapter also governs any investigation, hearing, or proceeding relating to denial of licensure or issuance of a license conditioned on the applicant's compliance with an order entered under RCW 18.235.110 by the disciplinary authority. [2007 c 256 § 12; 2006 c 219 § 13; 2002 c 86 § 103.]

Effective date—2006 c 219: See note following RCW 46.82.285.

18.235.030 Disciplinary authority—Powers. The disciplinary authority has the power to:

(1) Adopt, amend, and rescind rules as necessary to carry out the purposes of this chapter, including, but not limited to, rules regarding standards of professional conduct and practice;

(2) Investigate complaints or reports of unprofessional conduct and hold hearings as provided in this chapter;

(3) Issue subpoenas and administer oaths in connection with any investigation, hearing, or proceeding held under this chapter;

(4) Take or cause depositions to be taken and use other discovery procedures as needed in an investigation, hearing, or proceeding held under this chapter;

(5) Compel attendance of witnesses at hearings;

(6) Conduct practice reviews in the course of investigating a complaint or report of unprofessional conduct, unless the disciplinary authority is authorized to audit or inspect applicants or licensees under the chapters specified in RCW 18.235.020;

(7) Take emergency action ordering summary suspension of a license, or restriction or limitation of the licensee's

practice or business pending proceedings by the disciplinary authority;

(8) Appoint a presiding officer or authorize the office of administrative hearings, as provided in chapter 34.12 RCW, to conduct hearings. The disciplinary authority may make the final decision regarding disposition of the license unless the disciplinary authority elects to delegate, in writing, the final decision to the presiding officer;

(9) Use individual members of the boards and commissions to direct investigations. However, the member of the board or commission may not subsequently participate in the hearing of the case;

(10) Enter into contracts for professional services determined to be necessary for adequate enforcement of this chapter;

(11) Grant or deny license applications, secure the return of a license obtained through the mistake or inadvertence of the department or the disciplinary authority after providing the person so licensed with an opportunity for an adjudicative proceeding, and, in the event of a finding of unprofessional conduct by an applicant or license holder, impose any sanction against a license applicant or license holder provided by this chapter;

(12) Designate individuals authorized to sign subpoenas and statements of charges;

(13) Establish panels consisting of three or more members of the board or commission to perform any duty or authority within the board's or commission's jurisdiction under this chapter; and

(14) Contract with licensees, registrants, endorsement or permit holders, or any other persons or organizations to provide services necessary for the monitoring or supervision of licensees, registrants, or endorsement or permit holders who are placed on probation, whose professional or business activities are restricted, or who are for an authorized purpose subject to monitoring by the disciplinary authority. If the subject licensee, registrant, or endorsement or permit holders may only practice or operate a business under the supervision of another licensee, registrant, or endorsement or permit holder under the terms of the law regulating that occupation or business, the supervising licensee, registrant, or endorsement or permit holder must consent to the monitoring or supervision under this subsection, unless the supervising licensee, registrant, or endorsement or permit holder is, at the time, the subject of a disciplinary order. [2002 c 86 § 104.]

18.235.040 Director's authority. The director has the following additional authority:

(1) To employ investigative, administrative, and clerical staff as necessary for the enforcement of this chapter, except as provided otherwise by statute;

(2) Upon request of a board or commission, to appoint not more than three pro tem members as provided in this subsection. Individuals appointed as pro tem members of a board or commission must meet the same minimum qualifications as regular members of the board or commission. While serving as a pro tem board or commission member, a person so appointed has all the powers, duties, and immunities, and is entitled to the entitlements, including travel expenses in accordance with RCW 43.03.050 and 43.03.060, of a regular member of the board or commission; and

(3) To establish fees to be paid for witnesses, expert witnesses, and consultants used in any investigation or adjudicative proceedings as authorized by RCW 34.05.446. [2007 c 256 § 13; 2002 c 86 § 105.]

18.235.050 Statement of charges—Hearing. (1) If the disciplinary authority determines, upon investigation, that there is reason to believe that a license holder or applicant for a license has violated RCW 18.235.130 or has not met a minimum eligibility criteria for licensure, the disciplinary authority may prepare and serve the license holder or applicant a statement of charge, charges, or intent to deny. A notice that the license holder or applicant may request a hearing to contest the charge, charges, or intent to deny must accompany the statement. The license holder or applicant must file a request for a hearing with the disciplinary authority within twenty days after being served the statement of charges or statement of intent to deny. The failure to request a hearing constitutes a default, whereupon the disciplinary authority may enter a decision on the facts available to it.

(2) If a license holder or applicant for a license requests a hearing, the disciplinary authority must fix the time of the hearing as soon as convenient, but not earlier than thirty days after the service of charge, charges, or intent to deny. The disciplinary authority may hold a hearing sooner than thirty days only if the disciplinary authority has issued a summary suspension or summary restriction. [2007 c 256 § 14; 2002 c 86 § 106.]

18.235.060 Procedures governing adjudicative proceedings. The procedures governing adjudicative proceedings before agencies under chapter 34.05 RCW, the administrative procedure act, govern all hearings before the disciplinary authority. The disciplinary authority has, in addition to the powers and duties set forth in this chapter, all of the powers and duties under chapter 34.05 RCW, which include, without limitation, all powers relating to the administration of oaths, the receipt of evidence, the issuance and enforcing of subpoenas, and the taking of depositions. [2002 c 86 § 107.]

18.235.070 Previous denial, revocation, or suspension of license. The department shall not issue a license to any person whose license has been previously denied, revoked, or suspended by the disciplinary authority for that profession or business, except in conformity with the terms and conditions of the certificate or order of denial, revocation, or suspension, or in conformity with any order of reinstatement issued by the disciplinary authority, or in accordance with the final judgment in any proceeding for review instituted under this chapter. [2002 c 86 § 108.]

18.235.080 Orders. An order pursuant to proceedings authorized by this chapter, after due notice and findings in accordance with this chapter and chapter 34.05 RCW, or an order of summary suspension entered under this chapter, takes effect immediately upon its being served. The final order, if appealed to the court, may not be stayed pending the appeal unless the disciplinary authority or court to which the appeal is taken enters an order staying the order of the disci-

plinary authority, which stay shall provide for terms necessary to protect the public. [2007 c 256 § 15; 2002 c 86 § 109.]

18.235.090 Appeal. A person who has been disciplined or has been denied a license by a disciplinary authority may appeal the decision as provided in chapter 34.05 RCW. [2007 c 256 § 16; 2002 c 86 § 110.]

18.235.100 Reinstatement. A person whose license has been suspended or revoked under this chapter may petition the disciplinary authority for reinstatement after an interval of time and upon conditions determined by the disciplinary authority in the order suspending or revoking the license. The disciplinary authority shall act on the petition in accordance with the adjudicative proceedings provided under chapter 34.05 RCW and may impose such conditions as authorized by RCW 18.235.110. The disciplinary authority may require successful completion of an examination as a condition of reinstatement. [2007 c 256 § 17; 2002 c 86 § 111.]

18.235.110 Unprofessional conduct—Finding. (1) Upon finding unprofessional conduct, the disciplinary authority may issue an order providing for one or any combination of the following:

- (a) Revocation of the license for an interval of time;
- (b) Suspension of the license for a fixed or indefinite term;
- (c) Restriction or limitation of the practice;
- (d) Satisfactory completion of a specific program of remedial education or treatment;
- (e) Monitoring of the practice in a manner directed by the disciplinary authority;
- (f) Censure or reprimand;
- (g) Compliance with conditions of probation for a designated period of time;
- (h) Payment of a fine for each violation found by the disciplinary authority, not to exceed five thousand dollars per violation. The disciplinary authority must consider aggravating or mitigating circumstances in assessing any fine. Funds received must be deposited in the related program account;
- (i) Denial of an initial or renewal license application for an interval of time; or
- (j) Other corrective action.

(2) The disciplinary authority may require reimbursement to the disciplinary authority for the investigative costs incurred in investigating the matter that resulted in issuance of an order under this section, but only if any of the sanctions in subsection (1)(a) through (j) of this section is ordered.

(3) Any of the actions under this section may be totally or partly stayed by the disciplinary authority. In determining what action is appropriate, the disciplinary authority must first consider what sanctions are necessary to protect the public health, safety, or welfare. Only after these provisions have been made may the disciplinary authority consider and include in the order requirements designed to rehabilitate the license holder or applicant. All costs associated with compliance with orders issued under this section are the obligation of the license holder or applicant.

(4) The licensee or applicant may enter into a stipulated disposition of charges that includes one or more of the sanctions of this section, but only after a statement of charges has been issued and the licensee has been afforded the opportunity for a hearing and has elected on the record to forego such a hearing. The stipulation shall either contain one or more specific findings of unprofessional conduct or a statement by the licensee acknowledging that evidence is sufficient to justify one or more specified findings of unprofessional conduct. The stipulations entered into under this subsection are considered formal disciplinary action for all purposes. [2007 c 256 § 18; 2002 c 86 § 112.]

18.235.120 Payment of a fine. Where payment of a fine is required as a result of a disciplinary action under RCW 18.235.060 or 18.235.150 and timely payment is not made as directed in the final order, the disciplinary authority may enforce the order for payment in the superior court in the county in which the hearing was held. This right of enforcement is in addition to any other rights the disciplinary authority may have as to any licensee ordered to pay a fine but may not be construed to limit a licensee's ability to seek judicial review under RCW 18.235.090. In any action for enforcement of an order of payment of a fine, the disciplinary authority's order is conclusive proof of the validity of the order of a fine and the terms of payment. [2002 c 86 § 113.]

18.235.130 Unprofessional conduct—Acts or conditions that constitute. The following conduct, acts, or conditions constitute unprofessional conduct for any license holder or applicant under the jurisdiction of this chapter:

(1) The commission of any act involving moral turpitude, dishonesty, or corruption relating to the practice of the person's profession or operation of the person's business, whether the act constitutes a crime or not. At the disciplinary hearing a certified copy of a final holding of any court of competent jurisdiction is conclusive evidence of the conduct of the license holder or applicant upon which a conviction or the final holding is based. Upon a conviction, however, the judgment and sentence is conclusive evidence at the ensuing disciplinary hearing of the guilt of the license holder or applicant of the crime described in the indictment or information, and of the person's violation of the statute on which it is based. For the purposes of this subsection, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for the conviction and all proceedings in which the sentence has been deferred or suspended. Except as specifically provided by law, nothing in this subsection abrogates the provisions of chapter 9.96A RCW. However, RCW 9.96A.020 does not apply to a person who is required to register as a sex offender under RCW 9A.44.130;

(2) Misrepresentation or concealment of a material fact in obtaining or renewing a license or in reinstatement thereof;

(3) Advertising that is false, deceptive, or misleading;

(4) Incompetence, negligence, or malpractice that results in harm or damage to another or that creates an unreasonable risk of harm or damage to another;

(5) The suspension, revocation, or restriction of a license to engage in any business or profession by competent authority in any state, federal, or foreign jurisdiction. A certified

copy of the order, stipulation, or agreement is conclusive evidence of the revocation, suspension, or restriction;

(6) Failure to cooperate with the disciplinary authority in the course of an investigation, audit, or inspection authorized by law by:

(a) Not furnishing any papers or documents requested by the disciplinary authority;

(b) Not furnishing in writing an explanation covering the matter contained in a complaint when requested by the disciplinary authority;

(c) Not responding to a subpoena issued by the disciplinary authority, whether or not the recipient of the subpoena is the accused in the proceeding; or

(d) Not providing authorized access, during regular business hours, to representatives of the disciplinary authority conducting an investigation, inspection, or audit at facilities utilized by the license holder or applicant;

(7) Failure to comply with an order issued by the disciplinary authority;

(8) Violating any of the provisions of this chapter or the chapters specified in RCW 18.235.020(2) or any rules made by the disciplinary authority under the chapters specified in RCW 18.235.020(2);

(9) Aiding or abetting an unlicensed person to practice or operate a business or profession when a license is required;

(10) Practice or operation of a business or profession beyond the scope of practice or operation as defined by law or rule;

(11) Misrepresentation in any aspect of the conduct of the business or profession;

(12) Failure to adequately supervise or oversee auxiliary staff, whether employees or contractors, to the extent that consumers may be harmed or damaged;

(13) Conviction of any gross misdemeanor or felony relating to the practice of the person's profession or operation of the person's business. For the purposes of this subsection, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for conviction and all proceedings in which the sentence has been deferred or suspended. Except as specifically provided by law, nothing in this subsection abrogates the provisions of chapter 9.96A RCW. However, RCW 9.96A.020 does not apply to a person who is required to register as a sex offender under RCW 9A.44.130;

(14) Interference with an investigation or disciplinary action by willful misrepresentation of facts before the disciplinary authority or its authorized representatives, or by the use of threats or harassment against any consumer or witness to discourage them from providing evidence in a disciplinary action or any other legal action, or by the use of financial inducements to any consumer or witness to prevent or attempt to prevent him or her from providing evidence in a disciplinary action; and

(15) Engaging in unlicensed practice as defined in RCW 18.235.010. [2007 c 256 § 19; 2002 c 86 § 114.]

18.235.140 Final order issued under RCW 18.235.130—Failure to comply. If a person or business regulated by this chapter violates or fails to comply with a final order issued under RCW 18.235.130, the attorney general, any prosecuting attorney, the director, the board or commission, or any other person may maintain an action in the name

of the state of Washington to enjoin the person from violating the order or failing to comply with the order. The injunction does not relieve the offender from criminal prosecution, but the remedy by injunction is in addition to the liability of the offender to criminal prosecution and disciplinary action. [2002 c 86 § 115.]

18.235.150 Investigation of complaint—Cease and desist order/notice of intent to issue—Final determination—Fine—Temporary cease and desist order—Action/who may maintain—Remedies not limited. (1) The disciplinary authority may investigate complaints concerning practice by unlicensed persons of a profession or business for which a license is required by the chapters specified in RCW 18.235.020. In the investigation of the complaints, the director has the same authority as provided the disciplinary authority under RCW 18.235.030.

(2) The disciplinary authority may issue a notice of intent to issue a cease and desist order to any person whom the disciplinary authority has reason to believe is engaged or is about to engage in the unlicensed practice of a profession or operation of a business for which a license is required by the chapters specified in RCW 18.235.020.

(3) The disciplinary authority may issue a notice of intent to issue a cease and desist order to any person whom the disciplinary authority has reason to believe is engaged or is about to engage in an act or practice constituting a violation of this chapter or the chapters specified in RCW 18.235.020(2) or a rule adopted or order issued under those chapters.

(4) The person to whom such a notice is issued may request an adjudicative proceeding to contest the allegations. The notice shall include a brief, plain statement of the alleged unlicensed activities, act, or practice constituting a violation of this chapter or the chapters specified in RCW 18.235.020(2) or a rule adopted or order issued under those chapters. The request for hearing must be filed within twenty days after service of the notice of intent to issue a cease and desist order. The failure to request a hearing constitutes a default, whereupon the disciplinary authority may enter a permanent cease and desist order, which may include a civil fine. All proceedings shall be conducted in accordance with chapter 34.05 RCW.

(5) If the disciplinary authority makes a final determination that a person has engaged or is engaging in unlicensed practice or other act or practice constituting a violation of this chapter or the chapters specified in RCW 18.235.020(2) or a rule adopted or order issued under those chapters, the disciplinary authority may issue a permanent cease and desist order. In addition, the disciplinary authority may impose a civil fine in an amount not exceeding one thousand dollars for each day upon which the person engaged in the unlicensed practice of a profession or operation of a business for which a license is required by one or more of the chapters specified in RCW 18.235.020. The proceeds of such a fine shall be deposited in the related program account.

(6) The disciplinary authority may issue a temporary cease and desist order if a person is engaged or is about to engage in unlicensed practice or other act or practice constituting a violation of this chapter or the chapters specified in RCW 18.235.020(2) or a rule adopted or order issued under

those chapters if the disciplinary authority makes a written finding of fact that the public interest will be irreparably harmed by delay in issuing an order. The person receiving a temporary cease and desist order shall be provided an opportunity for a prompt hearing. A temporary cease and desist order shall remain in effect until further order of the disciplinary authority. The failure to request a prompt or regularly scheduled hearing constitutes a default, whereupon the disciplinary authority may enter a permanent cease and desist order, which may include a civil fine.

(7) The cease and desist order is conclusive proof of unlicensed practice or other act or practice constituting a violation of this chapter or the chapters specified in RCW 18.235.020(2) or a rule adopted or order issued under those chapters and may be enforced under RCW 7.21.060. This method of enforcement of the cease and desist order or civil fine may be used in addition to, or as an alternative to, any provisions for enforcement of agency orders set out in chapter 34.05 RCW.

(8) The attorney general, a county prosecuting attorney, the director, a board or commission, or any person may, in accordance with the laws of this state governing injunctions, maintain an action in the name of the state of Washington to enjoin any person practicing a profession or business without a license for which a license is required by the chapters specified in RCW 18.235.020. All fees, fines, forfeitures, and penalties collected or assessed by a court because of a violation of this section shall be deposited in the related program account.

(9) The civil remedies in this section do not limit the ability to pursue criminal prosecution as authorized in any of the acts specified in RCW 18.235.020 nor do the civil remedies limit any criminal sanctions. [2007 c 256 § 20; 2002 c 86 § 116.]

18.235.160 Violation of injunction—Contempt of court—Civil penalty. A person or business that violates an injunction issued under this chapter may be found in contempt of court under RCW 7.21.010. Upon a finding by a court of competent jurisdiction that the person or business is in contempt, the court may order any remedial sanction as authorized by RCW 7.21.030. Further, the court may, in addition to the remedial sanctions available under RCW 7.21.030, order the person or business to pay a civil penalty to the state in an amount not to exceed twenty-five thousand dollars, which shall be deposited in the related program account. For the purposes of this section, the superior court issuing any injunction retains jurisdiction and the cause shall be continued, and in such cases the attorney general acting in the name of the state may petition for the recovery of civil penalties. [2002 c 86 § 117.]

18.235.170 Misrepresentation—Gross misdemeanor. A person who attempts to obtain, obtains, or attempts to maintain a license by willful misrepresentation or fraudulent representation is guilty of a gross misdemeanor. [2002 c 86 § 118.]

18.235.180 Crime or violation by license holder—Disciplinary authority may give notification. If the disci-

plinary authority has reason to believe that a license holder has committed a crime, or violated the laws of another regulatory body, the disciplinary authority may notify the attorney general or the county prosecuting attorney in the county in which the act took place, or other responsible official of the facts known to the disciplinary authority. [2002 c 86 § 119.]

18.235.190 Immunity from suit. The director, members of the boards or commissions, or individuals acting on their behalf are immune from suit in any action, civil or criminal, based on any disciplinary actions or other official acts performed in the course of their duties. [2002 c 86 § 120.]

18.235.200 Use of records—Exchange of information—Chapter does not affect or limit. This chapter does not affect the use of records, obtained from the director or the disciplinary authorities, in any existing investigation or action by any public agency. Nor does this chapter limit any existing exchange of information between the director or the disciplinary authorities and other public agencies. [2002 c 86 § 121.]

18.235.210 Application of chapter—January 1, 2003.

(1) This chapter applies to any conduct, acts, or conditions occurring on or after January 1, 2003.

(2) This chapter does not apply to or govern the construction of and disciplinary action for any conduct, acts, or conditions occurring prior to January 1, 2003. The conduct, acts, or conditions must be construed and disciplinary action taken according to the provisions of law existing at the time of the occurrence in the same manner as if this chapter had not been enacted.

(3) Notwithstanding subsection (2) of this section, this chapter applies to applications for licensure made on or after January 1, 2003. [2007 c 256 § 21; 2002 c 86 § 122.]

18.235.900 Short title. This chapter may be known and cited as the uniform regulation of business and professions act. [2002 c 86 § 123.]

18.235.901 Effective date—2002 c 86 §§ 101-123. Sections 101 through 123 of this act take effect January 1, 2003. [2002 c 86 § 124.]

18.235.902 Part headings not law—2002 c 86. Part headings used in this act are not any part of the law. [2002 c 86 § 402.]

18.235.903 Severability—2002 c 86. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected. [2002 c 86 § 404.]

Chapter 196-09 WAC

BOARD PRACTICES AND PROCEDURES

(Formerly chapter 196-08 WAC)

WAC

196-09-010	Declaration of purpose.
196-09-020	Adjudicative proceedings.
196-09-050	Brief adjudicative proceedings.
196-09-055	Records required for brief adjudicative proceeding.
196-09-060	Procedures for brief adjudicative proceedings.
196-09-100	Investigative cost reimbursement.
196-09-110	Cooperation with board investigation.
196-09-120	Meetings and officers.
196-09-130	Board member limitations—Contract selection.
196-09-131	Board member limitations—Transactions.
196-09-135	Reporting of board member recusal.

WAC 196-09-010 Declaration of purpose. This chapter contains rules and administrative procedures for proceedings held by the board in executing its responsibilities under chapter 18.43 RCW.

[Statutory Authority: Chapters 18.43 and 18.235 RCW. 04-04-001, § 196-09-010, filed 1/21/04, effective 2/21/04. Statutory Authority: RCW 18.43.035, 98-12-045, § 196-09-010, filed 5/29/98, effective 7/1/98.]

WAC 196-09-020 Adjudicative proceedings. Chapters 34.05 RCW and 10-08 WAC apply to all adjudicative proceedings. The procedures described in Washington superior court civil rules 26 through 32, 34, 36 and 37 also apply.

[Statutory Authority: RCW 18.43.035, 98-12-045, § 196-09-020, filed 5/29/98, effective 7/1/98.]

WAC 196-09-050 Brief adjudicative proceedings. (1) The board will conduct brief adjudicative proceedings as provided for in RCW 34.05.482 through 34.05.494 of the Administrative Procedure Act. Brief adjudicative proceedings may be used whenever a statement of charges, notice of intent to issue a cease and desist order, or temporary cease and desist order alleges violations of chapter 18.43 RCW, chapter 18.210 RCW, chapter 18.235 RCW, administrative rules in title 196 WAC or any statutes or rules that specifically govern the defined practices of engineering, land surveying and on-site wastewater treatment system designs. Brief adjudicative proceedings may also be used in place of formal adjudicative hearings whenever the board issues a statement of charges, notice of intent to issue a cease and desist order, or temporary cease and desist order alleging that an applicant or licensee's conduct, act(s), or condition(s) constitute unlicensed practice or unprofessional conduct as that term is defined under chapter 18.235 RCW, the Uniform Regulation of Business and Professions Act.

[(2)] Brief adjudicative proceedings may be used to determine the following issues, including, but not limited to:

(a) Whether an applicant has satisfied terms for reinstatement of a license after a period of license restriction, suspension, or revocation;

(b) Whether an applicant is eligible to sit for a professional licensing examination;

(c) Whether a sanction proposed by the board is appropriate based on the stipulated facts;

(d) Whether an applicant meets minimum requirements for an initial or renewal application;

(e) Whether an applicant has failed the professional licensing examination;

(f) Whether a licensee has sufficient continuing education credits when the licensee submits a renewal application;

(g) Whether an applicant or licensee failed to cooperate in an investigation by the board

(h) Whether an application or licensee was convicted of a crime that disqualifies the applicant or licensee from holding the specific license sought or held;

(i) Whether an applicant or licensee has defaulted on educational loans;

(j) Whether an applicant or licensee has violated the terms of a final order issued by the board or the board's designee;

(k) Whether a person has engaged in false, deceptive or misleading advertising; or

(l) Whether a person has engaged in unlicensed practice.

(3) In addition to the situations enumerated in subsection (2) of this section, the board may conduct brief adjudicative proceedings instead of formal adjudicative hearings whenever the parties have stipulated to the facts and the only issues presented are issues of law, or whenever issues of fact exist but witness testimony is unnecessary to prove or disprove the relevant facts.

[Statutory Authority: RCW 18.43.035 and chapter 18.235 RCW. 06-11-121, § 196-09-050, filed 5/19/06, effective 6/19/06. Statutory Authority: Chapters 18.43 and 18.235 RCW. 04-04-001, § 196-09-050, filed 1/21/04, effective 2/21/04.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 196-09-055 Records required for brief adjudicative proceeding. The records for the brief adjudicative proceeding shall include:

(1) Renewal or reinstatement of license:

[•] All correspondence between the applicant and the board about the renewal or reinstatement;

[•] Copies of renewal notice(s) sent by the department of licensing to the licensee;

[•] All documents received by the board from or on behalf of the licensee relating to information, payments, or explanations that have been provided to the board.

(2) Applicants for certification/licensing:

[•] Original complete application with all attachments as submitted by the applicant;

[•] Copies of all supplementary information related to application review by staff or board member;

[•] All documents relied upon in reaching the determination of ineligibility;

[•] All correspondence between the applicant and the board about the application or appeal.

(3) Default of student loan payments:

[•] Copies of notices to the board showing the name and other identification information of the individual claimed to be in default on student loan payments;

[•] Copies of identification information corresponding to the person who is certified/licensed by the board that relate to the identity of the individual in default;

[•] All documents received by the board from or on behalf of the licensee relating to rebutting such identification [identification];

[•] Certification and report by the lending agency that the identified person is in default or nonpayment on a federally or state-guaranteed student loan or service-conditional scholarship; or

[•] A written release, if any issued by the lending agency stating that the identified person is making payment on the loan in accordance with a repayment agreement approved by the lending agency.

(4) Determination of compliance with previously issued board order:

[•] The previously issued final order or agreement;

[•] All reports or other documents submitted by, or at the direction of, the license holder, in full or partial fulfillment of the terms of the final order or agreement;

[•] All correspondence between the license holder and the program regarding compliance with the final order or agreement; and

[•] All documents relied upon by the program showing that the license holder has failed to comply with the previously issued final order or agreement.

[Statutory Authority: RCW 18.43.035 and chapter 18.235 RCW. 06-11-121, § 196-09-055, filed 5/19/06, effective 6/19/06. Statutory Authority: Chapters 18.43 and 18.235 RCW. 04-04-001, § 196-09-055, filed 1/21/04, effective 2/21/04.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 196-09-060 Procedures for brief adjudicative proceedings. A brief adjudicative proceeding shall be held under the supervision of a presiding officer as designated by the board chair. The presiding officer shall have knowledge and experience in the administrative processes of the board and the requirements of the provisions for a brief adjudicative proceeding as provided for in chapter 34.05 RCW and WAC 196-09-050 through 196-09-060, but shall not have participated in the determination or action under review. Except as may be otherwise required by the presiding officer, the following procedures shall apply:

(1) The petitioner shall present petitioner's position in writing in accordance with the process and schedule established by the presiding officer.

(2) The presiding officer may accept oral testimony and/or argument.

[Ch. 196-09 WAC—p. 2]

(3) No witnesses may appear to testify.

(4) In addition to the written record, the presiding officer may employ agency expertise as a basis for the decision.

(5) The presiding officer will not issue an oral order at the time of the brief adjudicative proceeding. Within ten days of the final date established by the presiding officer for receipt of additional materials and/or oral arguments, if any, the presiding officer will enter a written initial order.

[Statutory Authority: Chapters 18.43 and 18.235 RCW. 04-04-001, § 196-09-060, filed 1/21/04, effective 2/21/04.]

WAC 196-09-100 Investigative cost reimbursement.

The reimbursement of investigative costs may be ordered by the board if the adjudicative process has resulted in a finding by the board that identifies conduct which is considered misconduct or malpractice and has resulted in the suspension or revocation of the license to practice. Costs subject to reimbursement are those expenses paid by the board during the investigation process, such as expert or consultant witness contracts.

[Statutory Authority: Chapters 18.43 and 18.235 RCW. 04-04-001, § 196-09-100, filed 1/21/04, effective 2/21/04.]

WAC 196-09-110 Cooperation with board investigation.

In the course of an investigation and request by the board under its authority in chapter 18.43 RCW, a licensee or registrant must provide any papers, records, or documents in their possession or accessible to them that pertain to the allegations in a complaint or investigation, and a written explanation addressing such complaint/investigation or other information requested by the board. A facility related to a complaint or investigation shall be made accessible by the licensee during regular business hours.

[Statutory Authority: Chapters 18.43 and 18.235 RCW. 04-04-001, § 196-09-110, filed 1/21/04, effective 2/21/04.]

WAC 196-09-120 Meetings and officers. All meetings of the board are held in accordance with the Open Public Meetings Act, chapter 42.30 RCW. The Washington state board of registration for professional engineers and land surveyors shall hold its annual meeting in the third week of June each year. All other meetings of the board are held at such times and places as the board may deem necessary.

At the annual meeting the board shall elect a chair and vice-chair to hold office for one year commencing July 9. Any resignation from the position of chair shall be filled for the remainder of the term by the vice-chair.

[Statutory Authority: RCW 18.43.035. 10-05-016, § 196-09-120, filed 2/4/10, effective 3/7/10. Statutory Authority: Chapters 18.43 and 18.235 RCW. 04-04-001, § 196-09-120, filed 1/21/04, effective 2/21/04.]

WAC 196-09-130 Board member limitations—Contract selection.

(1) When a member of the board of registration for professional engineers and land surveyors (Board) is beneficially interested, directly or indirectly, in a contract, sale, lease, purchase or grant that may be made by, through, or is under the supervision of the board in whole or in part, or when the member accepts, directly or indirectly, any compensation, gratuity, or reward from any other person beneficially interested in such contract, sale, lease, purchase or grant, the member must:

(a) Exclude him or herself from the board discussion regarding the specific contract, sale, lease, purchase or grant;

(b) Exclude him or herself from the board vote on the specific contract, sale, lease, purchase or grant; and

(c) Refrain from attempting to influence the remaining board members in their discussion and vote regarding the specific contract, sale, lease, purchase or grant.

(2) The prohibition against discussion set forth in sections (a) and (c) may not prohibit the member of the board from using his or her general expertise to educate and provide general information on the subject area to the other members.

(3) Under subsection (1), "any other person" has a beneficial interest in a contract, sale, lease, purchase or grant when the other person bids or otherwise seeks to be awarded the contract, sale, lease, purchase or grant.

EXAMPLE:

The board is composed of licensed professional engineers (PE) and professional land surveyors (PLS). A licensed PE member of the board is employed by a company, which conducts forensic evaluations for the purpose of determining whether an engineering design was properly performed. The board is in the process of selecting a contractor to conduct an evaluation of said engineering design for the board's use during disciplinary activities. The company that employs the PE member of the board has responded to the board's RFP.

The PE member of the board may use his general expertise regarding the performance of forensic evaluations to educate the board as to the general elements of such review. The member is prohibited from participating in the board's discussion, decision and vote for selecting a contractor.

[Statutory Authority: RCW 18.43.035. 06-22-032, § 196-09-130, filed 10/25/06, effective 11/25/06.]

WAC 196-09-131 Board member limitations—Transactions. (1) When a member of the board of registration for professional engineers and land surveyors (Board) either owns a beneficial interest in or is an officer, agent, employee or member of an entity or individual, which is engaged in a transaction involving the board, the member must:

(a) Exclude him or herself from the board discussion regarding the specific transaction;

(b) Exclude him or herself from the board vote on the specific transaction; and

(c) Refrain from attempting to influence the remaining board members in their discussion and vote regarding the specific transaction.

(2) The prohibition against discussion and voting set forth in sections (a) and (c) may not prohibit the member of the board from using his or her general expertise to educate and provide general information on the subject area to the other members.

(3)(a) "Transaction" involving the board means a proceeding, application, submission, request for a ruling or other determination, contract, claim, case, or other similar matter that the member in question believes, or has reason to believe:

(i) Is, or will be, the subject of board action; or

(ii) Is one to which the board is or will be a party; or

(iii) Is one in which the board has a direct and substantial proprietary interest.

(b) "Transaction" involving the board does not include the following: Preparation, consideration, or enactment of legislation, including appropriation of moneys in a budget, or the performance of legislative duties by a member; or a claim, case, lawsuit, or similar matter if the member did not participate in the underlying transaction involving the board that is the basis for the claim, case, or lawsuit. Rule making is not a "transaction" as described in this subsection.

(4) "Board action" means any action on the part of the board including, but not limited to:

(a) A decision, determination, finding, ruling, or order; and

(b) A grant, payment, award, license, contract, transaction, sanction, or approval, or the denial thereof, or failure to act with respect to a decision, determination, finding, ruling, or order.

EXAMPLE:

The board may discipline engineers or land surveyors for incompetence in their practice in Washington. The board is conducting an investigation involving questionable surveying services provided by a county engineer's office. One of the members of the board sits on that county's planning commission. The member must exclude him or herself from any board investigation, discussion, deliberation and vote with respect to disciplinary actions arising from the investigation.

[Statutory Authority: RCW 18.43.035. 06-22-032, § 196-09-131, filed 10/25/06, effective 11/25/06.]

WAC 196-09-135 Reporting of board member recusal. (1) If exclusion occurs pursuant to WAC 196-09-130 or 196-09-131, the member of the board should disclose to the public the reasons for his or her recusal from any board action whenever recusal occurs. The board staff should record each exclusion and the basis for the exclusion in the minutes of the board meetings.

[Statutory Authority: RCW 18.43.035. 06-22-032, § 196-09-135, filed 10/25/06, effective 11/25/06.]

Chapter 196-16 WAC

REGISTERED PROFESSIONAL LAND SURVEYORS

WAC

196-16-006	Declaration and purpose.
196-16-007	Eligibility and applications.
196-16-010	Experience records.
196-16-020	Examinations.
196-16-031	Comity—Registration of applicants qualified in other jurisdictions.
196-16-035	Retired status certificate of registration.

CONTINUING PROFESSIONAL DEVELOPMENT FOR PROFESSIONAL LAND SURVEYORS

196-16-100	Purpose and effective date.
196-16-105	Definitions.
196-16-110	Requirements.
196-16-115	Qualifying activities.
196-16-120	Units.
196-16-125	Activities that do not qualify for PDH credits.
196-16-130	Determination of credit.
196-16-135	Recordkeeping and audits.
196-16-140	Noncompliance with continuing professional development.
196-16-145	Exemptions.
196-16-150	Waivers.
196-16-155	Inactive license status.
196-16-160	Comity/out-of-jurisdiction resident.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

196-16-005	Definitions. [Statutory Authority: RCW 18.43.035, 82-01-064 (Order 81-10), § 196-16-005, filed 12/18/81; Rule III (part), filed 11/15/65; Rule III (part), filed 8/4/64.] Repealed by 96-11-086, filed 5/14/96, effective 7/1/96. Statutory Authority: RCW 18.43.035.
196-16-030	Reports. [Rule IIC, filed 12/26/62.] Decodified as omitted from comprehensive refiling of rules dated 11/15/65 and 8/4/64.
196-16-040	Evaluation of candidates for land surveyor licenses. [Rule IID, filed 12/26/62.] Decodified as omitted from comprehensive refiling of rules dated 11/15/65 and 8/4/64. See WAC 196-16-010 and 196-16-020.
196-16-050	Fees. [Order PL 224, § 196-16-050, filed 11/5/75; Order PL 181, § 196-16-050, filed 1/28/75; Rule IIID, filed 11/15/65; Rule IIID, filed 8/4/64; Rule IIE, filed 12/26/62.] Repealed by 82-01-064 (Order 81-10), filed 12/18/81. Statutory Authority: RCW 18.43.035.
196-16-055	Renewal of licenses. [Order PL 224, § 196-16-055, filed 11/5/75; Order PL 181, § 196-16-055, filed 1/28/75; Order PL 176, § 196-16-055, filed 10/15/74.] Repealed by 82-01-064 (Order 81-10), filed 12/18/81. Statutory Authority: RCW 18.43.035.
196-16-060	Correspondence. [Order PL-115, § 196-16-060, filed 11/24/71.] Repealed by Order PL 181, filed 1/28/75.

WAC 196-16-006 Declaration and purpose. This chapter contains rules and procedures for applications, eligibility and examinations to be licensed as professional land surveyors.

[Statutory Authority: Chapters 18.43 and 18.235 RCW. 04-04-001, § 196-16-006, filed 1/21/04, effective 2/21/04.]

WAC 196-16-007 Eligibility and applications. The law requires eight years of experience in land surveying work of a character satisfactory to the board and passing the fundamentals-of-land surveying examination to be eligible for the professional land surveyor examination. The eight years of

(5/19/06)

experience must be completed sixty days prior to the date of the examination.

All applications must be completed on forms provided by the board and filed with the executive director at the board's address. The deadline for properly completed applications accompanied by the appropriate fee as listed in WAC 196-26A-025 is four months prior to the date of the examination. Late applications will be considered for a later examination. Supporting documents such as college transcripts and experience verification forms must be received by the board three months prior to the date of the examination in order for the board to determine eligibility prior to examination deadlines. Failure to have the supporting documents sent to the board by the defined deadline will result in the applicant being delayed until a later examination.

Once an application has been approved, no further application is required. An applicant who has taken an examination and failed or who qualified for an examination but did not take it shall request to take or retake the examination at least three months prior to the examination date. A written request accompanied by the applicable fee as listed in WAC 196-26A-025 is required to reschedule for an examination.

[Statutory Authority: Chapters 18.43 and 18.235 RCW. 04-04-001, § 196-16-007, filed 1/21/04, effective 2/21/04. Statutory Authority: RCW 18.43.035, 96-11-086, § 196-16-007, filed 5/14/96, effective 7/1/96; 89-05-021 (Order PM 820), § 196-16-007, filed 2/10/89; 88-12-044 (Order PM 738), § 196-16-007, filed 5/27/88; 87-13-005 (Order PM 606), § 196-16-007, filed 6/4/87; 84-04-027 (Order PL 454), § 196-16-007, filed 1/25/84; 82-01-064 (Order 81-10), § 196-16-007, filed 12/18/81; Order PL 224, § 196-16-007, filed 11/5/75; Order PL-129, § 196-16-007, filed 7/27/72; Order PL-115, § 196-16-007, filed 11/24/71; Rule IIIA, filed 11/15/65; Rule IIIA, filed 8/4/64.]

WAC 196-16-010 Experience records. The board shall evaluate all experience, which includes education, on a case-by-case basis and approve such experience as appropriate. The board will use the following criteria in evaluating an applicant's experience record.

(1) Education experience will be based on transcripts. Therefore, any transcripts not previously sent to the board's office should be submitted for maximum experience credit. Education may be approved as experience based on the following:

(a) Graduation with a baccalaureate degree in land surveying from an approved curriculum shall be equivalent to four years of required experience.

(b) Graduation with an associate degree in land surveying from an approved curriculum shall be equivalent to two years of required experience.

(c) Each year completed of an approved curriculum without graduation shall be granted up to a year of required experience.

(d) A maximum of one year may be granted for postgraduate college courses approved by the board. Postgradu-

ate education will count toward the eight years of required experience as described in subsection (2) of this section.

(e) Any other education will be taken into account and evaluated on its merits.

(f) Experience gained between semesters or quarters or during summers while enrolled in an approved curriculum will be considered as part of the educational process. The board grants one year of experience for a year of approved education including any associated work experience within that year.

(2) In evaluating work experience, the board will be looking for eight years of broad based, progressive field and office experience in surveying work under the direct supervision of a person authorized by chapter 18.43 RCW or other applicable statute to practice land surveying, a minimum of four years of which shall be in a position of making independent judgments and decisions under the general guidance and direct supervision of an authorized professional except as provided for in subsections (1)(d) and (3) of this section. This latter experience shall not be limited to, but must include the following:

- (a) Applying state, federal and case law;
- (b) Exercising sound judgment when making independent decisions regarding complex boundary, topographic, horizontal and vertical control, and mapping issues;
- (c) Field identification and evaluation of boundary evidence, including monumentation, and the ability to use that evidence for boundary determination;
- (d) Conducting research;
- (e) Preparing and analyzing complex property descriptions; and
- (f) Interacting with clients and the public in conformance with chapter 196-27A WAC.

The board may grant partial credit for experience that does not fully meet the requirements in (a) through (f) of this subsection.

(3) Teaching of a character satisfactory to the board may be recognized as surveying experience up to a maximum of two years.

(4) In evaluating combined education and experience the board will be looking at transcripts and work experience to determine knowledge in subsection (2)(a) through (f) of this section.

(5) Any work experience gained in a situation which violates the provisions of chapters 18.43 and 18.235 RCW or Title 196 WAC will not be credited towards the experience requirement.

(6) A registered professional engineer who applies to become registered as a professional land surveyor must meet the requirements stated within this section.

[Statutory Authority: Chapters 18.43 and 18.235 RCW. 04-04-001, § 196-16-010, filed 1/21/04, effective 2/21/04. Statutory Authority: RCW 18.43.035, 96-11-086, § 196-16-010, filed 5/14/96, effective 7/1/96; 87-13-005 (Order PM 606), § 196-16-010, filed 6/4/87; 84-04-027 (Order PL 454), § 196-16-010, filed 1/25/84; 82-01-064 (Order 81-10), § 196-16-010, filed 12/18/81; Order PL-115, § 196-16-010, filed 11/24/71; Rule IIIB, filed 11/15/65; Rule IIIB, filed 8/4/64; Rule IIA, filed 12/26/62.]

WAC 196-16-020 Examinations. (1) To become licensed as a professional land surveyor the candidate must pass the fundamentals-of-land surveying examination, principles and practice examination, and law and ethics examina-

tion. A candidate must pass the fundamentals-of-land surveying examination before taking the principles and practice examination. The fundamentals and principles and practice examinations are given at times and places designated by the board. See the respective internet websites of the National Council of Examiners for Engineering and Surveying (NCEES), and the board for future examination schedules and syllabi. The law and ethics exam is a take-home examination covering chapters 18.43 and 18.235 RCW and Title 196 WAC. If one of these examinations is failed, only that examination must be retaken.

[Statutory Authority: Chapters 18.43 and 18.235 RCW. 04-04-001, § 196-16-020, filed 1/21/04, effective 2/21/04. Statutory Authority: RCW 18.43.035, 96-11-086, § 196-16-020, filed 5/14/96, effective 7/1/96; 93-01-081, § 196-16-020, filed 12/15/92, effective 1/15/93; 89-05-021 (Order PM 820), § 196-16-020, filed 2/10/89; 84-04-027 (Order PL 454), § 196-16-020, filed 1/25/84; 82-01-064 (Order 81-10), § 196-16-020, filed 12/18/81; Order PL-121, § 196-16-020, filed 5/3/72; Order PL-115, § 196-16-020, filed 11/24/71; Rule IIIC, filed 11/15/65; Rule IIIC, filed 8/4/64; Rules IIB and IID (part), filed 12/26/62.]

WAC 196-16-031 Comity—Registration of applicants qualified in other jurisdictions. (1) Applicants for registration as a land surveyor by comity must meet the following criteria:

(a) The applicant must complete an application on forms provided by the board and filed with the executive director at the board's address accompanied by the appropriate fee pursuant to WAC 196-26A-035;

(b) The applicant's qualifications meet the requirements of chapter 18.43 RCW and this chapter;

(c) The applicant is in good standing with the licensing agency in a state, territory, possession, district, or foreign country. Good standing shall be defined as a currently valid license in the jurisdiction of original registration or the jurisdiction of most recent practice, if different from the jurisdiction of original registration; and

(d) The applicant has been qualified by a written examination determined by the board to adequately test the fundamentals and principles and practice of land surveying and whose experience includes WAC 196-16-010 (2)(a) through (f).

(2) The applicant will be required to pass examinations to demonstrate competency in land surveying issues important to Washington, and law and ethics. Comity applicants will not be required to take the fundamentals-of-land surveying and full principles and practice examinations administered by the board.

[Statutory Authority: Chapters 18.43 and 18.235 RCW. 04-04-001, § 196-16-031, filed 1/21/04, effective 2/21/04. Statutory Authority: RCW 18.43.035, 96-11-086, § 196-16-031, filed 5/14/96, effective 7/1/96; 93-01-081, § 196-16-031, filed 12/15/92, effective 1/15/93; 91-23-111, § 196-16-031, filed 11/20/91, effective 12/21/91; 89-05-021 (Order PM 820), § 196-16-031, filed 2/10/89; 84-04-027 (Order PL 454), § 196-16-031, filed 1/25/84; 82-01-064 (Order 81-10), § 196-16-031, filed 12/18/81; Order PL-115, § 196-16-031, filed 11/24/71.]

WAC 196-16-035 Retired status certificate of registration. In accordance with RCW 18.43.075, any individual who has been issued a certificate of registration, in accordance with chapter 18.43 RCW, as a professional land surveyor, having reached at least the age of sixty-five and having discontinued active practice as a land surveyor, may be

eligible to obtain a "retired certificate of registration." If granted, further certificate of registration renewal fees are waived. For the purpose of this provision, "active practice" is defined as exercising direct supervision and control over the development and production of a land surveying document as provided in RCW 18.43.070 and/or any related activities pertaining to the offer of and/or the providing of professional land surveying services as defined in RCW 18.43.020.

(1) Applications. Those persons wishing to obtain the status of a retired registration shall complete an application on a form as provided by the board. Applications shall be sent to the executive director at the address of the board. Upon receipt of said application and, if deemed eligible by the board, the retired status would become effective on the first scheduled renewal date of the certificate of registration that occurs on or after the applicant reaches the age of sixty-five. It shall not be necessary that an expired certificate of registration be renewed to be eligible for this status. The board will not provide refund of renewal fees if the application for "retired" status is made and granted before the date of expiration of the certificate of registration.

(2) Privileges. In addition to the waiver of the renewal fee, a retired registrant is permitted to:

(a) Retain the board issued wall certificate of registration;

(b) Use the title professional land surveyor (PLS), provided that it is supplemented by the term retired, or the abbreviation "ret";

(c) Work as a land surveyor in a volunteer capacity, provided that the retired registrant does not create a land surveying document, and does not use their seal, except as provided for in (d) of this subsection;

(d) Provide experience verifications and references for persons seeking registration under chapter 18.43 RCW. If using their professional seal the retired registrant may place the word "retired" in the space designated for the date of expiration;

(e) Serve in an instructional capacity on land surveying topics;

(f) Provide services as a technical expert before a court, or in preparation for pending litigation, on matters directly related to land surveying work performed by the registrant before they were granted a retired registration;

(g) Serve in a function that supports the principles of registration and/or promotes the profession of land surveying, such as members of commissions, boards or committees;

(h) Serve in a land surveying capacity as a "good samaritan," as set forth in RCW 38.52.195 and 38.52.1951, provided said work is otherwise performed in accordance with chapter 18.43 RCW.

(i) A professional land surveyor in retired status is not required to complete continuing professional development as provided in WAC 196-16-110. However, if a retired status land surveyor wishes to return to active status, the licensee will need to complete an additional fifteen PDH during their first year of reactivated practice.

(3) Restrictions. A retired registrant is not permitted to:

(a) Perform any land surveying activity, as provided for in RCW 18.43.020, unless said activity is under the direct supervision of a Washington state professional land surveyor who has a valid/active registration in the records of the board;

(b) Act as the designated land surveyor or land surveyor in responsible charge for a Washington land surveying corporation or Washington land surveying limited liability company;

(c) Apply their professional land surveyors seal, as provided for in RCW 18.43.070, to any plan, specification, plat or report, except as provided for in subsection (2)(d) of this section.

(4) Certificate of registration reinstatement. A retired registrant, upon written request to the board and payment of the current renewal fee, may resume active land surveying practice. At that time the retired registrant shall be removed from retired status and placed on valid/active status in the records of the board. All rights and responsibilities of a valid/active registration will be in effect. At the date of expiration of the reinstated certificate of registration, the registrant may elect to either continue active registration or may again apply for retired registration in accordance with the provisions of this chapter.

(5) Exemptions. Under no circumstances shall a registrant be eligible for a retired registration if their certificate of registration has been revoked, surrendered or in any way permanently terminated by the board under RCW 18.43.110. Registrants who are suspended from practice and/or who are subject to terms of a board order at the time they reach age sixty-five shall not be eligible for a retired registration until such time that the board has removed the restricting conditions.

(6) Penalties for noncompliance. Any violations of this section shall be considered "misconduct and/or malpractice" as defined in RCW 18.43.105. Such violations are subject to penalties as provided for in RCW 18.235.110 and 18.43.120.

[Statutory Authority: RCW 18.43.035, 06-11-120, § 196-16-035, filed 5/19/06, effective 7/1/06. Statutory Authority: Chapters 18.43 and 18.235 RCW, 04-04-001, § 196-16-035, filed 1/21/04, effective 2/21/04.]

CONTINUING PROFESSIONAL DEVELOPMENT FOR PROFESSIONAL LAND SURVEYORS

WAC 196-16-100 Purpose and effective date. The purpose of the continuing professional development requirement is to encourage licensed professional land surveyors, under chapter 18.43 RCW, to maintain competency in their practice. On July 1, 2007 and thereafter, licensed land surveyors must meet the requirements of this chapter as a condition of continued licensure.

[Statutory Authority: RCW 18.43.035, 06-11-119, § 196-16-100, filed 5/19/06, effective 7/1/06.]

WAC 196-16-105 Definitions. Terms used in this section are defined as follows:

(1) Professional Development Hour (PDH)—An hour engaged in a qualifying activity.

(2) Continuing Education Unit (CEU)—Unit of credit customarily used for continuing education courses. One continuing education unit equals ten Professional Development Hours.

(3) College/Unit Semester/Unit Quarter—Completion of courses in college level curriculums satisfactory to the board.

(4) Qualifying activity—Any activity that is related to land surveying or will help the licensee maintain competency in their practice as a professional land surveyor.

(5) Year—That twelve-month period between the anniversaries of the licensee's birth date.

(6) Board—The board of registration for professional engineers and land surveyors.

[Statutory Authority: RCW 18.43.035. 06-11-119, § 196-16-105, filed 5/19/06, effective 7/1/06.]

WAC 196-16-110 Requirements. Starting on July 1, 2006, all licensed professional land surveyors wishing to maintain lawful practice must accumulate fifteen PDH per year of a two-year renewal cycle. All renewals for licensure as a professional land surveyor occurring on or after July 1, 2007 are subject to audit by the board.

[Statutory Authority: RCW 18.43.035. 06-11-119, § 196-16-110, filed 5/19/06, effective 7/1/06.]

WAC 196-16-115 Qualifying activities. The board believes that individuals licensed as professional land surveyors should have the discretion to make independent choices on what activities help them to be improved practitioners. While the board will not provide advance approvals for selected activities or vendors they do expect licensees to seek out qualifying activities that can be demonstrated to the satisfaction of the board that they are relevant to the licensee's continuing professional development.

[Statutory Authority: RCW 18.43.035. 06-11-119, § 196-16-115, filed 5/19/06, effective 7/1/06.]

WAC 196-16-120 Units. Qualifying activities will accrue PDH as follows:

1. College hours:
 - a. Completion of 1 college semester hour 45 PDH
 - b. Completion of 1 college quarter hour 30 PDH
2. 1 Continuing education unit 10 PDH
3. For publication or presentation of each:
 - a. Authored technical paper or article 10 PDH
 - b. Authored book 30 PDH
4. Membership in professional/technical societies or government committees or boards. 2 1/2 PDH
(Not to exceed 5 PDH/year)
5. For each hour of attendance at professional or technical society meetings with an informational program. (Not to exceed 5 PDH/year) 1 PDH
6. For each hour of attendance at meetings or hearings of the board. (Not to exceed 7 1/2 PDH/year) 1 PDH
7. For each hour of preparation and subsequent presentation (*) of a professional development program at seminars, professional/technical meetings, conventions or conferences. (Not to exceed 10 PDH/year) (*) 1 PDH
This credit does not apply to full-time faculty
8. For each hour of participation in committees of organizations whose purpose is to develop codes, standards, examinations and regulations. 1 PDH

9. For each hour of participation in an activity involving substantial and organized peer interaction, excluding time spent during regular employment. (Not to exceed 5 PDH/year) 1 PDH

10. For each hour of participation in organized courses, including employer provided courses, on first aid/safety, technical or management skills. 1 PDH

11. For each hour of participation in sessions, or courses sponsored by technical or professional societies, organizations or the board. 1 PDH

12. Each hour of self-study. (Not to exceed 5 PDH/year) 1 PDH

[Statutory Authority: RCW 18.43.035. 06-11-119, § 196-16-120, filed 5/19/06, effective 7/1/06.]

WAC 196-16-125 Activities that do not qualify for PDH credits. The following are not considered qualifying activities:

- (1) Taking courses, specialized instruction or meeting performance criteria that were conditions of a board order.
- (2) Attendance or testimony at legislative hearings.
- (3) Attendance or testimony at city or county council meetings/hearings.
- (4) Attendance or testimony at civil or criminal trials.
- (5) Time spent fund raising for scholarships or other society purposes or lobbying for legislation.
- (6) Attendance at gatherings that are primarily social in nature.
- (7) Membership and/or attendance in service club meetings.

[Statutory Authority: RCW 18.43.035. 06-11-119, § 196-16-125, filed 5/19/06, effective 7/1/06.]

WAC 196-16-130 Determination of credit. The board is the final authority with respect to acceptance of claimed qualifying activities and the respective PDH credit. Qualifying activity becomes eligible for credit upon completion of the given activity. Credits gained in excess of the fifteen PDH annual requirements may be carried forward to the next renewal period.

[Statutory Authority: RCW 18.43.035. 06-11-119, § 196-16-130, filed 5/19/06, effective 7/1/06.]

WAC 196-16-135 Recordkeeping and audits. The licensee is responsible for maintaining records to be used to support credits claimed. Records should include date of activity, instructor's name, description of activity, number of contact hours and location. The licensee is required to keep their records of continuing education covering the cumulative time in the current renewal period and the full two years of the prior renewal period. All continuing professional development records and supporting documentation must be furnished to the board upon request.

If an audit disqualifies credits that were reported to the board by a licensee and results in the licensee failing to complete the PDH requirements, the board may renew the license and require the shortage to be made up in the subsequent renewal period.

[Statutory Authority: RCW 18.43.035. 06-11-119, § 196-16-135, filed 5/19/06, effective 7/1/06.]

WAC 196-16-140 Noncompliance with continuing professional development. (1) A licensed land surveyor who fails to comply with the requirements of this chapter is subject to disciplinary action by the board.

(2) A licensed land surveyor who, through the course of an audit, is found to have falsified continuing professional development documentation to the board is subject to disciplinary action by the board.

[Statutory Authority: RCW 18.43.035. 06-11-119, § 196-16-140, filed 5/19/06, effective 7/1/06.]

WAC 196-16-145 Exemptions. Individuals who are in "Retired Status" as provided in WAC 196-16-035 or have been approved for "Inactive Status" as provided in WAC 196-16-155 are exempt from the requirements of collecting continuing professional development hours.

[Statutory Authority: RCW 18.43.035. 06-11-119, § 196-16-145, filed 5/19/06, effective 7/1/06.]

WAC 196-16-150 Waivers. The board may grant a waiver to the time requirement for collection of continuing professional development to individuals who qualify. A request for a waiver must be made in writing and clearly state the justification and include any necessary documentation required by the board. All waivers expire on the next date of license renewal unless the board grants an extension.

The board may grant waivers for:

(a) Physical disability, prolonged illness, or other extenuating circumstances that pose a personal hardship.

(b) Individuals who have been placed on active military duty for at least one hundred twenty days.

[Statutory Authority: RCW 18.43.035. 06-11-119, § 196-16-150, filed 5/19/06, effective 7/1/06.]

WAC 196-16-155 Inactive license status. Any licensee who signs a board approved affirmation that they are not engaged in the practice of land surveying is eligible for inactive license status. Those with inactive status are prohibited from land surveying practice as defined in chapter 18.43 RCW. A licensee on inactive status may reinstate their license to active status by written request to the board and payment of any applicable fees. In the first year of reactivated practice the licensee may be required by the board to collect an additional fifteen PDH.

[Statutory Authority: RCW 18.43.035. 06-11-119, § 196-16-155, filed 5/19/06, effective 7/1/06.]

WAC 196-16-160 Comity/out-of-jurisdiction resident. The continuing professional development requirements, as provided for in this chapter, may be satisfied when the board can verify that a licensee has satisfied continuing professional development requirements in another state, which are judged by the board as equivalent to the requirements of this chapter.

[Statutory Authority: RCW 18.43.035. 06-11-119, § 196-16-160, filed 5/19/06, effective 7/1/06.]

Chapter 196-21 WAC

LAND SURVEYORS-IN-TRAINING

WAC

196-21-005	Declaration and purpose.
196-21-010	Eligibility and applications.
196-21-020	Experience.
196-21-030	Examinations.
196-21-035	Examination review.

WAC 196-21-005 Declaration and purpose. This chapter contains rules and procedures for applications, eligibility and examinations to be enrolled as land surveyors-in-training.

[Statutory Authority: Chapters 18.43 and 18.235 RCW. 04-04-001, § 196-21-005, filed 1/21/04, effective 2/21/04.]

WAC 196-21-010 Eligibility and applications. The law requires completing four years of experience or having achieved senior standing in a school or college approved by the board prior to taking the fundamentals-of-land surveying examination. If the applicant has achieved senior standing, that status must be certified by said school or college. The four years may be gained as: Four years of approved education; four years of experience approved by the board; four years of combined education and experience. The experience to qualify for the fundamentals-of-land surveying examination must be completed sixty days prior to the date of the examination.

All applications must be completed on forms provided by the board and filed with the executive director at the board's address. The deadline for properly completed applications accompanied by the appropriate fee as listed in WAC 196-26A-025 is four months prior to the date of examination. Late applications will be considered for a later examination.

All applicants should submit transcripts of degrees attained or college courses taken in order to obtain maximum experience credit except, applicants enrolled in a school or college that have achieved senior standing in a baccalaureate curriculum in land surveying approved by the board will be eligible to take the fundamentals-of-land surveying examination without submitting college transcripts.

Once an application has been approved, no further application is required. An applicant who has taken an examination and failed or who qualified for an examination but did not take it shall submit a request in writing, accompanied by the applicable fee as listed in WAC 196-26A-025, to take or retake the examination, at least three months prior to the examination date.

[Statutory Authority: Chapters 18.43 and 18.235 RCW. 04-04-001, § 196-21-010, filed 1/21/04, effective 2/21/04. Statutory Authority: RCW 18.43.035. 96-11-086, § 196-21-010, filed 5/14/96, effective 7/1/96.]

WAC 196-21-020 Experience. The board shall evaluate all experience, which includes education, on a case-by-case basis and approve such experience as appropriate. The board will use the following criteria in evaluating an applicant's experience record.

(1/21/04)

(1) Education may be approved as experience based on the following:

(a) Graduation with a baccalaureate degree in land surveying from an approved curriculum shall be equivalent to four years of required experience.

(b) Graduation with an associate degree in land surveying from an approved curriculum shall be equivalent to two years of required experience.

(c) Each year completed of an approved curriculum without graduation shall be granted up to a year of required experience.

(d) A maximum of one year may be granted for post-graduate college courses approved by the board.

(e) Any other education will be taken into account and evaluated on its merits.

(f) Experience gained between semesters or quarters or during summers while enrolled in an approved curriculum will be considered as part of the educational process. The board grants one year of experience for a year of approved education including any associated work experience within that year.

(2) In evaluating four years of work experience, the board will be looking for broad based, progressive experience in the fundamental knowledge of surveying theory and practice under the direct supervision of a person authorized by chapter 18.43 RCW or other applicable statute to practice land surveying. This experience shall not be limited to, but must include the following:

(a) Performing complex survey calculations;

(b) Conducting boundary and corner research;

(c) Preparing and using property descriptions;

(d) Understanding and applying fundamental boundary and topographic principles;

(e) Making and/or analyzing horizontal and vertical control measurements; and

(f) Being skilled in survey equipment care and usage.

The board may grant partial credit for experience that does not fully meet the requirements in (a) through (f) of this subsection.

(3) In evaluating the four years of combined education and experience the board will be looking at transcripts and work experience to determine knowledge in subsection (2)(a) through (f) of this section.

(4) In the judgment of the board, the applicant must have demonstrated increased levels of responsibility and a continuous gain in experience and knowledge such that at the time of being approved for the fundamentals-of-land surveying examination, the applicant is capable of making independent judgments and decisions under the general guidance and direct supervision of an authorized professional.

[Statutory Authority: Chapters 18.43 and 18.235 RCW. 04-04-001, § 196-21-020, filed 1/21/04, effective 2/21/04. Statutory Authority: RCW 18.43.035. 96-11-086, § 196-21-020, filed 5/14/96, effective 7/1/96.]

[Ch. 196-21 WAC—p. 1]

WAC 196-21-030 Examinations. (1) The fundamentals-of-land surveying examination is given at times and places designated by the board. The schedule of future examinations and an examination syllabus may be obtained at the internet web site of the National Council of Examiners for Engineering and Surveying (NCEES).

(2) An applicant passing the fundamentals-of-land surveying examination will be enrolled as a land surveyor-in-training pursuant to RCW 18.43.020(8).

[Statutory Authority: Chapters 18.43 and 18.235 RCW. 04-04-001, § 196-21-030, filed 1/21/04, effective 2/21/04. Statutory Authority: RCW 18.43.035. 96-11-086, § 196-21-030, filed 5/14/96, effective 7/1/96.]

WAC 196-21-035 Examination review. Because the examination contains only multiple choice questions and no essay (free response) questions, and the examination cannot be appealed, no review of the fundamentals-of-land surveying examination will be permitted. However, examinees that fail to achieve a passing score will be provided a scoring breakdown of how they performed on the various subjects in the examination.

[Statutory Authority: RCW 18.035 [18.43.035]. 00-23-105, § 196-21-035, filed 11/21/00, effective 12/22/00.]

Chapter 196-23 WAC

STAMPING AND SEALS

WAC

196-23-010	Seals.
196-23-020	Seal/stamp usage.
196-23-040	Use of the title S.E.
196-23-070	Signature.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

196-23-030	Providing direct supervision. [Statutory Authority: RCW 18.43.035. 99-15-050, § 196-23-030, filed 7/15/99, effective 8/15/99.] Repealed by 06-22-034, filed 10/25/06, effective 11/25/06. Statutory Authority: RCW 18.43.035. Later promulgation, see WAC 196-25-070.
196-23-050	Practice by businesses, organizations or public agencies. [Statutory Authority: RCW 18.43.035. 99-15-056, § 196-23-050, filed 7/15/99, effective 8/15/99.] Repealed by 06-22-034, filed 10/25/06, effective 11/25/06. Statutory Authority: RCW 18.43.035. Later promulgation, see WAC 196-25-080.

WAC 196-23-010 Seals. All individuals licensed in accordance with chapter 18.43 RCW must utilize a seal/stamp that conforms to the design as authorized by the board. It is the responsibility of the licensee to maintain control over the use of his/her stamp/seal. The impression or image of the seal/stamp must conform to the below-illustrated design and be of a size that assures full legibility of the following required information:

- (1) State of Washington;
- (2) Registered professional engineer or registered professional land surveyor;
- (3) Certificate number;
- (4) Licensee's name as shown on wall certificate.



[Statutory Authority: RCW 18.43.035. 08-10-009, § 196-23-010, filed 4/24/08, effective 7/1/08; 06-22-036, § 196-23-010, filed 10/25/06, effective 11/25/06; 99-15-058, § 196-23-010, filed 7/15/99, effective 8/15/99.]

WAC 196-23-020 Seal/stamp usage. The use of the seal/stamp must be in accordance with chapter 18.43 RCW or as otherwise described herein:

(1) Final documents are those documents that are prepared and distributed for filing with public officials, use for construction, final agency approvals or use by clients. Any final document must contain the seal/stamp, signature and date of signature of the licensee who prepared or directly supervised the work. For the purpose of this section "document" is defined as plans, specifications, plats, surveys, as-built documents prepared by the licensee, and reports.

(2) Preliminary documents are those documents not considered final as defined herein, but are released or distributed by the licensee. Preliminary documents must be clearly identified as "PRELIMINARY" or contain such wording so it may be differentiated from a final document. Preliminary documents must be stamped, but need not be signed or dated by the licensee.

(4/24/08)

(3) Plan sets: Every page of a plan set must contain the seal/stamp, signature of the licensee(s) who prepared or who had direct supervision over the preparation of the work, and date of signature.

(a) Plans/plats containing work prepared by or under the direct supervision of more than one licensee should be sealed/stamped and dated by each licensee and shall clearly note the extent of each licensee's responsibility.

(b) As provided for in subsections (1) and (2) of this section, each page of a plan set must contain the seal/stamp of the licensee who prepared or who had direct supervision over the preparation of the work.

(c) Plan/plat sheets containing and/or depicting background and/or supporting information that is duplicated from other plans need only be sealed/stamped by the licensee(s) who prepared or was in direct supervision of the design. The origin of the background information shall be noted on the plan sheet.

(d) All design revisions to final plan/plat sheets shall clearly identify on each sheet; the revisions made and shall contain the name and seal of the licensee, and signature of the licensee with the date the sheet was sealed.

(4) Specifications: Specifications that are prepared by or under the direct supervision of a licensee shall contain the seal/stamp, signature of the licensee and the date of signature. If the specifications prepared by a licensee are a portion of a bound specification document that contains specifications other than that of an engineering or land surveying nature, the licensee need only seal/stamp that portion or portions of the documents for which the licensee is responsible. Nothing herein should be construed to require that each page of an engineering or land surveying specification be sealed/stamped by the licensee.

(5) Document review: When a licensee is required to review work prepared by another professional engineer or land surveyor, the reviewing licensee shall fully review those documents and shall prepare a report that discusses the findings of the review with any supporting calculations and sketches. The reviewing licensee would then seal/stamp, sign and date the report. The report would make reference to and/or be attached to the subject document(s) reviewed.

[Statutory Authority: RCW 18.43.035. 08-10-009, § 196-23-020, filed 4/24/08, effective 7/1/08; 06-22-036, § 196-23-020, filed 10/25/06, effective 11/25/06; 99-15-055, § 196-23-020, filed 7/15/99, effective 8/15/99.]

WAC 196-23-040 Use of the title S.E. Only professional engineers who have completed the state of Washington's requirements for licensure in structural engineering are permitted to use the title of S.E. when representing his or her licensing credential, as in, *James Smith, P.E., S.E.* Use of the title S.E. by any individual who is not licensed in structural engineering as provided in chapter 18.43 RCW, is subject to disciplinary action by the board in accordance with chapter 18.43 RCW and/or chapter 18.235 RCW.

[Statutory Authority: RCW 18.43.035. 06-22-035, § 196-23-040, filed 10/25/06, effective 11/25/06.]

WAC 196-23-070 Signature. The terms "signature or signed," as used in chapter 18.43 RCW and/or Title 196 WAC, shall mean the following:

(1) A handwritten identification that represents the act of putting one's name on a document to attest to its validity. The handwritten identification must be:

- (a) Original and written by hand;
- (b) Permanently affixed to the document(s) being certified;
- (c) Applied to the document by the identified licensee;
- (d) Placed directly over the seal/stamp of the licensee.

(2) A digital identification that is an electronic authentication process attached to or logically associated with an electronic document. The digital identification may include a scanned or digitized signature. The digital identification must be:

- (a) Unique to the licensee using it;
- (b) Capable of independent verification;
- (c) Under the exclusive control of the licensee using it;
- (d) Linked to a document in such a manner that the digital identification is invalidated if any data in the document is changed.

[Statutory Authority: RCW 18.43.035. 08-10-009, § 196-23-070, filed 4/24/08, effective 7/1/08; 06-22-036, § 196-23-070, filed 10/25/06, effective 11/25/06. Statutory Authority: Chapters 18.43 and 18.235 RCW. 04-04-001,

Chapter 196-25 WAC

BUSINESS PRACTICES

WAC

196-25-001	Purpose.
196-25-002	Definitions.
196-25-005	Businesses that must be authorized by the board.
196-25-010	Applications.
196-25-040	Provisions pertaining to only corporations, joint stock associations and limited liability companies.
196-25-050	Branch offices.
196-25-060	Offer to practice.
196-25-070	Providing direct supervision.
196-25-080	Practice by businesses, organizations or public agencies.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

196-25-020	Corporations or joint stock associations. [Statutory Authority: RCW 18.43.035 and 18.43.130. 98-12-053, § 196-25-020, filed 5/29/98, effective 7/1/98.] Repealed by 04-04-001, filed 1/21/04, effective 2/21/04. Statutory Authority: Chapters 18.43 and 18.235 RCW.
196-25-030	Limited liability companies. [Statutory Authority: RCW 18.43.035 and 18.43.130. 98-12-053, § 196-25-030, filed 5/29/98, effective 7/1/98.] Repealed by 04-04-001, filed 1/21/04, effective 2/21/04. Statutory Authority: Chapters 18.43 and 18.235 RCW.
196-25-100	Retired status certificate of registration. [Statutory Authority: RCW 18.43.035. 99-15-052, § 196-25-100, filed 7/15/99, effective 8/15/99.] Repealed by 04-04-001, filed 1/21/04, effective 2/21/04. Statutory Authority: Chapters 18.43 and 18.235 RCW.

WAC 196-25-001 Purpose. The purpose of this chapter is to provide clarification on how businesses are authorized to provide engineering or land surveying services in Washington and to implement that part of chapter 18.43 RCW related to corporations and limited liability companies offering engineering and land surveying services, as enacted by the 1997 legislature.

[Statutory Authority: Chapters 18.43 and 18.235 RCW. 04-04-001, § 196-25-001, filed 1/21/04, effective 2/21/04. Statutory Authority: RCW 18.43.035 and 18.43.130. 98-12-053, § 196-25-001, filed 5/29/98, effective 7/1/98.]

WAC 196-25-002 Definitions. Board. The Washington state board of registration for professional engineers and land surveyors.

Professional engineer. A person registered by the board under chapter 18.43 RCW to practice engineering in this state.

Professional land surveyor. A person registered by the board under chapter 18.43 RCW to practice land surveying in this state.

Resident engineer or resident land surveyor. A currently registered professional engineer or land surveyor who maintains a business headquarters or branch office as his/her normal place of employment, and is in responsible charge of the engineering and/or land surveying services.

Business. A corporation, professional service corporation (PS), joint stock association (JSA) or limited liability company (LLC) or professional limited liability company

(2/4/10)

(PLLC) that is practicing or offering to practice, engineering or land surveying or both in this state.

Designee, designated engineer, designated land surveyor. A currently registered professional engineer designated by the business to be in responsible charge of engineering activities for the business in Washington, OR, a currently registered professional land surveyor designated by the business to be in responsible charge of land surveying activities for the business in Washington.

Employee. A person in the service of another under any contract of hire, express or implied, oral or written, where the employer has the right to control and direct the employee in the material details of the scope, schedule and location of employment.

Branch office. One or more alternate locations in Washington of a business, not recognized as the business' main office or headquarters, which is established to offer and provide engineering and/or land surveying services from that location.

Project office. A temporary remote location of an engineering and/or land surveying business that is a convenient workplace for providing specific engineering and/or land surveying services only in support of a project.

Certificate of authorization. A certificate issued by the board, pursuant to chapter 18.43 RCW, to a business authorizing it to practice engineering or land surveying or both in this state. (Note: This is a different certificate than the certificate of authorization that may be filed with the secretary of state.)

[Statutory Authority: RCW 18.43.035. 05-17-053, § 196-25-002, filed 8/9/05, effective 9/9/05. Statutory Authority: RCW 18.43.035 and 18.43.130. 98-12-053, § 196-25-002, filed 5/29/98, effective 7/1/98.]

WAC 196-25-005 Businesses that must be authorized by the board. Except for professional service (PS) corporations and professional service limited liability companies (PLLC's), all corporations, joint stock associations and limited liability companies (LLC's) that offer engineering or land surveying services must obtain from the board a certificate of authorization to practice engineering or land surveying or both in the state of Washington.

A general partnership must employ at least one person currently registered pursuant to chapter 18.43 RCW for each profession for which services are offered.

[Statutory Authority: Chapters 18.43 and 18.235 RCW. 04-04-001, § 196-25-005, filed 1/21/04, effective 2/21/04. Statutory Authority: RCW 18.43.035 and 18.43.130. 98-12-053, § 196-25-005, filed 5/29/98, effective 7/1/98.]

WAC 196-25-010 Applications. All applications must be completed on forms provided by the board and submitted to the offices of the board. A complete application requires the following: Payment of the appropriate fee as listed in chapter 196-26A WAC; affidavit of professional engineer

[Ch. 196-25 WAC—p. 1]

and/or land surveyor; and, certified copy of resolution naming the designated engineer, or land surveyor, or both.

[Statutory Authority: Chapters 18.43 and 18.235 RCW. 04-04-001, § 196-25-010, filed 1/21/04, effective 2/21/04. Statutory Authority: RCW 18.43.035 and 18.43.130. 98-12-053, § 196-25-010, filed 5/29/98, effective 7/1/98.]

WAC 196-25-040 Provisions pertaining to only corporations, joint stock associations and limited liability companies. (1) If the business offers both engineering and land surveying services, there must be a designee for each profession. If a person is licensed in both engineering and land surveying, that person may be designated for both professions.

(2) An affidavit must be signed by the designee(s) stating that he or she knows they have been designated by the business as being responsible for the engineering and/or land surveying activities in the state of Washington.

(3) The designated engineer and/or designated land surveyor must be an employee of the business.

(4) No person may be the designated engineer or designated land surveyor at more than one business at any one time.

(5) When there is a change in the designee(s), the business must notify the board in writing no later than thirty days after the effective date of the change and submit a new affidavit.

(6) If the business changes its name, the business must submit a copy of its amended certificate of authority or amended certificate of incorporation (for corporations) or a copy of the certificate of amendment (for LLC's), as filed with the secretary of state within thirty days of the name change.

(7) At the time of renewal, the corporation or limited liability company must submit a copy of the document issued to their company by the state of Washington master license service which states that the corporation or limited liability company has been "renewed by the authority of the secretary of state" and shows a current expiration date.

(8) The filing of the resolution shall not relieve the business of any responsibility or liability imposed upon it by law or by contract. Any business that is certified under chapter 18.43 RCW and this chapter is subject to the authority of the board as provided in RCW 18.43.035, 18.43.105, 18.43.110, and 18.43.120.

[Statutory Authority: RCW 18.43.035. 05-17-053, § 196-25-040, filed 8/9/05, effective 9/9/05; 99-15-057, § 196-25-040, filed 7/15/99, effective 8/15/99. Statutory Authority: RCW 18.43.035 and 18.43.130. 98-12-053, § 196-25-040, filed 5/29/98, effective 7/1/98.]

WAC 196-25-050 Branch offices. An engineering business or land surveying business maintaining branch offices shall have a resident engineer or resident land surveyor, as applicable, in responsible charge of said engineering and/or land surveying services.

[Statutory Authority: Chapters 18.43 and 18.235 RCW. 04-04-001, § 196-25-050, filed 1/21/04, effective 2/21/04. Statutory Authority: RCW 18.43.035. 99-15-053, § 196-25-050, filed 7/15/99, effective 8/15/99.]

WAC 196-25-060 Offer to practice. The offer to practice or provide engineering or land surveying services must

[Ch. 196-25 WAC—p. 2]

be made by or under the direct supervision of a licensee qualified to offer said services under the provisions of chapter 18.43 RCW.

[Statutory Authority: RCW 18.43.035. 99-15-054, § 196-25-060, filed 7/15/99, effective 8/15/99.]

WAC 196-25-070 Providing direct supervision. **Direct supervision** means the actions by which a licensee maintains control over those decisions that are the basis for the findings, conclusions, analyses, rationale, details, and judgments required for the preparation of engineering or land surveying plans, specifications, plats, reports, and related activities. **Direct supervision** requires providing personal direction, oversight, inspection, observation and supervision of the work being certified.

These actions may include, but are not limited to: Direct face-to-face communications; written communications; U.S. mail; electronic mail; facsimiles; telecommunications, or other current technology. Contractual or employment relations must be in place between the licensee and unlicensed preparer to qualify as direct supervision. Mentoring is not direct supervision. Drawing or other document review after preparation without involvement in the design and development process as described above cannot be accepted as direct supervision.

[Statutory Authority: RCW 18.43.035. 10-05-017, § 196-25-070, filed 2/4/10, effective 3/7/10; 06-22-033, § 196-25-070, filed 10/25/06, effective 11/25/06. Formerly WAC 196-23-030.]

WAC 196-25-080 Practice by businesses, organizations or public agencies. When a business, organization or public agency offers or performs engineering or land surveying services as defined in RCW 18.43.020, the business, organization or public agency shall perform its duties and responsibilities in accordance with chapter 18.43 RCW and applicable rules.

[Statutory Authority: RCW 18.43.035. 06-22-033, § 196-25-080, filed 10/25/06, effective 11/25/06. Formerly WAC 196-23-050.]

Chapter 196-26A WAC

REGISTERED PROFESSIONAL ENGINEERS AND LAND SURVEYOR FEES

(Formerly chapter 196-26 WAC)

WAC

196-26A-010	State fee authority, applications and payment procedures.
196-26A-020	Examination vendor, procedures and costs.
196-26A-025	State fees for examinations.
196-26A-030	Applications for comity licensure and temporary permits.
196-26A-035	State fees for comity licensure and temporary permit applications.
196-26A-040	Renewals for professional engineer and professional land surveyor licenses.
196-26A-045	Professional engineer, professional land surveyor renewal fees and penalties.
196-26A-050	Application for certificate of authorization.
196-26A-055	Renewal of certificate of authorization.
196-26A-060	Certificate of authorization application and renewal fees.
196-26A-070	Replacement document fees.
196-26A-100	Suspended fees.
196-26A-110	Suspended fees.

[Statutory Authority: RCW 43.24.086 and 18.43.035. 02-13-080, § 196-26A-020, filed 6/17/02, effective 9/1/02.]

WAC 196-26A-025 State fees for examinations.

FUNDAMENTAL EXAMINATIONS:

Fundamentals of Engineering (FE):

Application fee (incl. wall certificate):	\$ 30
Processing fee to retake the FE examination:	\$ 20

Fundamentals of Land Surveying (FLS):

Application fee (incl. wall certificate):	\$ 30
Processing fee to retake the FLS examination:	\$ 20

Note: Additional charges to cover costs of NCEES fundamentals examinations, exam administration and grading will be billed by NCEES to approved applicants.

PROFESSIONAL ENGINEERING EXAMINATIONS:

NCEES Examinations: (All branches other than board prepared examinations)

Application fee (incl. wall certificate and initial license):	\$ 65
Processing fee to retake the NCEES PE exam:	\$ 30

Note: Additional charges to cover costs of NCEES PE examinations, exam administration and grading will be billed by NCEES to approved applicants.

Structural Engineering:

Note: To become licensed in structural engineering a candidate is required to pass sixteen hours of structural examinations when determined eligible under Washington law. The examinations for structural licensing consist of the NCEES Structural II and the Washington Structural III examination. One application is required for structural engineering and when approved a candidate may sit for both examinations when they are offered on successive days.

Application fee (incl. wall certificate and initial license):	\$ 65
Processing fee to retake the NCEES Structural II or Washington Structural III exams:	\$ 30

Note: Additional charges to cover costs of NCEES Structural II examination, exam administration and grading will be billed by NCEES to approved applicants.

Structural III examination fee:	\$ 300
Examination rescore:	\$ 50/item

WAC 196-26A-010 State fee authority, applications and payment procedures. The state fees listed in this chapter are adopted by the director of the department of licensing (department) in accordance with RCW 43.24.086. For registration under provisions of chapter 18.43 RCW, the required state fee must accompany all applications. If payment is made by check or money order, the payment should be made payable to the state treasurer. Should an applicant be judged ineligible for examination, the fee shall be retained to cover the costs of processing. An applicant who fails an examination may be scheduled for a retake by paying the required fee within the time frame established by the board of registration for professional engineers and land surveyors (board). Applicants who fail to appear for their scheduled examination will forfeit their fees as determined by the board. Applicants may withdraw from a scheduled examination without forfeiting their fees by submitting a written notice to the board office by the date established by the board.

[Statutory Authority: RCW 43.24.086 and 18.43.035. 02-13-080, § 196-26A-010, filed 6/17/02, effective 9/1/02.]

WAC 196-26A-020 Examination vendor, procedures and costs. The board has determined the National Council of Examiners for Engineering and Surveying (NCEES) will administer their examinations on behalf of the board. In addition to state fees, all approved applicants are charged by NCEES for the costs of examinations, exam administration and grading. All these costs must be paid in advance by the applicant to NCEES to reserve a seat at the examination. Applicants who have not paid the required costs will not be admitted to the examination. Applicants who fail to appear for their scheduled examination will forfeit all moneys paid to NCEES. The schedule of the costs charged by NCEES is available from NCEES or the board offices.

Forest Engineering:

Application fee (incl. wall certificate and initial license):	\$ 65
Processing fee to retake the forest engineering examination:	\$ 30
Examination rescore:	\$ 50/item

Note: The examination for licensure in forest engineering is a Washington specific examination that is offered in April of the year depending upon applications received. Interested applicants should confirm schedule by contacting the board office.

equivalent to the examinations required by the Washington board.

Professional engineering, temporary permit application:	\$ 110
Professional land surveying, comity licensure application:	\$ 140

Note: For licensure by comity in land surveying an applicant must meet the experience requirements established by the board and have passed a written examination deemed satisfactory to the board. Eligible applicants are required to pass the Washington specific examination on Washington laws and rules.

PROFESSIONAL LAND SURVEYING:

Note: The examinations for licensure in professional land surveying include an NCEES PLS examination, a Washington specific examination and a take-home examination over Washington laws and rules. One application is required and when determined eligible a candidate will sit for the NCEES PLS examination and the Washington specific examination on the same day.

Application fee (incl. wall certificate, state exams, and initial license):	\$ 140
Processing and examination fee to retake the state PLS exam:	\$ 100

Note: Additional charges to cover costs of NCEES LS examination, exam administration and grading will be billed by NCEES to approved applicants.

Processing fee to retake the NCEES PLS examination:	\$ 30
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[Statutory Authority: RCW 43.24.086 and 18.43.035. 02-13-080, § 196-26A-025, filed 6/17/02, effective 9/1/02.]

WAC 196-26A-030 Applications for comity licensure and temporary permits. For comity licensure under the provisions of chapter 18.43 RCW, the required state fee must accompany all applications. Payment by check or money order must be made payable to the Washington state treasurer. Should an applicant be judged ineligible for licensure by comity, the fee submitted shall be retained to cover the cost of processing.

A temporary permit to practice in the state of Washington is available to nonresidents for a period of not to exceed thirty days total in any one-year period. Eligible applicants must have a valid license to practice engineering in the United States, have no outstanding disciplinary actions against their licensure and meet the experience requirements for licensure in Washington. Temporary permits must be issued prior to any authorized practice in Washington.

[Statutory Authority: RCW 43.24.086 and 18.43.035. 02-13-080, § 196-26A-030, filed 6/17/02, effective 9/1/02.]

WAC 196-26A-035 State fees for comity licensure and temporary permit applications.

Professional engineering, comity licensure application:	\$ 110
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Note: For licensure by comity in structural engineering an applicant must have a current license as a professional engineer, meet the experience requirements established by the board and have passed sixteen hours of rigorous examinations in structural engineering as determined by the board to be

[Statutory Authority: RCW 43.24.086 and 18.43.035. 02-13-080, § 196-26A-035, filed 6/17/02, effective 9/1/02.]

WAC 196-26A-040 Renewals for professional engineer and professional land surveyor licenses. The date of renewal, renewal interval and renewal fee is established by the director of the department of licensing in accordance with chapter 43.24 RCW. To renew a license, the licensee must:

- (1) Include payment of the renewal fee;
- (2) Include the licensee's Social Security number as provided for by RCW 26.23.150; and
- (3) Include any name/address changes that apply.

If a completed application for renewal has not been received by the department by the date of expiration (post-marked before the date of expiration if mailed or transacted on-line before the date of expiration), the license becomes invalid. Licensees who fail to pay the renewal fee within ninety days of the date of expiration are required to pay an additional penalty fee equivalent to the fee for a one-year renewal. It is the responsibility of each licensee to renew their license in a timely manner regardless of whether they received a renewal notice from the department.

The licenses for individuals registered as professional engineers or professional land surveyors shall be renewed every two years or as otherwise set by the director of the department of licensing. The date of renewal shall be the licensee's date of birth. The initial license issued to an individual shall expire on the licensee's next birth date. However, if the licensee's next birth date is within three months of the initial date of licensure, the original license shall expire on his or her second birth date following original licensure.

[Statutory Authority: RCW 43.24.086 and 18.43.035. 02-13-080, § 196-26A-040, filed 6/17/02, effective 9/1/02.]

WAC 196-26A-045 Professional engineer, professional land surveyor renewal fees and penalties.

Professional engineer (two years):	\$ 116
Professional land surveyor (two years):	\$ 116
Late renewal penalty (PE and LS only):	\$ 58

[Statutory Authority: RCW 43.24.086 and 18.43.035. 02-13-080, § 196-26A-045, filed 6/17/02, effective 9/1/02.]

WAC 196-26A-050 Application for certificate of authorization. Except for professional service corporations (PS) and professional service limited liability companies (PLLC) as defined by the Washington secretary of state, all

corporations, joint stock associations and limited liability companies that offer engineering or land surveying services to the public must obtain a certificate of authorization from the board. Each application must be accompanied by the required state fee made payable to the state treasurer. Should an applicant be judged ineligible for certificate of authority, the fee submitted shall be retained to cover the cost of processing.

[Statutory Authority: RCW 43.24.086 and 18.43.035. 02-13-080, § 196-26A-050, filed 6/17/02, effective 9/1/02.]

WAC 196-26A-055 Renewal of certificate of authorization. The date of renewal, renewal interval and renewal fee are established by the director of the department of licensing in accordance with chapter 43.24 RCW. To renew a certificate of authorization, payment of the renewal fee must be received by the department by the date of expiration (post-marked if renewal is mailed by U.S. mail) or the certificate of authorization becomes invalid. The complete renewal must include any changes to: The name of firm, scope of services offered, mailing address of firm and name and address of licensee(s) named in responsible charge for the services provided. A certificate of authorization that is expired is invalid on the date of expiration.

[Statutory Authority: RCW 43.24.086 and 18.43.035. 02-13-080, § 196-26A-055, filed 6/17/02, effective 9/1/02.]

WAC 196-26A-060 Certificate of authorization application and renewal fees.

Application fee (incl. wall certificate and initial license):	\$ 150
Renewal fee (one-year):	\$ 110

[Statutory Authority: RCW 43.24.086 and 18.43.035. 02-13-080, § 196-26A-060, filed 6/17/02, effective 9/1/02.]

WAC 196-26A-070 Replacement document fees. The department will provide replacement or duplicate certificates or licenses upon written request and payment of the appropriate fee to cover costs of production and mailing.

Duplicate/replacement wall certificate:	\$ 25
Duplicate/replacement license:	\$ 15

[Statutory Authority: RCW 43.24.086 and 18.43.035. 02-13-080, § 196-26A-070, filed 6/17/02, effective 9/1/02.]

WAC 196-26A-100 Suspended fees. Effective March 1, 2006 the following fees will have the listed portions suspended from collection until July 1, 2008.

Fee categories	Current Fees	Portion Suspended	Temporary Fees
Structural Engineering:			
Structural III Examination & application fee	\$365	\$35	\$330
Structural III Examination retake:	\$330	\$30	\$300
Comity Licensure:			
Engineering	\$110	\$40	\$70
Surveyor comity	\$140	\$40	\$100

(2/21/06)

[Statutory Authority: RCW 43.24.086, 18.43.035, and 18.210.050. 06-06-019, § 196-26A-100, filed 2/21/06, effective 3/24/06.]

WAC 196-26A-110 Suspended fees. Effective July 1, 2006 the following fees will have the listed portions suspended from collection until July 1, 2008.

Fee categories	Current Fees	Portion Suspended	Temporary Fees
License Renewals:			
Engineer	\$116	\$16	\$100
Engineer late renewal penalty	\$174	\$24	\$150
Surveyor	\$116	\$16	\$100
Surveyor late renewal penalty	\$174	\$24	\$150

[Statutory Authority: RCW 43.24.086, 18.43.035, and 18.210.050. 06-06-019, § 196-26A-110, filed 2/21/06, effective 3/24/06.]

Chapter 196-27A WAC

RULES OF PROFESSIONAL CONDUCT AND PRACTICE

WAC

196-27A-010	Purpose and applicability.
196-27A-020	Fundamental canons and guidelines for professional conduct and practice.
196-27A-030	Explicit acts of misconduct.

WAC 196-27A-010 Purpose and applicability. (1) RCW 18.43.110 provides the board of registration for professional engineers and land surveyors (board) with the exclusive power to fine and reprimand registrants and suspend or revoke the certificate of registration of any registrant for violation of any provisions of chapter 18.43 or 18.235 RCW. This includes, as stated in RCW 18.43.105(11), "Committing any other act, or failing to act, which act or failure are customarily regarded as being contrary to the accepted professional conduct or standard generally expected of those practicing engineering or land surveying." The purpose of chapter 196-27A WAC is to provide further guidance to registrants with respect to the accepted professional conduct and practice generally expected of those practicing engineering or land surveying.

(2) These rules of professional conduct and practice are applicable to all registrants and engineering/land surveying firms. A registrant is any person holding a certificate or license issued in accordance with chapter 18.43 RCW and an engineering/land surveying firm is one that has been issued a certificate of authorization to practice by the board.

(3) All persons, corporations, joint stock associations and limited liability companies registered under the provisions of chapter 18.43 RCW are charged with having knowledge of, and practicing in accordance with, the provisions of this chapter.

[Statutory Authority: RCW 18.43.035. 02-23-027, § 196-27A-010, filed 11/12/02, effective 12/13/02.]

WAC 196-27A-020 Fundamental canons and guidelines for professional conduct and practice. Registrants are to safeguard life, health, and property and promote the welfare of the public. To that end, registrants have obligations to the public, their employers and clients, other registrants and the board.

(1) Registrant's obligation to the public.

(a) Registrants are obligated to be honest, fair and timely in their dealings with the public, their clients and other licensed professionals.

(b) Registrants must be able to demonstrate that their final documents and work products conform to accepted standards.

(c) Registrants must inform their clients or employers of the harm that may come to the life, health, property and welfare of the public at such time as their professional judgment is overruled or disregarded. If the harm rises to the level of an imminent threat, the registrant is also obligated to inform the appropriate regulatory agency.

(d) Registrants shall maintain their competency by continuing their professional development throughout their careers and shall provide opportunities for the professional development of those individuals under their supervision.

(e) Registrants shall be objective and truthful in professional documents, reports, public and private statements and testimony; all material facts, and sufficient information to support conclusions or opinions expressed, must be included in said documents, reports, statements and testimony. Registrants shall not knowingly falsify, misrepresent or conceal a material fact in offering or providing services to a client or employer.

(f) Registrants shall offer their services in a truthful, objective, professional manner that effects integrity and fosters public trust in the engineering and land surveying professions.

(g) Registrants should endeavor to extend the public knowledge of engineering and land surveying.

(h) Registrants shall accurately represent their academic credentials, professional qualifications and experience.

(i) Registrants may advertise professional services only in ways that are representative of their qualifications, experience and capabilities.

(j) Registrants shall forbid the use of their name or firm name by any person or firm that is engaging in fraudulent or dishonest business or professional practices.

(2) Registrant's obligation to employer and clients.

(a) Registrants are expected to strive with the skill, diligence and judgment exercised by the prudent practitioner, to achieve the goals and objectives agreed upon with their client or employer. They are also expected to promptly inform the client or employer of progress and changes in conditions that may affect the appropriateness or achievability of some or all of the goals and objectives of the client or employer.

(b) Registrants and their clients should have a clear and documented understanding and acceptance of the work to be performed by the registrant for the client. The registrant should maintain good records throughout the duration of the project to document progress, problems, changes in expectations, design modifications, agreements reached, dates and subject of conversations, dates of transmittals and other pertinent records consistent with prudent professional practice.

(c) Registrants shall seal only documents prepared by them or under their direct supervision as required by RCW 18.43.070.

(d) Registrants shall be competent in the technology and knowledgeable of the codes and regulations applicable to the services they perform.

(e) Registrants must be qualified by education or experience in the technical field of engineering or land surveying applicable to services performed.

(f) Registrants may accept primary contractual responsibility requiring education or experience outside of their own

fields of competence, provided, their services are restricted to those parts and aspects of the project in which they are qualified. Other qualified registrants shall perform and stamp the work for other parts and aspects of the project.

(g) Registrants shall act as faithful agents or trustees in professional matters for each employer or client.

(h) Registrants shall advise their employers or clients in a timely manner when, as a result of their studies and their professional judgment, they believe a project will not be successful.

(i) Registrants shall avoid conflicts of interest, or the appearance of a conflict of interest, with their employers or clients. Registrants must promptly inform their employers or clients of any business association, interest, or circumstances that could influence their judgment or the quality of their services or would give the appearance that an existing business association, interest, or circumstances could result in influencing their judgment or the quality of their services.

(j) Registrants shall accept compensation from only one party for services rendered on a specific project, unless the circumstances are fully disclosed and agreed to by the parties of interest.

(3) Registrant's obligation to other registrants.

(a) If registrants issue statements, critiques, evaluations or arguments on engineering or land surveying matters, they shall clearly indicate on whose behalf the statements are made.

(b) Registrants shall negotiate contracts for professional services fairly and on the basis of demonstrated competence and qualifications for the type of services required.

(c) Registrants shall respond to inquiries from other registrants regarding their work in a timely, fair and honest manner as would be expected from a prudent practitioner.

(4) Registrant's obligation to the board.

(a) Registrants shall cooperate with the board by providing, in a timely manner, all records and information requested in writing by the board, or their designee.

(b) Registrants shall respond to, or appear before the board at the time, date and location so stated in a legally served board order.

(c) Registrants shall notify the board of suspected violations of chapter 18.43 or 18.235 RCW or of these rules by providing factual information in writing to convey the knowledge or reason(s) to believe another person or firm may be in violation.

[Statutory Authority: RCW 18.43.035, 02-23-027, § 196-27A-020, filed 11/12/02, effective 12/13/02.]

WAC 196-27A-030 Explicit acts of misconduct. In addition to any failure to conform with the requirements of chapter 18.43 or 18.235 RCW, or this chapter, the following acts and any act or condition listed in RCW 18.235.130, are explicitly defined as misconduct in the practice of engineering and/or land surveying.

(1) Aiding or abetting the unsupervised practice of engineering or land surveying in the state by a person or firm that is not registered in accordance with chapter 18.43 RCW, or, aiding or abetting an unlicensed person to practice or operate a business or profession when a license is required.

(2) The practice of engineering or land surveying by a registrant when the registrant's license is retired, expired, suspended or revoked.

(3) Failing to comply with the terms and conditions of an order issued by the board.

(4) Failing to provide relevant information on plans and surveys in a clear manner consistent with prudent practice.

(5) Failing to comply with the provisions of the Survey Recording Act, chapter 58.09 RCW and the survey standards, chapter 332-130 WAC.

(6) Failing to respond to inquiries from clients, or other professionals regarding conflicts with the registrant's work, opinions or procedures, in a manner that would be expected from a prudent practitioner.

(7) Failing to correct engineering or land surveying documents or drawings known to contain substantive errors.

(8) Failing to notify a client or employer that a project could not, or would not, be completed once that assessment is made.

(9) Modifying another licensee's work without notifying that licensee, and clearly delineating the modifications and sealing and signing the modifications made; EXCEPT where the plans, maps, or documents are modified by the owner to reflect changes over time for their own purposes and are not used for submittals or bid documents.

(10) Offering or accepting money, goods or other favors as inducement to receive favorable consideration for a professional assignment, or as an inducement to approve, authorize or influence the granting of a professional assignment.

(11) Soliciting or accepting gratuities, directly or indirectly, from contractors, their agents, or other parties dealing with clients or employers in connection with work for which the registrant is responsible.

(12) Using privileged information coming to registrants in the course of their assignments as a means of making personal profit beyond their professional compensation.

(13) Requesting, proposing, or accepting professional commissions on a contingent basis under circumstances in which the registrant's integrity may be compromised.

(14) Any act, statement or behavior that harasses, intimidates or retaliates against anyone who has provided information, assistance or testimony in connection with any Board inquiry, investigation, hearing or other proceeding.

(15) Willfully attempting to suborn another person to violate the law or administrative code, public policy or their code of professional ethics.

(16) Willfully making false statements or submitting fraudulent documents when reporting the completion of continuing professional development requirements.

(17) Disorderly, discriminatory or abusive behavior or statements which are significantly disruptive to the normal activities of a place of business or public view, where such behavior would give anyone witnessing the act a reasonable belief to be concerned for their safety or well-being.

[Statutory Authority: RCW 18.43.035, 07-07-121, § 196-27A-030, filed 3/20/07, effective 4/20/07; 06-11-120, § 196-27A-030, filed 5/19/06, effective 7/1/06; 02-23-027, § 196-27A-030, filed 11/12/02, effective 12/13/02.]

Chapter 196-29 WAC

PROFESSIONAL PRACTICES

WAC

196-29-110 Land surveying practice standards.
196-29-200 Federal employee exemption.

WAC 196-29-110 Land surveying practice standards. Failure by any registrant to comply with the provisions of the Survey Recording Act, chapter 58.09 RCW and the survey standards, chapter 332-130 WAC shall be considered misconduct or malpractice as defined by RCW 18.43.105(11).

The following standards shall also apply:

(1) The monumentation, posting, and/or the marking of a boundary line between two existing corner monuments constitutes the "practice of land surveying" as defined in chapter 18.43 RCW and chapter 196-16 WAC, and consequently requires said work to be performed under the direct supervision of a registered professional land surveyor.

(2) The field survey work performed to accomplish the monumentation, posting, and marking of a boundary line between two existing corner monuments shall meet the minimum standards imposed by chapter 332-130 WAC.

(3) The monumentation, posting, and/or marking of a boundary line between two existing corner monuments involves a determination of the accuracy and validity of the existing monuments by the use of standard survey methods and professional judgment.

(4) The monumentation, posting, and marking of a boundary line between two existing corner monuments shall require the filing of a record of survey according to chapter 58.09 RCW unless both corners satisfy one or both of the following requirements:

(a) The corner(s) are shown as being established on a properly recorded or filed survey according to chapter 58.09 RCW and are accurately and correctly shown thereon.

(b) The corner(s) are described correctly, accurately, and properly on a land corner record according to chapter 58.09 RCW if their establishment was by a method not requiring the filing of a record of survey.

[Statutory Authority: RCW 18.43.035, 06-22-038, § 196-29-110, filed 10/25/06, effective 11/25/06. Formerly WAC 196-24-110.]

WAC 196-29-200 Federal employee exemption. (1) Under RCW 18.43.130(6) the provisions of the act shall not be construed to prevent or affect 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 the government of the United States; provided:

(a) That all work performed is for the exclusive use of the federal government; and

(b) That all work performed is wholly contained within the confines of lands held by the federal government (federal enclave).

(12/23/09)

(2) Any engineering work that is performed and/or constructed for the benefit of a private citizen or business entity, even if directly adjoining lands held by the federal government, must be performed by or under the direct supervision of an engineer licensed in accordance with the requirements of chapter 18.43 RCW.

(3) Any surveying work that is performed for boundaries between lands held by the federal government and lands held by a private citizen or business entity, must be performed by or under the direct supervision of a land surveyor licensed in accordance with the requirements of chapter 18.43 RCW or under the authority of the Secretary of the Interior through special instructions approved by the Bureau of Land Management.

[Statutory Authority: RCW 18.43.035, 10-01-199, § 196-29-200, filed 12/23/09, effective 1/23/10.]

Chapter 58.04 RCW

BOUNDARIES

Sections

58.04.001	Purpose—Remedies.
58.04.003	Definition of surveyor.
58.04.007	Affected landowners may resolve dispute over location of a point or line—Procedures.
58.04.011	Authorization to enter upon any land or waters for purpose of resolving dispute.
58.04.015	Disturbing a survey monument—Penalty—Cost.
58.04.020	Suit to establish lost or uncertain boundaries—Mediation may be required.
58.04.030	Commissioners—Survey and report.
58.04.040	Proceedings, conduct of—Costs.

Cities and towns

jurisdiction over adjacent waters (boundaries adjacent to or fronting thereon): RCW 35.21.160.
proposed boundaries required on incorporation: Chapter 35.02 RCW.

Counties

actions to establish boundaries: Chapter 36.05 RCW.
boundaries: Chapter 36.04 RCW.
roads and bridges—Establishment—Monuments at government survey corners: RCW 36.86.050.
survey map, field notes and profiles: RCW 36.81.060.

Dike or ditch as common boundary: RCW 85.28.140.

Diking and drainage districts—Boundaries: Title 85 RCW.

Fences: Chapter 16.60 RCW.

Flood control districts—Boundaries: Title 86 RCW.

Harbor line commission: RCW 79.115.010.

Public waterway districts—Boundaries: Chapter 91.08 RCW.

Reclamation districts of one million acres—Boundaries to be fixed: RCW 89.30.082.

Relocation of inner harbor line: RCW 79.115.020.

Shellfish cultivation or other aquaculture use—Survey and boundary markers: RCW 79.135.140.

Soil conservation—Annexation of territory—Boundary change: RCW 89.08.180.

Survey of county boundaries: RCW 36.04.400.

Tidelands, shorelands—Boundary of shorelands when water lowered: RCW 79.125.500.

58.04.001 Purpose—Remedies. The purpose of this chapter is to provide alternative procedures for fixing boundary points or lines when they cannot be determined from the existing public record and landmarks or are otherwise in dispute. This chapter does not impair, modify, or supplant any other remedy available at law or equity. [1996 c 160 § 1.]

58.04.003 Definition of surveyor. As used in this chapter, "surveyor" means every person authorized to practice the profession of land surveying under the provisions of chapter 18.43 RCW. [1996 c 160 § 2.]

58.04.007 Affected landowners may resolve dispute over location of a point or line—Procedures. Whenever a point or line determining the boundary between two or more parcels of real property cannot be identified from the existing public record, monuments, and landmarks, or is in dispute, the landowners affected by the determination of the point or

line may resolve any dispute and fix the boundary point or line by one of the following procedures:

(1) If all of the affected landowners agree to a description and marking of a point or line determining a boundary, they shall document the agreement in a written instrument, using appropriate legal descriptions and including a survey map, filed in accordance with chapter 58.09 RCW. The written instrument shall be signed and acknowledged by each party in the manner required for a conveyance of real property. The agreement is binding upon the parties, their successors, assigns, heirs and devisees and runs with the land. The agreement shall be recorded with the real estate records in the county or counties in which the affected parcels of real estate or any portion of them is located;

(2) If all of the affected landowners cannot agree to a point or line determining the boundary between two or more parcels of real estate, any one of them may bring suit for determination as provided in RCW 58.04.020. [1996 c 160 § 3.]

58.04.011 Authorization to enter upon any land or waters for purpose of resolving dispute. Any surveyor authorized by the court and the surveyor's employees may, without liability for trespass, enter upon any land or waters and remain there while performing the duties as required in RCW 58.04.001 through 58.04.007 and this section. The persons named in this section may, without liability for trespass, investigate, construct, or place a monument or reference monuments for the position of any land boundary mark or general land office corner or mark and subdivisional corners thereof. Persons entering lands under the authority of RCW 58.04.001 through 58.04.007 and this section must exercise due care not to damage property while on land or waters performing their duties, and are liable for property damage, if any, caused by their negligence or willful misconduct. Where practical, the persons named in this section must announce and identify themselves and their intention before entering upon private property in the performance of their duties. [1996 c 160 § 4.]

58.04.015 Disturbing a survey monument—Penalty—Cost. A person who intentionally disturbs a survey monument placed by a surveyor in the performance of the surveyor's duties is guilty of a gross misdemeanor and is liable for the cost of the reestablishment. [1996 c 160 § 5.]

58.04.020 Suit to establish lost or uncertain boundaries—Mediation may be required. (1) Whenever the boundaries of lands between two or more adjoining proprietors have been lost, or by time, accident or any other cause, have become obscure, or uncertain, and the adjoining proprietors cannot agree to establish the same, one or more of the adjoining proprietors may bring a civil action in equity, in the

superior court, for the county in which such lands, or part of them are situated, and that superior court, as a court of equity, may upon the complaint, order such lost or uncertain boundaries to be erected and established and properly marked.

(2) The superior court may order the parties to utilize mediation before the civil action is allowed to proceed. [1996 c 160 § 8; 1886 p 104 § 1; RRS § 947.]

58.04.030 Commissioners—Survey and report. Said court may, in its discretion, appoint commissioners, not exceeding three competent and disinterested persons, one or more of whom shall be practical surveyors, residents of the state, which commissioners shall be, before entering upon their duties, duly sworn to perform their said duties faithfully, and the said commissioners shall thereupon, survey, erect, establish and properly mark said boundaries, and return to the court a plat of said survey, and the field notes thereof, together with their report. Said report shall be advisory and either party may except thereto, in the same manner as to a report of referees. [1886 p 105 § 2; RRS § 948.]

58.04.040 Proceedings, conduct of—Costs. The proceedings shall be conducted as other civil actions, and the court, on final decree, shall apportion the costs of the proceedings equitably, and the cost so apportioned, shall be a lien upon the said lands, severally, as against any transfer or incumbrance made of, or attaching to said lands, from the time of the filing of the complaint: PROVIDED, A notice of lis pendens, is filed in the auditor's office of the proper county, in accordance with law. [1886 p 105 § 3; RRS § 949.]

Chapter 58.09 RCW

SURVEYS—RECORDING

Sections

58.09.010	Purpose—Short title.
58.09.020	Definitions.
58.09.030	Compliance with chapter required.
58.09.040	Records of survey—Contents—Filing—Replacing corner, filing record.
58.09.050	Records of survey—Processing—Requirements.
58.09.060	Records of survey, contents—Record of corner, information.
58.09.070	Coordinates—Map showing control scheme required.
58.09.080	Certificates—Required—Forms.
58.09.090	When record of survey not required.
58.09.100	Filing fee.
58.09.110	Duties of county auditor.
58.09.120	Monuments—Requirements.
58.09.130	Monuments disturbed by construction activities—Procedure—Requirements.
58.09.140	Noncompliance grounds for revocation of land surveyor's license.
58.09.900	Severability—1973 c 50.

58.09.010 Purpose—Short title. The purpose of this chapter is to provide a method for preserving evidence of land surveys by establishing standards and procedures for monumenting and for recording a public record of the surveys. Its provisions shall be deemed supplementary to existing laws relating to surveys, subdivisions, platting, and boundaries.

This chapter shall be known and may be cited as the "Survey Recording Act". [1973 c 50 § 1.]

58.09.020 Definitions. As used in this chapter:

(1) "Land surveyor" shall mean every person authorized to practice the profession of land surveying under the provisions of chapter 18.43 RCW, as now or hereafter amended.

(2) "Washington coordinate system" shall mean that system of plane coordinates as established and designated by chapter 58.20 RCW.

(3) "Survey" shall mean the locating and monumenting in accordance with sound principles of land surveying by or under the supervision of a licensed land surveyor, of points or lines which define the exterior boundary or boundaries common to two or more ownerships or which reestablish or restore general land office corners. [1973 c 50 § 2.]

58.09.030 Compliance with chapter required. Any land surveyor engaged in the practice of land surveying may prepare maps, plats, reports, descriptions, or other documentary evidence in connection therewith.

Every map, plat, report, description, or other document issued by a licensed land surveyor shall comply with the provisions of this chapter whenever such map, plat, report, description, or other document is filed as a public record.

It shall be unlawful for any person to sign, stamp, or seal any map, report, plat, description, or other document for filing under this chapter unless he be a land surveyor. [1973 c 50 § 3.]

58.09.040 Records of survey—Contents—Filing—Replacing corner, filing record. After making a survey in conformity with sound principles of land surveying, a land surveyor may file a record of survey with the county auditor in the county or counties wherein the lands surveyed are situated.

(1) It shall be mandatory, within ninety days after the establishment, reestablishment or restoration of a corner on the boundary of two or more ownerships or general land office corner by survey that a land surveyor shall file with the county auditor in the county or counties wherein the lands surveyed are situated a record of such survey, in such form as to meet the requirements of this chapter, which through accepted survey procedures, shall disclose:

(a) The establishment of a corner which materially varies from the description of record;

(b) The establishment of one or more property corners not previously existing;

(c) Evidence that reasonable analysis might result in alternate positions of lines or points as a result of an ambiguity in the description;

(d) The reestablishment of lost government land office corners.

(2) When a licensed land surveyor, while conducting work of a preliminary nature or other activity that does not constitute a survey required by law to be recorded, replaces or restores an existing or obliterated general land office corner, it is mandatory that, within ninety days thereafter, he shall file with the county auditor in the county in which said corner is located a record of the monuments and accessories found or placed at the corner location, in such form as to meet the requirements of this chapter. [1973 c 50 § 4.]

58.09.050 Records of survey—Processing—Requirements. The records of survey to be filed under authority of this chapter shall be processed as follows:

(1)(a) The record of survey filed under RCW 58.09.040(1) shall be an original map, eighteen by twenty-four inches, that is legibly drawn in black ink on mylar and is suitable for producing legible prints through scanning, micro-filming, or other standard copying procedures.

(b) The following are allowable formats for the original that may be used in lieu of the format set forth under (a) of this subsection:

(i) Photo mylar with original signatures;

(ii) Any standard material as long as the format is compatible with the auditor's recording process and records storage system. This format is only allowed in those counties that are excepted from permanently storing the original document as required in RCW 58.09.110(5);

(iii) An electronic version of the original if the county has the capability to accept a digital signature issued by a licensed certification authority under chapter 19.34 RCW or

a certification authority under the rules adopted by the Washington state board of registration for professional engineers and land surveyors, and can import electronic files into an imaging system. The electronic version shall be a standard raster file format acceptable to the county.

A two inch margin on the left edge and a one-half inch margin on other edges of the map shall be provided. The auditor shall reject for recording any maps not suitable for producing legible prints through scanning, microfilming, or other standard copying procedures.

(2) Information required by RCW 58.09.040(2) shall be filed on a standard form eight and one-half inches by fourteen inches as designed and prescribed by the department of natural resources. The auditor shall reject for recording any records of corner information not suitable for producing legible prints through scanning, microfilming, or other standard copying procedures. An electronic version of the standard form may be filed if the county has the capability to accept a digital signature issued by a licensed certification authority under chapter 19.34 RCW or a certification authority under the rules adopted by the Washington state board of registration for professional engineers and land surveyors, and can import electronic files into an imaging system. The electronic version shall be a standard raster file format acceptable to the county.

(3) Two legible prints of each record of survey as required under the provisions of this chapter shall be furnished to the county auditor in the county in which the survey is to be recorded. The auditor, in those counties using imaging systems, may require only the original, and fewer prints, as needed, to meet the requirements of their duties. If any of the prints submitted are not suitable for scanning or microfilming the auditor shall not record the original.

(4) Legibility requirements are set forth in the recorder's checklist under RCW 58.09.110. [1999 c 39 § 1; 1973 c 50 § 5.]

58.09.060 Records of survey, contents—Record of corner, information. (1) The record of survey as required by RCW 58.09.040(1) shall show:

- (a) All monuments found, set, reset, replaced, or removed, describing their kind, size, and location and giving other data relating thereto;
- (b) Bearing trees, corner accessories or witness monuments, basis of bearings, bearing and length of lines, scale of map, and north arrow;
- (c) Name and legal description of tract in which the survey is located and ties to adjoining surveys of record;
- (d) Certificates required by RCW 58.09.080;
- (e) Any other data necessary for the intelligent interpretation of the various items and locations of the points, lines and areas shown.

(2) The record of corner information as required by RCW 58.09.040(2) shall be on a standard form showing:

- (a) An accurate description and location, in reference to the corner position, of all monuments and accessories found at the corner;
- (b) An accurate description and location, in reference to the corner position, of all monuments and accessories placed or replaced at the corner;

(c) Basis of bearings used to describe or locate such monuments or accessories;

(d) Corollary information that may be helpful to relocate or identify the corner position;

(e) Certificate required by RCW 58.09.080. [1973 c 50 § 6.]

58.09.070 Coordinates—Map showing control scheme required. When coordinates in the Washington coordinate system are shown for points on a record of survey map, the map may not be recorded unless it also shows, or is accompanied by a map showing, the control scheme through which the coordinates were determined from points of known coordinates. [1973 c 50 § 7.]

58.09.080 Certificates—Required—Forms. Certificates shall appear on the record of survey map as follows:

SURVEYOR'S CERTIFICATE

This map correctly represents a survey made by me or under my direction in conformance with the requirements of the Survey Recording Act at the request of in, 19.

Name of Person
(Signed and Sealed)
Certificate No.

AUDITOR'S CERTIFICATE

Filed for record this day of, 19. . . at M. in book of at page at the request of

(Signed)
County Auditor

[1973 c 50 § 8.]

58.09.090 When record of survey not required. (1) A record of survey is not required of any survey:

- (a) When it has been made by a public officer in his official capacity and a reproducible copy thereof has been filed with the county engineer of the county in which the land is located. A map so filed shall be indexed and kept available for public inspection. A record of survey shall not be required of a survey made by the United States bureau of land management. A state agency conducting surveys to carry out the program of the agency shall not be required to use a land surveyor as defined by this chapter;
- (b) When it is of a preliminary nature;
- (c) When a map is in preparation for recording or shall have been recorded in the county under any local subdivision or platting law or ordinance;
- (d) When it is a retracement or resurvey of boundaries of platted lots, tracts, or parcels shown on a filed or recorded and surveyed subdivision plat or filed or recorded and surveyed short subdivision plat in which monuments have been set to mark all corners of the block or street centerline intersections, provided that no discrepancy is found as compared to said recorded information or information revealed on other subsequent public survey map records, such as a record of survey or city or county engineer's map. If a discrepancy is

found, that discrepancy must be clearly shown on the face of the required new record of survey. For purposes of this exemption, the term discrepancy shall include:

(i) A nonexisting or displaced original or replacement monument from which the parcel is defined and which non-existence or displacement has not been previously revealed in the public record;

(ii) A departure from proportionate measure solutions which has not been revealed in the public record;

(iii) The presence of any physical evidence of encroachment or overlap by occupation or improvement; or

(iv) Differences in linear and/or angular measurement between all controlling monuments that would indicate differences in spatial relationship between said controlling monuments in excess of 0.50 feet when compared with all locations of public record: That is, if these measurements agree with any previously existing public record plat or map within the stated tolerance, a discrepancy will not be deemed to exist under this subsection.

(2) Surveys exempted by foregoing subsections of this section shall require filing of a record of corner information pursuant to RCW 58.09.040(2). [1992 c 106 § 1; 1973 c 50 § 9.]

58.09.100 Filing fee. The charge for filing any record of survey and/or record of corner information shall be fixed by the board of county commissioners. [1973 c 50 § 10.]

58.09.110 Duties of county auditor. The auditor shall accept for recording those records of survey and records of corner information that are in compliance with the recorder's checklist as jointly developed by a committee consisting of the survey advisory board and two representatives from the Washington state association of county auditors. This checklist shall be adopted in rules by the department of natural resources.

(1) The auditor shall keep proper indexes of such record of survey by the name of owner and by quarter-quarter section, township, and range, with reference to other legal subdivisions.

(2) The auditor shall keep proper indexes of the record of corner information by section, township, and range.

(3) After entering the recording data on the record of survey and all prints received from the surveyor, the auditor shall send one of the surveyor's prints to the department of natural resources in Olympia, Washington, for incorporation into the statewide survey records repository. However, the county and the department of natural resources may mutually agree to process the original or an electronic version of the original in lieu of the surveyor's print.

(4) After entering the recording data on the record of corner information the auditor shall send a legible copy, suitable for scanning, to the department of natural resources in Olympia, Washington. However, the county and the department of natural resources may mutually agree to process the original or an electronic version of the original in lieu of the copy.

(5) The auditor shall permanently keep the original document filed using storage and handling processes that do not cause excessive deterioration of the document. A county may be excepted from the requirement to permanently store the

original document if it has a document scanning, filming, or other process that creates a permanent, archival record that meets or surpasses the standards as adopted in rule by the division of archives and records management in chapter 434-663 or 434-677 WAC. The auditor must be able to provide full-size copies upon request. The auditor shall maintain a copy or image of the original for public reference.

(6) If the county has the capability to accept a digital signature issued by a licensed certification authority under chapter 19.34 RCW or a certification authority under the rules adopted by the Washington state board of registration for professional engineers and land surveyors, and can import electronic files into an imaging system, the auditor may accept for recording electronic versions of the documents required by this chapter. The electronic version shall be a standard raster file format acceptable to the county.

(7) This section does not supersede other existing recording statutes. [1999 c 39 § 2; 1973 c 50 § 11.]

58.09.120 Monuments—Requirements. Any monument set by a land surveyor to mark or reference a point on a property or land line shall be permanently marked or tagged with the certificate number of the land surveyor setting it. If the monument is set by a public officer it shall be marked by an appropriate official designation.

Monuments set by a land surveyor shall be sufficient in number and durability and shall be efficiently placed so as not to be readily disturbed in order to assure, together with monuments already existing, the perpetuation or reestablishment of any point or line of a survey. [1973 c 50 § 12.]

58.09.130 Monuments disturbed by construction activities—Procedure—Requirements. When adequate records exist as to the location of subdivision, tract, street, or highway monuments, such monuments shall be located and referenced by or under the direction of a land surveyor at the time when streets or highways are reconstructed or relocated, or when other construction or activity affects their perpetuation. Whenever practical a suitable monument shall be reset in the surface of the new construction. In all other cases permanent witness monuments shall be set to perpetuate the location of preexisting monuments. Additionally, sufficient controlling monuments shall be retained or replaced in their original positions to enable land lines, property corners, elevations and tract boundaries to be reestablished without requiring surveys originating from monuments other than the ones disturbed by the current construction or activity.

It shall be the responsibility of the governmental agency or others performing construction work or other activity to provide for the monumentation required by this section. It shall be the duty of every land surveyor to cooperate with such governmental agency or other person in matters of maps, field notes, and other pertinent records. Monuments set to mark the limiting lines of highways, roads, or streets shall not be deemed adequate for this purpose unless specifically noted on the records of the improvement works with direct ties in bearing or azimuth and distance between those and other monuments of record. [1973 c 50 § 13.]

58.09.140 Noncompliance grounds for revocation of land surveyor's license. Noncompliance with any provision of this chapter, as it now exists or may hereafter be amended, shall constitute grounds for revocation of a land surveyor's authorization to practice the profession of land surveying and as further set forth under RCW 18.43.105 and 18.43.110. [1973 c 50 § 14.]

58.09.900 Severability—1973 c 50. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected. [1973 c 50 § 15.]

Chapter 58.17 RCW

PLATS—SUBDIVISIONS—DEDICATIONS

Sections

- 58.17.010 Purpose.
- 58.17.020 Definitions.
- 58.17.030 Subdivisions to comply with chapter, local regulations.
- 58.17.033 Proposed division of land—Consideration of application for preliminary plat or short plat approval—Requirements defined by local ordinance.
- 58.17.035 Alternative method of land division—Binding site plans.
- 58.17.040 Chapter inapplicable, when.
- 58.17.050 Assessors plat—Compliance.
- 58.17.060 Short plats and short subdivisions—Summary approval—Regulations—Requirements.
- 58.17.065 Short plats and short subdivisions—Filing.
- 58.17.070 Preliminary plat of subdivisions and dedications—Submission for approval—Procedure.
- 58.17.080 Filing of preliminary plat—Notice.
- 58.17.090 Notice of public hearing.
- 58.17.092 Public notice—Identification of affected property.
- 58.17.095 Ordinance may authorize administrative review of preliminary plat without public hearing.
- 58.17.100 Review of preliminary plats by planning commission or agency—Recommendation—Change by legislative body—Procedure—Approval.
- 58.17.110 Approval or disapproval of subdivision and dedication—Factors to be considered—Conditions for approval—Finding—Release from damages.
- 58.17.120 Disapproval due to flood, inundation or swamp conditions—Improvements—Approval conditions.
- 58.17.130 Bond in lieu of actual construction of improvements prior to approval of final plat—Bond or security to assure successful operation of improvements.
- 58.17.140 Time limitation for approval or disapproval of plats—Extensions.
- 58.17.150 Recommendations of certain agencies to accompany plats submitted for final approval.
- 58.17.155 Short subdivision adjacent to state highway—Notice to department of transportation.
- 58.17.160 Requirements for each plat or replat filed for record.
- 58.17.165 Certificate giving description and statement of owners must accompany final plat—Dedication, certificate requirements if plat contains—Waiver.
- 58.17.170 Written approval of subdivision—Original of final plat to be filed—Copies.
- 58.17.180 Review of decision.
- 58.17.190 Approval of plat required before filing—Procedure when unapproved plat filed.
- 58.17.195 Approval of plat or short plat—Written finding of conformity with applicable land use controls.
- 58.17.200 Injunctive action to restrain subdivision, sale, transfer of land where final plat not filed.
- 58.17.205 Agreements to transfer land conditioned on final plat approval—Authorized.
- 58.17.210 Building, septic tank or other development permits not to be issued for land divided in violation of chapter or regulations—Exceptions—Damages—Rescission by purchaser.
- 58.17.212 Vacation of subdivision—Procedure.
- 58.17.215 Alteration of subdivision—Procedure.
- 58.17.217 Alteration or vacation of subdivision—Conduct of hearing.
- 58.17.218 Alteration of subdivision—Easements by dedication.
- 58.17.220 Violation of court order or injunction—Penalty.
- 58.17.225 Easement over public open space—May be exempt from RCW 58.17.215—Hearing—Notice.
- 58.17.230 Assurance of discontinuance of violations.
- 58.17.240 Permanent control monuments.
- 58.17.250 Survey of subdivision and preparation of plat.
- 58.17.255 Survey discrepancy—Disclosure.
- 58.17.260 Joint committee—Members—Recommendations for surveys, monumentation and plat drawings.
- 58.17.275 Proposals to adopt, amend, or repeal local ordinances—Advance notice.
- 58.17.280 Naming and numbering of short subdivisions, subdivisions, streets, lots and blocks.
- 58.17.290 Copy of plat as evidence.

- 58.17.300 Violations—Penalties.
- 58.17.310 Approval of plat within irrigation district without provision for irrigation prohibited.
- 58.17.320 Compliance with chapter and local regulations—Enforcement.
- 58.17.330 Hearing examiner system—Adoption authorized—Procedures—Decisions.
- 58.17.900 Validation of existing ordinances and resolutions.
- 58.17.910 Severability—1969 ex.s. c 271.
- 58.17.920 Effective date and application of 1974 ex.s. c 134.

Fees for filing subdivision plats and short plats: RCW 58.24.070.

58.17.010 Purpose. The legislature finds that the process by which land is divided is a matter of state concern and should be administered in a uniform manner by cities, towns, and counties throughout the state. The purpose of this chapter is to regulate the subdivision of land and to promote the public health, safety and general welfare in accordance with standards established by the state to prevent the overcrowding of land; to lessen congestion in the streets and highways; to promote effective use of land; to promote safe and convenient travel by the public on streets and highways; to provide for adequate light and air; to facilitate adequate provision for water, sewerage, parks and recreation areas, sites for schools and schoolgrounds and other public requirements; to provide for proper ingress and egress; to provide for the expeditious review and approval of proposed subdivisions which conform to zoning standards and local plans and policies; to adequately provide for the housing and commercial needs of the citizens of the state; and to require uniform monumenting of land subdivisions and conveyancing by accurate legal description. [1981 c 293 § 1; 1969 ex.s. c 271 § 1.]

Reviser's note: Throughout this chapter, the phrase "this act" has been changed to "this chapter." "This act" [1969 ex.s. c 271] also consists of amendments to RCW 58.08.040 and 58.24.040 and the repeal of RCW 58.16.010 through 58.16.110.

Severability—1981 c 293: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1981 c 293 § 16.]

58.17.020 Definitions. As used in this chapter, unless the context or subject matter clearly requires otherwise, the words or phrases defined in this section shall have the indicated meanings.

(1) "Subdivision" is the division or redivision of land into five or more lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership, except as provided in subsection (6) of this section.

(2) "Plat" is a map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets and alleys, or other divisions and dedications.

(3) "Dedication" is the deliberate appropriation of land by an owner for any general and public uses, reserving to himself or herself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to

which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat or short plat showing the dedication thereon; and, the acceptance by the public shall be evidenced by the approval of such plat for filing by the appropriate governmental unit.

A dedication of an area of less than two acres for use as a public park may include a designation of a name for the park, in honor of a deceased individual of good character.

(4) "Preliminary plat" is a neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks, and other elements of a subdivision consistent with the requirements of this chapter. The preliminary plat shall be the basis for the approval or disapproval of the general layout of a subdivision.

(5) "Final plat" is the final drawing of the subdivision and dedication prepared for filing for record with the county auditor and containing all elements and requirements set forth in this chapter and in local regulations adopted under this chapter.

(6) "Short subdivision" is the division or redivision of land into four or fewer lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership. However, the legislative authority of any city or town may by local ordinance increase the number of lots, tracts, or parcels to be regulated as short subdivisions to a maximum of nine. The legislative authority of any county planning under RCW 36.70A.040 that has adopted a comprehensive plan and development regulations in compliance with chapter 36.70A RCW may by ordinance increase the number of lots, tracts, or parcels to be regulated as short subdivisions to a maximum of nine in any urban growth area.

(7) "Binding site plan" means a drawing to a scale specified by local ordinance which: (a) Identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, and any other matters specified by local regulations; (b) contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the local government body having authority to approve the site plan; and (c) contains provisions making any development be in conformity with the site plan.

(8) "Short plat" is the map or representation of a short subdivision.

(9) "Lot" is a fractional part of divided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term shall include tracts or parcels.

(10) "Block" is a group of lots, tracts, or parcels within well defined and fixed boundaries.

(11) "County treasurer" shall be as defined in chapter 36.29 RCW or the office or person assigned such duties under a county charter.

(12) "County auditor" shall be as defined in chapter 36.22 RCW or the office or person assigned such duties under a county charter.

(13) "County road engineer" shall be as defined in chapter 36.40 RCW or the office or person assigned such duties under a county charter.

(14) "Planning commission" means that body as defined in chapter 36.70, 35.63, or 35A.63 RCW as designated by the

legislative body to perform a planning function or that body assigned such duties and responsibilities under a city or county charter.

(15) "County commissioner" shall be as defined in chapter 36.32 RCW or the body assigned such duties under a county charter. [2002 c 262 § 1; 1995 c 32 § 2; 1983 c 121 § 1. Prior: 1981 c 293 § 2; 1981 c 292 § 1; 1969 ex.s. c 271 § 2.]

Severability—1981 c 293: See note following RCW 58.17.010.

Camping resort contracts—Nonapplicability of certain laws to—Resort not subdivision except under city, county powers: RCW 19.105.510.

58.17.030 Subdivisions to comply with chapter, local regulations. Every subdivision shall comply with the provisions of this chapter. Every short subdivision as defined in this chapter shall comply with the provisions of any local regulation adopted pursuant to RCW 58.17.060. [1974 ex.s. c 134 § 1; 1969 ex.s. c 271 § 3.]

58.17.033 Proposed division of land—Consideration of application for preliminary plat or short plat approval—Requirements defined by local ordinance. (1) A proposed division of land, as defined in RCW 58.17.020, shall be considered under the subdivision or short subdivision ordinance, and zoning or other land use control ordinances, in effect on the land at the time a fully completed application for preliminary plat approval of the subdivision, or short plat approval of the short subdivision, has been submitted to the appropriate county, city, or town official.

(2) The requirements for a fully completed application shall be defined by local ordinance.

(3) The limitations imposed by this section shall not restrict conditions imposed under chapter 43.21C RCW. [1987 c 104 § 2.]

58.17.035 Alternative method of land division—Binding site plans. A city, town, or county may adopt by ordinance procedures for the divisions of land by use of a binding site plan as an alternative to the procedures required by this chapter. The ordinance shall be limited and only apply to one or more of the following: (1) The use of a binding site plan to divisions for sale or lease of commercially or industrially zoned property as provided in RCW 58.17.040(4); (2) divisions of property for lease as provided for in RCW 58.17.040(5); and (3) divisions of property as provided for in RCW 58.17.040(7). Such ordinance may apply the same or different requirements and procedures to each of the three types of divisions and shall provide for the alteration or vacation of the binding site plan, and may provide for the administrative approval of the binding site plan.

The ordinance shall provide that after approval of the general binding site plan for industrial or commercial divisions subject to a binding site plan, the approval for improvements and finalization of specific individual commercial or industrial lots shall be done by administrative approval.

The binding site plan, after approval, and/or when specific lots are administratively approved, shall be filed with the county auditor with a record of survey. Lots, parcels, or tracts created through the binding site plan procedure shall be legal lots of record. The number of lots, tracts, parcels, sites,

or divisions shall not exceed the number of lots allowed by the local zoning ordinances.

All provisions, conditions, and requirements of the binding site plan shall be legally enforceable on the purchaser or any other person acquiring a lease or other ownership interest of any lot, parcel, or tract created pursuant to the binding site plan.

Any sale, transfer, or lease of any lot, tract, or parcel created pursuant to the binding site plan, that does not conform to the requirements of the binding site plan or without binding site plan approval, shall be considered a violation of chapter 58.17 RCW and shall be restrained by injunctive action and be illegal as provided in chapter 58.17 RCW. [1987 c 354 § 2.]

58.17.040 Chapter inapplicable, when. The provisions of this chapter shall not apply to:

(1) Cemeteries and other burial plots while used for that purpose;

(2) Divisions of land into lots or tracts each of which is one-one hundred twenty-eighth of a section of land or larger, or five acres or larger if the land is not capable of description as a fraction of a section of land, unless the governing authority of the city, town, or county in which the land is situated shall have adopted a subdivision ordinance requiring plat approval of such divisions: PROVIDED, That for purposes of computing the size of any lot under this item which borders on a street or road, the lot size shall be expanded to include that area which would be bounded by the center line of the road or street and the side lot lines of the lot running perpendicular to such center line;

(3) Divisions made by testamentary provisions, or the laws of descent;

(4) Divisions of land into lots or tracts classified for industrial or commercial use when the city, town, or county has approved a binding site plan for the use of the land in accordance with local regulations;

(5) A division for the purpose of lease when no residential structure other than mobile homes or travel trailers are permitted to be placed upon the land when the city, town, or county has approved a binding site plan for the use of the land in accordance with local regulations;

(6) A division made for the purpose of alteration by adjusting boundary lines, between platted or unplatted lots or both, which does not create any additional lot, tract, parcel, site, or division nor create any lot, tract, parcel, site, or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site;

(7) Divisions of land into lots or tracts if: (a) Such division is the result of subjecting a portion of a parcel or tract of land to either chapter 64.32 or 64.34 RCW subsequent to the recording of a binding site plan for all such land; (b) the improvements constructed or to be constructed thereon are required by the provisions of the binding site plan to be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest; (c) a city, town, or county has approved the binding site plan for all such land; (d) such approved binding site plan is recorded in the county or counties in which such land is located; and (e) the binding site plan

contains thereon the following statement: "All development and use of the land described herein shall be in accordance with this binding site plan, as it may be amended with the approval of the city, town, or county having jurisdiction over the development of such land, and in accordance with such other governmental permits, approvals, regulations, requirements, and restrictions that may be imposed upon such land and the development and use thereof. Upon completion, the improvements on the land shall be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest. This binding site plan shall be binding upon all now or hereafter having any interest in the land described herein." The binding site plan may, but need not, depict or describe the boundaries of the lots or tracts resulting from subjecting a portion of the land to either chapter 64.32 or 64.34 RCW. A site plan shall be deemed to have been approved if the site plan was approved by a city, town, or county: (i) In connection with the final approval of a subdivision plat or planned unit development with respect to all of such land; or (ii) in connection with the issuance of building permits or final certificates of occupancy with respect to all of such land; or (iii) if not approved pursuant to (i) and (ii) of this subsection (7)(e), then pursuant to such other procedures as such city, town, or county may have established for the approval of a binding site plan;

(8) A division for the purpose of leasing land for facilities providing personal wireless services while used for that purpose. "Personal wireless services" means any federally licensed personal wireless service. "Facilities" means unstaffed facilities that are used for the transmission or reception, or both, of wireless communication services including, but not necessarily limited to, antenna arrays, transmission cables, equipment shelters, and support structures; and

(9) A division of land into lots or tracts of less than three acres that is recorded in accordance with chapter 58.09 RCW and is used or to be used for the purpose of establishing a site for construction and operation of consumer-owned or investor-owned electric utility facilities. For purposes of this subsection, "electric utility facilities" means unstaffed facilities, except for the presence of security personnel, that are used for or in connection with or to facilitate the transmission, distribution, sale, or furnishing of electricity including, but not limited to, electric power substations. This subsection does not exempt a division of land from the zoning and permitting laws and regulations of cities, towns, counties, and municipal corporations. Furthermore, this subsection only applies to electric utility facilities that will be placed into service to meet the electrical needs of a utility's existing and new customers. New customers are defined as electric service locations not already in existence as of the date that electric utility facilities subject to the provisions of this subsection are planned and constructed. [2004 c 239 § 1; 2002 c 44 § 1; 1992 c 220 § 27; 1989 c 43 § 4-123. Prior: 1987 c 354 § 1; 1987 c 108 § 1; 1983 c 121 § 2; prior: 1981 c 293 § 3; 1981 c 292 § 2; 1974 ex.s. c 134 § 2; 1969 ex.s. c 271 § 4.]

Severability—Effective date—1989 c 43: See RCW 64.34.920 and 64.34.930.

Severability—1981 c 293: See note following RCW 58.17.010.

58.17.050 Assessors plat—Compliance. An assessors plat made in accordance with RCW 58.18.010 need not comply with any of the requirements of this chapter except RCW 58.17.240 and 58.17.250. [1969 ex.s. c 271 § 5.]

58.17.060 Short plats and short subdivisions—Summary approval—Regulations—Requirements. (1) The legislative body of a city, town, or county shall adopt regulations and procedures, and appoint administrative personnel for the summary approval of short plats and short subdivisions or alteration or vacation thereof. When an alteration or vacation involves a public dedication, the alteration or vacation shall be processed as provided in RCW 58.17.212 or 58.17.215. Such regulations shall be adopted by ordinance and shall provide that a short plat and short subdivision may be approved only if written findings that are appropriate, as provided in RCW 58.17.110, are made by the administrative personnel, and may contain wholly different requirements than those governing the approval of preliminary and final plats of subdivisions and may require surveys and monumentations and shall require filing of a short plat, or alteration or vacation thereof, for record in the office of the county auditor: PROVIDED, That such regulations must contain a requirement that land in short subdivisions may not be further divided in any manner within a period of five years without the filing of a final plat, except that when the short plat contains fewer than four parcels, nothing in this section shall prevent the owner who filed the short plat from filing an alteration within the five-year period to create up to a total of four lots within the original short plat boundaries: PROVIDED FURTHER, That such regulations are not required to contain a penalty clause as provided in RCW 36.32.120 and may provide for wholly injunctive relief.

An ordinance requiring a survey shall require that the survey be completed and filed with the application for approval of the short subdivision.

(2) Cities, towns, and counties shall include in their short plat regulations and procedures pursuant to subsection (1) of this section provisions for considering sidewalks and other planning features that assure safe walking conditions for students who walk to and from school. [1990 1st ex.s. c 17 § 51; 1989 c 330 § 2; 1987 c 354 § 5; 1987 c 92 § 1; 1974 ex.s. c 134 § 3; 1969 ex.s. c 271 § 6.]

Severability—Part, section headings not law—1990 1st ex.s. c 17: See RCW 36.70A.900 and 36.70A.901.

58.17.065 Short plats and short subdivisions—Filing. Each short plat and short subdivision granted pursuant to local regulations after July 1, 1974, shall be filed with the county auditor and shall not be deemed "approved" until so filed. [1974 ex.s. c 134 § 12.]

58.17.070 Preliminary plat of subdivisions and dedications—Submission for approval—Procedure. A preliminary plat of proposed subdivisions and dedications of land shall be submitted for approval to the legislative body of the city, town, or county within which the plat is situated.

Unless an applicant for preliminary plat approval requests otherwise, a preliminary plat shall be processed simultaneously with applications for rezones, variances, planned unit developments, site plan approvals, and similar

quasi-judicial or administrative actions to the extent that procedural requirements applicable to these actions permit simultaneous processing. [1981 c 293 § 4; 1969 ex.s. c 271 § 7.]

Severability—1981 c 293: See note following RCW 58.17.010.

58.17.080 Filing of preliminary plat—Notice. Notice of the filing of a preliminary plat of a proposed subdivision adjacent to or within one mile of the municipal boundaries of a city or town, or which contemplates the use of any city or town utilities shall be given to the appropriate city or town authorities. Any notice required by this chapter shall include the hour and location of the hearing and a description of the property to be platted. Notice of the filing of a preliminary plat of a proposed subdivision located in a city or town and adjoining the municipal boundaries thereof shall be given to appropriate county officials. Notice of the filing of a preliminary plat of a proposed subdivision located adjacent to the right-of-way of a state highway or within two miles of the boundary of a state or municipal airport shall be given to the secretary of transportation. In the case of notification to the secretary of transportation, the secretary shall respond to the notifying authority within fifteen days of such notice as to the effect that the proposed subdivision will have on the state highway or the state or municipal airport. [1982 c 23 § 1; 1969 ex.s. c 271 § 8.]

58.17.090 Notice of public hearing. (1) Upon receipt of an application for preliminary plat approval the administrative officer charged by ordinance with responsibility for administration of regulations pertaining to platting and subdivisions shall provide public notice and set a date for a public hearing. Except as provided in RCW 36.70B.110, at a minimum, notice of the hearing shall be given in the following manner:

(a) Notice shall be published not less than ten days prior to the hearing in a newspaper of general circulation within the county and a newspaper of general circulation in the area where the real property which is proposed to be subdivided is located; and

(b) Special notice of the hearing shall be given to adjacent landowners by any other reasonable method local authorities deem necessary. Adjacent landowners are the owners of real property, as shown by the records of the county assessor, located within three hundred feet of any portion of the boundary of the proposed subdivision. If the owner of the real property which is proposed to be subdivided owns another parcel or parcels of real property which lie adjacent to the real property proposed to be subdivided, notice under this subsection (1)(b) shall be given to owners of real property located within three hundred feet of any portion of the boundaries of such adjacently located parcels of real property owned by the owner of the real property proposed to be subdivided.

(2) All hearings shall be public. All hearing notices shall include a description of the location of the proposed subdivision. The description may be in the form of either a vicinity location sketch or a written description other than a legal description. [1995 c 347 § 426; 1981 c 293 § 5; 1974 ex.s. c 134 § 4; 1969 ex.s. c 271 § 9.]

Finding—Severability—Part headings and table of contents not law—1995 c 347: See notes following RCW 36.70A.470.

Severability—1981 c 293: See note following RCW 58.17.010.

58.17.092 Public notice—Identification of affected property. Any notice made under chapter 58.17 or 36.70B RCW that identifies affected property may identify this affected property without using a legal description of the property including, but not limited to, identification by an address, written description, vicinity sketch, or other reasonable means. [1995 c 347 § 427; 1988 c 168 § 12.]

Finding—Severability—Part headings and table of contents not law—1995 c 347: See notes following RCW 36.70A.470.

58.17.095 Ordinance may authorize administrative review of preliminary plat without public hearing. A county, city, or town may adopt an ordinance providing for the administrative review of a preliminary plat without a public hearing by adopting an ordinance providing for such administrative review. The ordinance may specify a threshold number of lots in a subdivision above which a public hearing must be held, and may specify other factors which necessitate the holding of a public hearing. The administrative review process shall include the following minimum conditions:

(1) The notice requirements of RCW 58.17.090 shall be followed, except that the publication shall be made within ten days of the filing of the application. Additionally, at least ten days after the filing of the application notice both shall be: (a) Posted on or around the land proposed to be subdivided in at least five conspicuous places designed to attract public awareness of the proposal; and (b) mailed to the owner of each lot or parcel of property located within at least three hundred feet of the site. The applicant shall provide the county, city, or town with a list of such property owners and their addresses. The notice shall include notification that no public hearing will be held on the application, except as provided by this section. The notice shall set out the procedures and time limitations for persons to require a public hearing and make comments.

(2) Any person shall have a period of twenty days from the date of the notice to comment upon the proposed preliminary plat. All comments received shall be provided to the applicant. The applicant has seven days from receipt of the comments to respond thereto.

(3) A public hearing on the proposed subdivision shall be held if any person files a request for a hearing with the county, city, or town within twenty-one days of the publishing of such notice. If such a hearing is requested, notice requirements for the public hearing shall be in conformance with RCW 58.17.090, and the ninety-day period for approval or disapproval of the proposed subdivision provided for in RCW 58.17.140 shall commence with the date of the filing of the request for a public hearing. Any hearing ordered under this subsection shall be conducted by the planning commission or hearings officer as required by county or city ordinance.

(4) On its own initiative within twenty-one days of the filing of the request for approval of the subdivision, the governing body, or a designated employee or official, of the county, city, or town, shall be authorized to cause a public

hearing to be held on the proposed subdivision within ninety days of the filing of the request for the subdivision.

(5) If the public hearing is waived as provided in this section, the planning commission or planning agency shall complete the review of the proposed preliminary plat and transmit its recommendation to the legislative body as provided in RCW 58.17.100. [1986 c 233 § 1.]

Applicability—1986 c 233: "This act does not affect the provisions of RCW 82.02.020." [1986 c 233 § 3.]

58.17.100 Review of preliminary plats by planning commission or agency—Recommendation—Change by legislative body—Procedure—Approval. If a city, town or county has established a planning commission or planning agency in accordance with state law or local charter, such commission or agency shall review all preliminary plats and make recommendations thereon to the city, town or county legislative body to assure conformance of the proposed subdivision to the general purposes of the comprehensive plan and to planning standards and specifications as adopted by the city, town or county. Reports of the planning commission or agency shall be advisory only: PROVIDED, That the legislative body of the city, town or county may, by ordinance, assign to such commission or agency, or any department official or group of officials, such administrative functions, powers and duties as may be appropriate, including the holding of hearings, and recommendations for approval or disapproval of preliminary plats of proposed subdivisions.

Such recommendation shall be submitted to the legislative body not later than fourteen days following action by the hearing body. Upon receipt of the recommendation on any preliminary plat the legislative body shall at its next public meeting set the date for the public meeting where it shall consider the recommendations of the hearing body and may adopt or reject the recommendations of such hearing body based on the record established at the public hearing. If, after considering the matter at a public meeting, the legislative body deems a change in the planning commission's or planning agency's recommendation approving or disapproving any preliminary plat is necessary, the legislative body shall adopt its own recommendations and approve or disapprove the preliminary plat.

Every decision or recommendation made under this section shall be in writing and shall include findings of fact and conclusions to support the decision or recommendation.

A record of all public meetings and public hearings shall be kept by the appropriate city, town or county authority and shall be open to public inspection.

Sole authority to approve final plats, and to adopt or amend platting ordinances shall reside in the legislative bodies. [1995 c 347 § 428; 1981 c 293 § 6; 1969 ex.s. c 271 § 10.]

Finding—Severability—Part headings and table of contents not law—1995 c 347: See notes following RCW 36.70A.470.

Severability—1981 c 293: See note following RCW 58.17.010.

58.17.110 Approval or disapproval of subdivision and dedication—Factors to be considered—Conditions for approval—Finding—Release from damages. (1) The city, town, or county legislative body shall inquire into the public use and interest proposed to be served by the establish-

ment of the subdivision and dedication. It shall determine: (a) If appropriate provisions are made for, but not limited to, the public health, safety, and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and schoolgrounds, and shall consider all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and (b) whether the public interest will be served by the subdivision and dedication.

(2) A proposed subdivision and dedication shall not be approved unless the city, town, or county legislative body makes written findings that: (a) Appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and schoolgrounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and (b) the public use and interest will be served by the platting of such subdivision and dedication. If it finds that the proposed subdivision and dedication make such appropriate provisions and that the public use and interest will be served, then the legislative body shall approve the proposed subdivision and dedication. Dedication of land to any public body, provision of public improvements to serve the subdivision, and/or impact fees imposed under RCW 82.02.050 through 82.02.090 may be required as a condition of subdivision approval. Dedications shall be clearly shown on the final plat. No dedication, provision of public improvements, or impact fees imposed under RCW 82.02.050 through 82.02.090 shall be allowed that constitutes an unconstitutional taking of private property. The legislative body shall not as a condition to the approval of any subdivision require a release from damages to be procured from other property owners.

(3) If the preliminary plat includes a dedication of a public park with an area of less than two acres and the donor has designated that the park be named in honor of a deceased individual of good character, the city, town, or county legislative body must adopt the designated name. [1995 c 32 § 3; 1990 1st ex.s. c 17 § 52; 1989 c 330 § 3; 1974 ex.s. c 134 § 5; 1969 ex.s. c 271 § 11.]

Severability—Part, section headings not law—1990 1st ex.s. c 17: See RCW 36.70A.900 and 36.70A.901.

58.17.120 Disapproval due to flood, inundation or swamp conditions—Improvements—Approval conditions. The city, town, or county legislative body shall consider the physical characteristics of a proposed subdivision site and may disapprove a proposed plat because of flood, inundation, or swamp conditions. Construction of protective improvements may be required as a condition of approval, and such improvements shall be noted on the final plat.

No plat shall be approved by any city, town, or county legislative authority covering any land situated in a flood control zone as provided in chapter 86.16 RCW without the prior written approval of the department of ecology of the state of Washington. [1974 ex.s. c 134 § 6; 1969 ex.s. c 271 § 12.]

58.17.130 Bond in lieu of actual construction of improvements prior to approval of final plat—Bond or security to assure successful operation of improvements.

Local regulations shall provide that in lieu of the completion of the actual construction of any required improvements prior to the approval of a final plat, the city, town, or county legislative body may accept a bond, in an amount and with surety and conditions satisfactory to it, or other secure method, providing for and securing to the municipality the actual construction and installation of such improvements within a period specified by the city, town, or county legislative body and expressed in the bonds. In addition, local regulations may provide for methods of security, including the posting of a bond securing to the municipality the successful operation of improvements for an appropriate period of time up to two years after final approval. The municipality is hereby granted the power to enforce bonds authorized under this section by all appropriate legal and equitable remedies. Such local regulations may provide that the improvements such as structures, sewers, and water systems shall be designed and certified by or under the supervision of a registered civil engineer prior to the acceptance of such improvements. [1974 ex.s. c 134 § 7; 1969 ex.s. c 271 § 13.]

58.17.140 Time limitation for approval or disapproval of plats—Extensions.

Preliminary plats of any proposed subdivision and dedication shall be approved, disapproved, or returned to the applicant for modification or correction within ninety days from date of filing thereof unless the applicant consents to an extension of such time period or the ninety day limitation is extended to include up to twenty-one days as specified under RCW 58.17.095(3): PROVIDED, That if an environmental impact statement is required as provided in RCW 43.21C.030, the ninety day period shall not include the time spent preparing and circulating the environmental impact statement by the local government agency. Final plats and short plats shall be approved, disapproved, or returned to the applicant within thirty days from the date of filing thereof, unless the applicant consents to an extension of such time period. A final plat meeting all requirements of this chapter shall be submitted to the legislative body of the city, town, or county for approval within five years of the date of preliminary plat approval. Nothing contained in this section shall act to prevent any city, town, or county from adopting by ordinance procedures which would allow extensions of time that may or may not contain additional or altered conditions and requirements. [1995 c 68 § 1; 1986 c 233 § 2; 1983 c 121 § 3; 1981 c 293 § 7; 1974 ex.s. c 134 § 8; 1969 ex.s. c 271 § 14.]

Applicability—1986 c 233: See note following RCW 58.17.095.

Severability—1981 c 293: See note following RCW 58.17.010.

58.17.150 Recommendations of certain agencies to accompany plats submitted for final approval. Each preliminary plat submitted for final approval of the legislative body shall be accompanied by the following agencies' recommendations for approval or disapproval:

(1) Local health department or other agency furnishing sewage disposal and supplying water as to the adequacy of the proposed means of sewage disposal and water supply;

(2) Local planning agency or commission, charged with the responsibility of reviewing plats and subdivisions, as to compliance with all terms of the preliminary approval of the proposed plat subdivision or dedication;

(3) City, town or county engineer.

Except as provided in RCW 58.17.140, an agency or person issuing a recommendation for subsequent approval under subsections (1) and (3) of this section shall not modify the terms of its recommendations without the consent of the applicant. [1983 c 121 § 4; 1981 c 293 § 8; 1969 ex.s. c 271 § 15.]

Severability—1981 c 293: See note following RCW 58.17.010.

58.17.155 Short subdivision adjacent to state highway—Notice to department of transportation. Whenever a city, town, or county receives an application for the approval of a short plat of a short subdivision that is located adjacent to the right-of-way of a state highway, the responsible administrator shall give written notice of the application, including a legal description of the short subdivision and a location map, to the department of transportation. The department shall, within fourteen days after receiving the notice, submit to the responsible administrator who furnished the notice a statement with any information that the department deems to be relevant about the effect of the proposed short subdivision upon the legal access to the state highway, the traffic carrying capacity of the state highway and the safety of the users of the state highway. [1984 c 47 § 1.]

58.17.160 Requirements for each plat or replat filed for record. Each and every plat, or replat, of any property filed for record shall:

(1) Contain a statement of approval from the city, town or county licensed road engineer or by a licensed engineer acting on behalf of the city, town or county as to the layout of streets, alleys and other rights-of-way, design of bridges, sewage and water systems, and other structures;

(2) Be accompanied by a complete survey of the section or sections in which the plat or replat is located made to surveying standards adopted by the division of engineering services of the department of natural resources pursuant to RCW 58.24.040.

(3) Be acknowledged by the person filing the plat before the auditor of the county in which the land is located, or any other officer who is authorized by law to take acknowledgment of deeds, and a certificate of said acknowledgment shall be enclosed or annexed to such plat and recorded therewith.

(4) Contain a certification from the proper officer or officers in charge of tax collections that all taxes and delinquent assessments for which the property may be liable as of the date of certification have been duly paid, satisfied or discharged.

No engineer who is connected in any way with the subdividing and platting of the land for which subdivision approval is sought, shall examine and approve such plats on behalf of any city, town or county. [1985 c 99 § 1; 1969 ex.s. c 271 § 16.]

58.17.165 Certificate giving description and statement of owners must accompany final plat—Dedication,

certificate requirements if plat contains—Waiver. Every final plat or short plat of a subdivision or short subdivision filed for record must contain a certificate giving a full and correct description of the lands divided as they appear on the plat or short plat, including a statement that the subdivision or short subdivision has been made with the free consent and in accordance with the desires of the owner or owners.

If the plat or short plat is subject to a dedication, the certificate or a separate written instrument shall contain the dedication of all streets and other areas to the public, and individual or individuals, religious society or societies or to any corporation, public or private as shown on the plat or short plat and a waiver of all claims for damages against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage and maintenance of said road. Said certificate or instrument of dedication shall be signed and acknowledged before a notary public by all parties having any ownership interest in the lands subdivided and recorded as part of the final plat.

Every plat and short plat containing a dedication filed for record must be accompanied by a title report confirming that the title of the lands as described and shown on said plat is in the name of the owners signing the certificate or instrument of dedication.

An offer of dedication may include a waiver of right of direct access to any street from any property, and if the dedication is accepted, any such waiver is effective. Such waiver may be required by local authorities as a condition of approval. Roads not dedicated to the public must be clearly marked on the face of the plat. Any dedication, donation or grant as shown on the face of the plat shall be considered to all intents and purposes, as a quitclaim deed to the said donee or donees, grantee or grantees for his, her or their use for the purpose intended by the donors or grantors as aforesaid. [1981 c 293 § 9; 1969 ex.s. c 271 § 30.]

Severability—1981 c 293: See note following RCW 58.17.010.

58.17.170 Written approval of subdivision—Original of final plat to be filed—Copies. When the legislative body of the city, town or county finds that the subdivision proposed for final plat approval conforms to all terms of the preliminary plat approval, and that said subdivision meets the requirements of this chapter, other applicable state laws, and any local ordinances adopted under this chapter which were in effect at the time of preliminary plat approval, it shall suitably inscribe and execute its written approval on the face of the plat. The original of said final plat shall be filed for record with the county auditor. One reproducible copy shall be furnished to the city, town or county engineer. One paper copy shall be filed with the county assessor. Paper copies shall be provided to such other agencies as may be required by ordinance. Any lots in a final plat filed for record shall be a valid land use notwithstanding any change in zoning laws for a period of five years from the date of filing. A subdivision shall be governed by the terms of approval of the final plat, and the statutes, ordinances, and regulations in effect at the time of approval under RCW 58.17.150 (1) and (3) for a period of five years after final plat approval unless the legislative body finds that a change in conditions creates a serious

threat to the public health or safety in the subdivision. [1981 c 293 § 10; 1969 ex.s. c 271 § 17.]

Severability—1981 c 293: See note following RCW 58.17.010.

58.17.180 Review of decision. Any decision approving or disapproving any plat shall be reviewable under chapter 36.70C RCW. [1995 c 347 § 717; 1983 c 121 § 5; 1969 ex.s. c 271 § 18.]

Finding—Severability—Part headings and table of contents not law—1995 c 347: See notes following RCW 36.70A.470.

58.17.190 Approval of plat required before filing—Procedure when unapproved plat filed. The county auditor shall refuse to accept any plat for filing until approval of the plat has been given by the appropriate legislative body. Should a plat or dedication be filed without such approval, the prosecuting attorney of the county in which the plat is filed shall apply for a writ of mandate in the name of and on behalf of the legislative body required to approve same, directing the auditor and assessor to remove from their files or records the unapproved plat, or dedication of record. [1969 ex.s. c 271 § 19.]

58.17.195 Approval of plat or short plat—Written finding of conformity with applicable land use controls. No plat or short plat may be approved unless the city, town, or county makes a formal written finding of fact that the proposed subdivision or proposed short subdivision is in conformity with any applicable zoning ordinance or other land use controls which may exist. [1981 c 293 § 14.]

Severability—1981 c 293: See note following RCW 58.17.010.

58.17.200 Injunctive action to restrain subdivision, sale, transfer of land where final plat not filed. Whenever any parcel of land is divided into five or more lots, tracts, or parcels of land and any person, firm or corporation or any agent of any of them sells or transfers, or offers or advertises for sale or transfer, any such lot, tract, or parcel without having a final plat of such subdivision filed for record, the prosecuting attorney shall commence an action to restrain and enjoin further subdivisions or sales, or transfers, or offers of sale or transfer and compel compliance with all provisions of this chapter. The costs of such action shall be taxed against the person, firm, corporation or agent selling or transferring the property. [1969 ex.s. c 271 § 20.]

58.17.205 Agreements to transfer land conditioned on final plat approval—Authorized. If performance of an offer or agreement to sell, lease, or otherwise transfer a lot, tract, or parcel of land following preliminary plat approval is expressly conditioned on the recording of the final plat containing the lot, tract, or parcel under this chapter, the offer or agreement is not subject to RCW 58.17.200 or 58.17.300 and does not violate any provision of this chapter. All payments on account of an offer or agreement conditioned as provided in this section shall be deposited in an escrow or other regulated trust account and no disbursement to sellers shall be permitted until the final plat is recorded. [1981 c 293 § 12.]

Severability—1981 c 293: See note following RCW 58.17.010.

58.17.210 Building, septic tank or other development permits not to be issued for land divided in violation of chapter or regulations—Exceptions—Damages—Rescission by purchaser. No building permit, septic tank permit, or other development permit, shall be issued for any lot, tract, or parcel of land divided in violation of this chapter or local regulations adopted pursuant thereto unless the authority authorized to issue such permit finds that the public interest will not be adversely affected thereby. The prohibition contained in this section shall not apply to an innocent purchaser for value without actual notice. All purchasers' or transferees' property shall comply with provisions of this chapter and each purchaser or transferee may recover his damages from any person, firm, corporation, or agent selling or transferring land in violation of this chapter or local regulations adopted pursuant thereto, including any amount reasonably spent as a result of inability to obtain any development permit and spent to conform to the requirements of this chapter as well as cost of investigation, suit, and reasonable attorneys' fees occasioned thereby. Such purchaser or transferee may as an alternative to conforming his property to these requirements, rescind the sale or transfer and recover costs of investigation, suit, and reasonable attorneys' fees occasioned thereby. [1974 ex.s. c 134 § 10; 1969 ex.s. c 271 § 21.]

58.17.212 Vacation of subdivision—Procedure. Whenever any person is interested in the vacation of any subdivision or portion thereof, or any area designated or dedicated for public use, that person shall file an application for vacation with the legislative authority of the city, town, or county in which the subdivision is located. The application shall set forth the reasons for vacation and shall contain signatures of all parties having an ownership interest in that portion of the subdivision subject to vacation. If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for vacation would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the vacation of the subdivision or portion thereof.

When the vacation application is specifically for a county road or city or town street, the procedures for road vacation or street vacation in chapter 36.87 or 35.79 RCW shall be utilized for the road or street vacation. When the application is for the vacation of the plat together with the roads and/or streets, the procedure for vacation in this section shall be used, but vacations of streets may not be made that are prohibited under *RCW 35.79.030, and vacations of roads may not be made that are prohibited under RCW 36.87.130.

The legislative authority of the city, town, or county shall give notice as provided in RCW 58.17.080 and 58.17.090 and shall conduct a public hearing on the application for a vacation and may approve or deny the application for vacation of the subdivision after determining the public use and interest to be served by the vacation of the subdivision. If any portion of the land contained in the subdivision was dedicated to the public for public use or benefit, such land, if not deeded to the city, town, or county, shall be deeded to the city, town, or county unless the legislative

authority shall set forth findings that the public use would not be served in retaining title to those lands.

Title to the vacated property shall vest with the rightful owner as shown in the county records. If the vacated land is land that was dedicated to the public, for public use other than a road or street, and the legislative authority has found that retaining title to the land is not in the public interest, title thereto shall vest with the person or persons owning the property on each side thereof, as determined by the legislative authority. When the road or street that is to be vacated was contained wholly within the subdivision and is part of the boundary of the subdivision, title to the vacated road or street shall vest with the owner or owners of property contained within the vacated subdivision.

This section shall not be construed as applying to the vacation of any plat of state-granted tide or shore lands. [1987 c 354 § 3.]

***Reviser's note:** After amendment by 1987 c 228 § 1, RCW 35.79.030 no longer prohibited vacations of streets. Limitations on vacations of streets abutting bodies of water are now found in RCW 35.79.035.

58.17.215 Alteration of subdivision—Procedure.

When any person is interested in the alteration of any subdivision or the altering of any portion thereof, except as provided in RCW 58.17.040(6), that person shall submit an application to request the alteration to the legislative authority of the city, town, or county where the subdivision is located. The application shall contain the signatures of the majority of those persons having an ownership interest of lots, tracts, parcels, sites, or divisions in the subject subdivision or portion to be altered. If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for alteration would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the subdivision or portion thereof.

Upon receipt of an application for alteration, the legislative body shall provide notice of the application to all owners of property within the subdivision, and as provided for in RCW 58.17.080 and 58.17.090. The notice shall either establish a date for a public hearing or provide that a hearing may be requested by a person receiving notice within fourteen days of receipt of the notice.

The legislative body shall determine the public use and interest in the proposed alteration and may deny or approve the application for alteration. If any land within the alteration is part of an assessment district, any outstanding assessments shall be equitably divided and levied against the remaining lots, parcels, or tracts, or be levied equitably on the lots resulting from the alteration. If any land within the alteration contains a dedication to the general use of persons residing within the subdivision, such land may be altered and divided equitably between the adjacent properties.

After approval of the alteration, the legislative body shall order the applicant to produce a revised drawing of the approved alteration of the final plat or short plat, which after signature of the legislative authority, shall be filed with the county auditor to become the lawful plat of the property.

This section shall not be construed as applying to the alteration or replatting of any plat of state-granted tide or shore lands. [1987 c 354 § 4.]

58.17.217 Alteration or vacation of subdivision—Conduct of hearing. Any hearing required by RCW 58.17.212, 58.17.215, or 58.17.060 may be administered by a hearings examiner as provided in RCW 58.17.330. [1987 c 354 § 7.]

58.17.218 Alteration of subdivision—Easements by dedication. The alteration of a subdivision is subject to RCW 64.04.175. [1991 c 132 § 2.]

58.17.220 Violation of court order or injunction—Penalty. Any person who violates any court order or injunction issued pursuant to this chapter shall be subject to a fine of not more than five thousand dollars or imprisonment for not more than ninety days or both. [1969 ex.s. c 271 § 22.]

58.17.225 Easement over public open space—May be exempt from RCW 58.17.215—Hearing—Notice. The granting of an easement for ingress and egress or utilities over public property that is held as open space pursuant to a subdivision or plat, where the open space is already used as a utility right-of-way or corridor, where other access is not feasible, and where the granting of the easement will not impair public access or authorize construction of physical barriers of any type, may be authorized and exempted from the requirements of RCW 58.17.215 by the county, city, or town legislative authority following a public hearing with notice to the property owners in the affected plat. [1995 c 32 § 1.]

58.17.230 Assurance of discontinuance of violations. In the enforcement of this chapter, the prosecuting attorney may accept an assurance of discontinuance of any act or practice deemed in violation of this chapter from any person engaging in, or who has engaged in such act or practice. Any such assurance shall be in writing and be filed with and subject to the approval of the superior court of the county in which the alleged violation occurs. A violation of such assurance shall constitute prima facie proof of a violation of this chapter. [1969 ex.s. c 271 § 23.]

58.17.240 Permanent control monuments. Except for subdivisions excluded under the provisions of RCW 58.17.040, as now or hereafter amended, permanent control monuments shall be established at each and every controlling corner on the boundaries of the parcel of land being subdivided. The local authority shall determine the number and location of permanent control monuments within the plat, if any. [1974 ex.s. c 134 § 11; 1969 ex.s. c 271 § 24.]

58.17.250 Survey of subdivision and preparation of plat. The survey of the proposed subdivision and preparation of the plat shall be made by or under the supervision of a registered land surveyor who shall certify on the plat that it is a true and correct representation of the lands actually surveyed. [1969 ex.s. c 271 § 26.]

58.17.255 Survey discrepancy—Disclosure. Whenever a survey of a proposed subdivision or short subdivision reveals a discrepancy, the discrepancy shall be noted on the face of the final plat or short plat. Any discrepancy shall be disclosed in a title report prepared by a title insurer and issued after the filing of the final plat or short plat. As used in this section, "discrepancy" means: (1) A boundary hiatus; (2) an overlapping boundary; or (3) a physical appurtenance, which indicates encroachment, lines of possession, or conflict of title. [1987 c 354 § 6.]

58.17.260 Joint committee—Members—Recommendations for surveys, monumentation and plat drawings. In order that there be a degree of uniformity of survey monumentation throughout the cities, towns and counties of the state of Washington, there is hereby created a joint committee composed of six members to be appointed as follows: The Washington state association of counties shall appoint two county road engineers; the association of Washington cities shall appoint two city engineers; the land surveyors association of Washington shall appoint one member; and the consulting engineers association of Washington shall appoint one member. The joint committee is directed to cooperate with the department of natural resources to establish recommendations pertaining to requirements of survey, monumentation and plat drawings for subdivisions and dedications throughout the state of Washington. The department of natural resources shall publish such recommendation. [1971 ex.s. c 85 § 9; 1969 ex.s. c 271 § 27.]

58.17.275 Proposals to adopt, amend, or repeal local ordinances—Advance notice. All cities, towns, and counties shall establish procedures to provide reasonable advance notice of proposals to adopt, amend, or repeal local ordinances adopted in accordance with this chapter. These procedures shall include but not be limited to advance notice to individuals or organizations which have submitted requests for notice. Reasonable fees may be charged to defray the costs of providing notice. [1981 c 293 § 13.]

Severability—1981 c 293: See note following RCW 58.17.010.

58.17.280 Naming and numbering of short subdivisions, subdivisions, streets, lots and blocks. Any city, town or county shall, by ordinance, regulate the procedure whereby short subdivisions, subdivisions, streets, lots and blocks are named and numbered. A lot numbering system and a house address system, however, shall be provided by the municipality for short subdivisions and subdivisions and must be clearly shown on the short plat or final plat at the time of approval. [1993 c 486 § 1; 1969 ex.s. c 271 § 29.]

58.17.290 Copy of plat as evidence. A copy of any plat recorded in the manner provided in this chapter and certified by the county auditor of the county in which the same is recorded to be a true copy of such record and the whole thereof, shall be received in evidence in all the courts of this state, with like effect as the original. [1969 ex.s. c 271 § 31.]

58.17.300 Violations—Penalties. Any person, firm, corporation, or association or any agent of any person, firm,

corporation, or association who violates any provision of this chapter or any local regulations adopted pursuant thereto relating to the sale, offer for sale, lease, or transfer of any lot, tract or parcel of land, shall be guilty of a gross misdemeanor and each sale, offer for sale, lease or transfer of each separate lot, tract, or parcel of land in violation of any provision of this chapter or any local regulation adopted pursuant thereto, shall be deemed a separate and distinct offense. [1969 ex.s. c 271 § 32.]

58.17.310 Approval of plat within irrigation district without provision for irrigation prohibited. In addition to any other requirements imposed by the provisions of this chapter, the legislative authority of any city, town, or county shall not approve a short plat or final plat, as defined in RCW 58.17.020, for any subdivision, short subdivision, lot, tract, parcel, or site which lies in whole or in part in an irrigation district organized pursuant to chapter 87.03 RCW unless there has been provided an irrigation water right-of-way for each parcel of land in such district. In addition, if the subdivision, short subdivision, lot, tract, parcel, or site lies within land within the district classified as irrigable, completed irrigation water distribution facilities for such land may be required by the irrigation district by resolution, bylaw, or rule of general applicability as a condition for approval of the short plat or final plat by the legislative authority of the city, town, or county. Rights-of-way shall be evidenced by the respective plats submitted for final approval to the appropriate legislative authority. In addition, if the subdivision, short subdivision, lot, tract, parcel, or site to be platted is wholly or partially within an irrigation district of two hundred thousand acres or more and has been previously platted by the United States bureau of reclamation as a farm unit in the district, the legislative authority shall not approve for such land a short plat or final plat as defined in RCW 58.17.020 without the approval of the irrigation district and the administrator or manager of the project of the bureau of reclamation, or its successor agency, within which that district lies. Compliance with the requirements of this section together with all other applicable provisions of this chapter shall be a prerequisite, within the expressed purpose of this chapter, to any sale, lease, or development of land in this state. [1990 c 194 § 1; 1986 c 39 § 1; 1985 c 160 § 1; 1973 c 150 § 2.]

58.17.320 Compliance with chapter and local regulations—Enforcement. Whenever land within a subdivision granted final approval is used in a manner or for a purpose which violates any provision of this chapter, any provision of the local subdivision regulations, or any term or condition of plat approval prescribed for the plat by the local government, then the prosecuting attorney, or the attorney general if the prosecuting attorney shall fail to act, may commence an action to restrain and enjoin such use and compel compliance with the provisions of this chapter or the local regulations, or with such terms or conditions. The costs of such action may be taxed against the violator. [1974 ex.s. c 134 § 13.]

58.17.330 Hearing examiner system—Adoption authorized—Procedures—Decisions. (1) As an alternative to those provisions of this chapter requiring a planning com-

mission to hear and issue recommendations for plat approval, the county or city legislative body may adopt a hearing examiner system and shall specify by ordinance the legal effect of the decisions made by the examiner. The legal effect of such decisions shall include one of the following:

(a) The decision may be given the effect of a recommendation to the legislative body;

(b) The decision may be given the effect of an administrative decision appealable within a specified time limit to the legislative body; or

(c) The decision may be given the effect of a final decision of the legislative body.

The legislative authority shall prescribe procedures to be followed by a hearing examiner.

(2) Each final decision of a hearing examiner shall be in writing and shall include findings and conclusions, based on the record, to support the decision. Each final decision of a hearing examiner, unless a longer period is mutually agreed to by the applicant and the hearing examiner, shall be rendered within ten working days following conclusion of all testimony and hearings. [1995 c 347 § 429; 1994 c 257 § 6; 1977 ex.s. c 213 § 4.]

Finding—Severability—Part headings and table of contents not law—1995 c 347: See notes following RCW 36.70A.470.

Severability—1994 c 257: See note following RCW 36.70A.270.

Severability—1977 ex.s. c 213: See note following RCW 35.63.130.

58.17.900 Validation of existing ordinances and resolutions. All ordinances and resolutions enacted at a time prior to the passage of this chapter by the legislative bodies of cities, towns, and counties and which are in substantial compliance with the provisions of this chapter, shall be construed as valid and may be further amended to include new provisions and standards as are authorized in general law. [1969 ex.s. c 271 § 33.]

58.17.910 Severability—1969 ex.s. c 271. If any provision of this chapter, or its application to any person or circumstance is held invalid, the remainder of this chapter, or the application of the provision to other persons or circumstances is not affected. [1969 ex.s. c 271 § 35.]

58.17.920 Effective date and application of 1974 ex.s. c 134. (1) The provisions of *this 1974 amendatory act shall become effective July 1, 1974.

(2) The provisions of *this 1974 amendatory act shall not apply to any plat which has been granted preliminary approval prior to July 1, 1974, but shall apply to any proposed plat granted preliminary approval on or after July 1, 1974. [1974 ex.s. c 134 § 14.]

***Reviser's note:** For codification of "this 1974 amendatory act" [1974 ex.s. c 134], see Codification Tables, Volume 0.

Chapter 58.24 RCW

STATE AGENCY FOR SURVEYS AND MAPS—FEES

Sections

58.24.010	Declaration of necessity.
58.24.020	Official agency designated—Advisory board.
58.24.030	Official agency designated—Powers—Cooperate and advise—Purposes.
58.24.040	Official agency designated—Powers—Standards, maps, records, report, temporary removal of boundary marks or monuments.
58.24.050	Employees—Licensed engineers or surveyors.
58.24.060	Surveys and maps account—Purposes.
58.24.070	Fees for filing and recording surveys, plats, or maps—Deposit and use of fees.

Cemetery property—Surveys and maps, plats, etc.: Chapter 68.24 RCW.

Counties—Land surveys, record of surveys: RCW 36.32.370, 36.32.380.

Geological survey: Chapter 43.27A RCW.

Irrigation districts—Map of district: RCW 87.03.775.

Public lands—Maps and plats—Record and index—Public inspection: RCW 79.02.210.

Reclamation districts—Surveys, etc.: Chapter 89.30 RCW.

Regulation of public groundwaters—Designating or modifying boundaries of areas—Notice of hearing—Findings—Order: RCW 90.44.130.

Restoration of United States survey markers: RCW 47.36.010.

*State highways and toll bridges
copy of map, plans, etc.—Fee: RCW 47.28.060.
maps, plans, etc.—Filing: RCW 47.28.040.*

58.24.010 Declaration of necessity. It is the responsibility of the state to provide a means for the identification and preservation of survey points for the description of common land boundaries in the interest of the people of the state. There is a necessity for the adoption and maintenance of a system of permanent reference as to boundary monuments. The department of natural resources shall be the recognized agency for the establishment of this system. [1987 c 466 § 4; 1982 c 165 § 1; 1951 c 224 § 2.]

Severability—1951 c 224: "If any provision of this act shall be declared invalid, such invalidity shall not affect any other portion of this act which can be given effect without the invalid provision, and to this end the provisions of this act are declared to be severable." [1951 c 224 § 7.]

58.24.020 Official agency designated—Advisory board. The department of natural resources is designated as the official agency for surveys and maps. The commissioner of public lands shall appoint an advisory board of five members, the majority of whom shall be registered professional engineers or land surveyors, who shall serve at the pleasure of the commissioner. Members of the board shall serve without salary but are to receive travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended while actively engaged in the discharge of their duties. [1987 c 466 § 5; 1982 c 165 § 2; 1975-'76 2nd ex.s. c 34 § 152; 1951 c 224 § 3.]

Effective date—Severability—1975-'76 2nd ex.s. c 34: See notes following RCW 2.08.115.

Severability—1951 c 224: See note following RCW 58.24.010.

Department of natural resources to exercise powers and duties of commissioner of public lands: RCW 43.30.411.

58.24.030 Official agency designated—Powers—Cooperate and advise—Purposes. The commissioner of public lands, the department of natural resources, and the advisory board are authorized to cooperate and advise with various departments and subdivisions of the state, counties, municipalities, and registered engineers or land surveyors of the state for the following purposes:

(1) The recovery of section corners or other land boundary marks;

(2) The monumentation of accepted section corners, and other boundary and reference marks; said monumentation shall be adequately connected to adjusted United States coast and geodetic survey triangulation stations and the coordinates of the monuments computed to conform with the Washington coordinate system in accordance with the provisions of chapter 58.20 RCW, as derived from chapter 168, Laws of 1945;

(3) For facilitation and encouragement of the use of the Washington state coordinate system; and

(4) For promotion of the use of the level net as established by the United States coast and geodetic survey. [1987 c 466 § 6; 1982 c 165 § 3; 1951 c 224 § 4.]

Severability—1951 c 224: See note following RCW 58.24.010.

58.24.040 Official agency designated—Powers—Standards, maps, records, report, temporary removal of boundary marks or monuments. The agency designated by RCW 58.24.020 is further authorized to:

(1) Set up standards of accuracy and methods of procedure;

(2) Compile and publish maps and records from surveys performed under the provisions of this chapter, and to maintain suitable indexes of surveys to prevent duplication of effort and to cooperate with all agencies of local, state, and federal government to this end;

(3) Compile and maintain records of all surveys performed under the provisions of this chapter, and assemble and maintain records of all reliable survey monuments and bench marks within the state;

(4) Collect and preserve information obtained from surveys locating and establishing land monuments and land boundaries;

(5) Supervise the sale and distribution of cadastral and geodetic survey data, and such related survey maps and publications as may come into the possession of the department of natural resources. Revenue derived from the sale thereof shall be deposited in the surveys and maps account in the general fund;

(6) Supervise the sale and distribution of maps, map data, photographs, and such publications as may come into the possession of the department of natural resources.

(7) Submit, as part of the biennial report of the commissioner of public lands, a report of the accomplishments of the agency;

(8) Permit the temporary removal or destruction of any section corner or any other land boundary mark or monument by any person, corporation, association, department, or subdivision of the state, county, or municipality as may be necessary or desirable to accommodate construction, mining, and other development of any land: PROVIDED, That such section corner or other land boundary mark or monument shall be referenced to the Washington Coordinate System by a registered professional engineer or land surveyor prior to such removal or destruction, and shall be replaced or a suitable reference monument established by a registered professional engineer or land surveyor within a reasonable time after completion of such construction, mining, or other development: AND PROVIDED FURTHER, That the department of natural resources shall adopt and promulgate reasonable rules and regulations under which the agency shall authorize such temporary removal or destruction and require the replacement of such section corner or other land boundary marks or monuments. [1987 c 466 § 7; 1982 c 165 § 4; 1969 ex.s. c 271 § 25; 1951 c 224 § 6.]

Severability—1969 ex.s. c 271: See RCW 58.17.910.

Severability—1951 c 224: See note following RCW 58.24.010.

58.24.050 Employees—Licensed engineers or surveyors. All employees who are in responsible charge of work under the provisions of this chapter shall be licensed professional engineers or land surveyors. [1982 c 165 § 5; 1951 c 224 § 5.]

Severability—1951 c 224: See note following RCW 58.24.010.

58.24.060 Surveys and maps account—Purposes. There is created in the state treasury the surveys and maps account which shall be a separate account consisting of funds received or collected under chapters 58.22 and 58.24 RCW, moneys appropriated to it by law. This account shall be used exclusively by the department of natural resources for carrying out the purposes and provisions of chapters 58.22 and 58.24 RCW. Appropriations from the account shall be expended for no other purposes. [1991 sp.s. c 13 § 14; 1987 c 466 § 8; 1985 c 57 § 65; 1983 c 272 § 1; 1982 c 165 § 6.]

Effective dates—Severability—1991 sp.s. c 13: See notes following RCW 18.08.240.

Effective date—1985 c 57: See note following RCW 18.04.105.

58.24.070 Fees for filing and recording surveys, plats, or maps—Deposit and use of fees. A fee set by the board of natural resources shall be charged by each county auditor, in addition to any other fees required by law, as a condition precedent to the filing and recording of any surveys, subdivision plats, short plats, and condominium surveys, plats, or maps. Such funds shall be forwarded monthly to the state treasurer to be deposited in the surveys and maps account in the general fund. The fees shall be verified in the same manner as other fees collected by the county auditor. Fees collected under this section shall be expended by the department only for the activities prescribed in this chapter. [1987 c 466 § 9; 1983 c 272 § 2; 1982 c 165 § 7.]

Condominium surveys and maps: RCW 64.32.100.

Plats and subdivisions: Chapter 58.17 RCW.

Chapter 332-120 WAC

SURVEY MONUMENTS—REMOVAL OR DESTRUCTION

WAC

332-120-010	Authority.
332-120-020	Definitions.
332-120-030	Applicability.
332-120-040	Monument removal or destruction.
332-120-050	Application process.
332-120-060	Project completion—Perpetuation of the original position.
332-120-070	Application/permit form.

WAC 332-120-010 Authority. The department of natural resources, in accordance with RCW 58.24.030 and 58.24.040 (1) and (8), prescribes the following regulations concerning the removal or destruction of survey monuments and the perpetuation of survey points.

[Statutory Authority: RCW 58.24.040(8), 94-06-034 (Order 617), § 332-120-010, filed 2/25/94, effective 3/28/94; Order 131, § 332-120-010, filed 3/1/72, effective 4/7/72.]

WAC 332-120-020 Definitions. The following definitions shall apply to this chapter:

Department: The department of natural resources.

Engineer: Any person authorized to practice the profession of engineering under the provisions of chapter 18.43 RCW who also has authority to do land boundary surveying pursuant to RCW 36.75.110, 36.86.050, 47.36.010 or 58.09.090.

Geodetic control point: Points established to mark horizontal or vertical control positions that are part of the National Geodetic Survey Network.

Land boundary survey corner: A point on the boundary of any easement, right of way, lot, tract, or parcel of real property; a controlling point for a plat; or a point which is a General Land Office or Bureau of Land Management survey corner.

Land corner record: The record of corner information form as prescribed by the department of natural resources pursuant to chapter 58.09 RCW.

Land surveyor: Any person authorized to practice the profession of land surveying under the provisions of chapter 18.43 RCW.

Local control point: Points established to mark horizontal or vertical control positions that are part of a permanent government control network other than the National Geodetic Survey network.

Parcel: A part or portion of real property including but not limited to GLO segregations, easements, rights of way, aliquot parts of sections or tracts.

Removal or destruction: The physical disturbance or covering of a monument such that the survey point is no longer visible or readily accessible.

Survey monument: The physical structure, along with any references or accessories thereto, used to mark the location of a land boundary survey corner, geodetic control point, or local control point.

Survey Recording Act: The law as established and designated in chapter 58.09 RCW.

[Statutory Authority: RCW 58.24.040(8), 94-06-034 (Order 617), § 332-120-020, filed 2/25/94, effective 3/28/94; Order 131, § 332-120-020, filed 3/1/72, effective 4/7/72.]

WAC 332-120-030 Applicability. (1) No survey monument shall be removed or destroyed before a permit is obtained as required by this chapter.

(2) Any person, corporation, association, department, or subdivision of the state, county or municipality responsible for an activity that may cause a survey monument to be removed or destroyed shall be responsible for ensuring that the original survey point is perpetuated. It shall be the responsibility of the governmental agency or others performing construction work or other activity (including road or street resurfacing projects) to adequately search the records and the physical area of the proposed construction work or other activity for the purpose of locating and referencing any known or existing survey monuments.

A government agency, when removing a local control point that it has established, shall be exempted from the requirements of this chapter.

(3) Survey monuments subject to this chapter are those monuments marking local control points, geodetic control points, and land boundary survey corners.

In regard to local or geodetic control points the department will defer authorization for the removal or destruction of the survey monument to the agency responsible for the establishment or maintenance of the control point. Such agency may, at their discretion, exempt the applicant from the remonumentation requirements of this chapter. Such exemption shall be noted by the agency on the application form.

[Statutory Authority: RCW 58.24.040(8), 94-06-034 (Order 617), § 332-120-030, filed 2/25/94, effective 3/28/94; Order 131, § 332-120-030, filed 3/1/72, effective 4/7/72.]

WAC 332-120-040 Monument removal or destruction. (1) All land boundary survey monuments that are removed or destroyed shall be replaced or witness monuments shall be set to perpetuate the survey point.

(2) A land boundary survey corner shall be referenced to the Washington Coordinate System of 1983, prior to removal or destruction. See WAC 332-130-070(2), land boundary survey standards.

An applicant may request a variance from this referencing requirement by so noting in the applicant information section on the permit and providing the justification on the back of the form. The department shall note whether the variance is approved or not approved and shall provide the reason for not approving the request.

[Statutory Authority: Chapter 58.24 RCW, 05-13-104, § 332-120-040, filed 6/17/05, effective 7/18/05. Statutory Authority: RCW 58.24.040(8), 94-06-

034 (Order 617), § 332-120-040, filed 2/25/94, effective 3/28/94; Order 131, § 332-120-040, filed 3/1/72, effective 4/7/72.]

WAC 332-120-050 Application process. (1) Whenever a survey monument needs to be removed or destroyed the application required by this chapter shall be submitted to the department.

It shall be completed, signed and sealed by a land surveyor or engineer as defined in this chapter.

(2) Upon receipt of a properly completed application, the department shall promptly issue a permit authorizing the removal or destruction of the monument; provided that:

(a) In extraordinary circumstances, to prevent hardship or delay, a verbal authorization may be granted, pending the processing and issuance of a written permit. A properly completed application shall be submitted by the applicant within fifteen days of the verbal authorization.

(b) Applications received by the department concerning local or geodetic control points will be referred to the appropriate agency for action. The applicant will be notified when such action is taken.

(3) One application may be submitted for multiple monuments to be removed or destroyed as part of a single project; however, there shall be separate attachments to the application form detailing the required information for each monument removed or destroyed.

[Statutory Authority: RCW 58.24.040(8). 94-06-034 (Order 617), § 332-120-050, filed 2/25/94, effective 3/28/94; Order 131, § 332-120-050, filed 3/1/72, effective 4/7/72.]

WAC 332-120-060 Project completion—Perpetuation of the original position. (1) After completion of the activity that caused the removal or destruction of the monument, a land surveyor or engineer shall, unless specifically authorized otherwise:

(a) Reset a suitable monument at the original survey point or, if that is no longer feasible;

(b) Establish permanent witness monuments easily accessible from the original monument to perpetuate the position of the preexisting monument.

(2) Land boundary survey monumentation required by this chapter shall meet the requirements of the RCW 58.09.120 and 58.09.130.

(3) After completion of the remonumentation, the land surveyor or engineer shall complete the report form required by this chapter and forward it to the department.

(4) Additionally, after remonumenting any corner originally monumented by the GLO or BLM, a land corner record form shall also be filed with the county auditor as required by the Survey Recording Act.

[Statutory Authority: RCW 58.24.040(8). 94-06-034 (Order 617), § 332-120-060, filed 2/25/94, effective 3/28/94.]

WAC 332-120-070 Application/permit form. The following form shall be used when making application to remove or destroy a survey monument:

APPLICATION FOR PERMIT TO REMOVE OR DESTROY A SURVEY MONUMENT

PERMIT NO.

You are hereby authorized to remove or destroy
the described survey monument(s):

AUTHORIZING SIGNATURE/DATE
{DNR or Other Authorizing Agency}

APPLICANT INFORMATION:

NAME: _____ TELEPHONE NO: _____ DATE: _____
COMPANY OR AGENCY NAME AND ADDRESS: _____

I estimate that this work will be finished by (date) _____.

_____ I request a variance from the requirement to reference to the Washington Coordinate System. (Please provide your justification in the space below.)

The variance request is _____ approved; _____ not approved. (FOR DNR USE ONLY) Reason for not approving:

MULTIPLE MONUMENTS:

_____ Check here if this form is being used for more than one monument. You must attach separate sheets showing the information required below for each monument affected. You must seal, sign and date each sheet.

INDEXING INFORMATION FOR AN INDIVIDUAL MONUMENT:

- 1) THE MONUMENT IS LOCATED IN: SEC _____ TWP _____ RGE _____ 1/4-1/4 _____
- 2) ADDITIONAL IDENTIFIER: (e.g., BLM designation for the corner, street intersection, plat name, block, lot, etc.) _____

MONUMENT INFORMATION: Describe: 3) the monument/accessories found marking the position, 4) the temporary references set to remonument the position (include coordinates when applicable), and 5) the permanent monument(s) to be placed on completion (if a permanent witness monument(s) is set include the references to the original position).

SEAL/SIGNATURE/DATE SIGNED

(Form prescribed 2/94 by the Public Land Survey Office, Dept. of Natural Resources, pursuant to RCW 58.24.040 (8).)

COMPLETION REPORT FOR MONUMENT REMOVAL OR DESTRUCTION

(TO BE COMPLETED AND SENT TO THE DNR AFTER THE WORK IS DONE.)

_____ I have perpetuated the position(s) as per the detail shown on the application form.

SEAL/SIGNATURE/DATE SIGNED

OR

_____ I was unable to fulfill the plan as shown on the application form. Below is the detail of what I did do to perpetuate the original position(s). (If the application covered multiple monuments attach sheets providing the required information. Seal, sign and date each sheet.)

SEAL/SIGNATURE/DATE SIGNED

[Statutory Authority: RCW 58.24.040(8), 94-06-034 (Order 617), § 332-120-070, filed 2/25/94, effective 3/28/94.]

Chapter 332-130 WAC

MINIMUM STANDARDS FOR LAND BOUNDARY SURVEYS AND GEODETIC CONTROL SURVEYS AND GUIDELINES FOR THE PREPARATION OF LAND DESCRIPTIONS

WAC

332-130-010	Authority.
332-130-020	Definitions.
332-130-025	Corner restoration—Recording form.
332-130-030	Land subdivision and corner restoration standards— Recording.
332-130-040	Land description guidelines.
332-130-050	Survey map requirements.
332-130-060	Local geodetic control survey standards.
332-130-070	Land boundary survey standards.
332-130-080	Relative accuracy—Principles.
332-130-090	Field traverse standards for land boundary surveys.
332-130-100	Equipment and procedures.
332-130-110	Closure and redundancy.

WAC 332-130-010 Authority. The department of natural resources, in accordance with RCW 58.24.040, 58.09.050, and 58.17.160, prescribes the following regulations setting minimum standards for land boundary surveys and geodetic control surveys and providing guidelines for the preparation of land descriptions.

[Statutory Authority: RCW 58.09.050 and 58.24.040(1). 92-03-007 (Order 597), § 332-130-010, filed 1/3/92, effective 2/3/92. Statutory Authority: RCW 58.24.040(1). 89-11-028 (Order 561), § 332-130-010, filed 5/11/89; Order 275, § 332-130-010, filed 5/2/77.]

WAC 332-130-020 Definitions. The following definitions shall apply to this chapter:

(1) **Local geodetic control surveys:** Surveys for the specific purpose of establishing control points for extending the National Geodetic Survey horizontal and vertical control nets, also known as the National Spatial Reference System (NSRS), but not submitted to the National Geodetic Survey for inclusion in the NSRS.

(2) **GLO and BLM:** The General Land Office and its successor, the Bureau of Land Management.

(3) **Land boundary surveys:** All surveys, whether made by individuals, entities or public bodies of whatever nature, for the specific purpose of establishing, reestablishing, laying out, subdividing, defining, locating and/or monumenting the vertical or horizontal boundary of any easement, right of way, lot, tract, or parcel of real property or which reestablishes or restores General Land Office or Bureau of Land Management survey corners.

(4) **Land corner record:** The record of corner information form as prescribed by the department of natural resources in WAC 332-130-025.

(5) **Land description:** A description of real property or of rights associated with real property.

(6) **Land surveyor:** Any person authorized to practice the profession of land surveying under the provisions of chapter 18.43 RCW.

(7) **Measurement redundancy:** To perform sufficient measurements to reduce or isolate blunders and statistically improve measurement accuracy.

(8) **NAD83:** North American Datum of 1983 as designated by chapter 58.20 RCW.

(9) **Parcel:** A part or portion of real property including but not limited to GLO and BLM segregations, easements, rights of way, aliquot parts of sections or tracts.

(10) **Survey Recording Act:** The law as established and designated in chapter 58.09 RCW.

(11) **Washington coordinate system:** The system of plane coordinates as established and designated by chapter 58.20 RCW.

[Statutory Authority: RCW 58.24.030, 58.24.040, 58.09.050, and 58.17.160. 09-03-084, § 332-130-020, filed 1/20/09, effective 7/1/09. Statutory Authority: Chapter 58.24 RCW. 05-13-104, § 332-130-020, filed 6/17/05, effective 7/18/05. Statutory Authority: RCW 58.09.050 and 58.24.040(1). 92-03-007 (Order 597), § 332-130-020, filed 1/3/92, effective 2/3/92. Statutory Authority: RCW 58.24.040(1), 91-19-013 (Order 581), § 332-130-020, filed 9/9/91, effective 10/10/91; 89-11-028 (Order 561), § 332-130-020, filed 5/11/89; Order 275, § 332-130-020, filed 5/2/77.]

WAC 332-130-025 Corner restoration—Recording form. The record of corner information required to be filed with the county auditor by the Survey Recording Act shall be filed on a form substantially like the following:

LAND CORNER RECORD

GRANTOR/SURVEYOR/PUBLIC OFFICER: This corner record correctly represents work performed by me or under my direction in conformance with the Survey Recording Act.

COMPANY OR AGENCY:

ADDRESS:

GRANTEE: PUBLIC

SEAL/SIGNATURE/DATE

LEGAL: TWP; RGE: CORNER CODE:

ADDITIONAL IDENTIFIER: (BLM designation, street or plat names, block, lot, etc.)

COUNTY:

WASHINGTON PLANE COORDINATES: N: E:

ORDER: ZONE: DATUM (Date of adjustment):

CORNER INFORMATION: Discuss the history, evidence found, and perpetuation of the corner. Diagram the references; provide the date of work; and, if applicable, a reference to a map of record and/or the field book/page no. Use the back, if needed.

This form is in compliance with the intent of RCW 65.04.045 and prescribed by the Public Land Survey Office, Department of Natural Resources - 1/97.

MARK THE CORNER LOCATION BELOW AND FILL IN THE CORNER CODE BLANK ON THE OTHER SIDE:
 For corners at the intersection of two lines, the corner code is the alphanumeric coordinate that corresponds to the appropriate intersection of lines.

For corners that are only on one line, the corner code is the line designation and the related line segment; i.e., a corner on line 5 between "B" and "C" is designated BC-5.

For corners that are between lines, the corner code is both line segments; i.e., a corner in the SE1/4 of the SE1/4 of section 18 is designated MN 4-5.

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	
A																										A
B																										B
C			6			5			4			3			2			1								C
D																										D
E																										E
F																										F
G			7			8			9			10			11			12								G
H																										H
J																										J
K																										K
L			18			17			16			15			14			13								L
M																										M
N																										N
O																										O
P			19			20			21			22			23			24								P
Q																										Q
R																										R
S																										S
T			30			29			28			27			26			25								T
U																										U
V																										V
W																										W
X			31			32			33			34			35			36								X
Y																										Y
Z																										Z

RCW 58.09.060 (2) requires the following information on this form: an accurate description and location, in reference to the corner position, of all monuments and accessories (a) found at the corner and (b) placed or replaced at the corner; (c) basis of bearings used to describe or locate such monuments or accessories; and (d) corollary information that may be helpful to relocate or identify the corner position.

SPACE FOR ADDITIONAL COMMENT:

[Statutory Authority: RCW 58.24.040(1) and 58.09.050. 97-02-071, § 332-130-025, filed 12/31/96, effective 1/31/97; 92-03-007 (Order 597), § 332-130-025, filed 1/3/92, effective 2/3/92.]

WAC 332-130-030 Land subdivision and corner reestablishment standards—Recording. The following requirements apply when a land boundary survey is performed. If, in the professional judgment of the surveyor, the procedures of subsections (1) and (2) of this section are not necessary to perform the survey, departures from these requirements shall be explained and/or shown on the survey map produced.

(1) The reestablishment of lost GLO or BLM corners and the subdividing of sections shall be done according to applicable GLO or BLM plats and field notes and in compliance with the rules as set forth in the appropriate GLO or BLM *Manual of Surveying Instructions*, manual supplements and

circulars. Federal or state court decisions that influence the interpretation of the rules should be considered. Methods used for such corner reestablishment or section subdivision shall be described on the survey map produced.

(2) All maps, plats, or plans showing a land boundary survey shall show all the corners found, established, reestablished and calculated, including corresponding directions and distances, which were used to survey and which will be necessary to resurvey the parcel shown. Additionally, all such maps, plats, or plans shall show sufficient section subdivision data, or other such controlling parcel data, necessary to sup-

port the position of any section subdivisional corner or controlling parcel corner used to reference the parcel surveyed. Where a portion or all of this information is already shown on a record filed or recorded in the county recording office of the county in which the parcel is located, reference may be made to that record in lieu of providing the required data.

(3) Documentation shall be provided for all GLO or BLM corner(s) or point(s) used to control the location of the parcel surveyed. This requirement shall be met by providing on the document produced:

(a) The information required by both the Survey Recording Act and the history and evidence found sections of the Land Corner Record Form; or

(b) The recording data of a document(s) that provides the required information and is filed or recorded in the county recording office of the county in which the parcel is located.

(4) Every corner originally monumented by the GLO or BLM that is physically reestablished shall be monumented in accordance with the Survey Recording Act. If the reestablished corner is not filed or recorded as part of a record of survey, plat or short plat, at least three references shall be established and filed or recorded on a Land Corner Record Form. If the reestablished corner is filed or recorded as part of a record of survey, plat or short plat, then ties to at least two other monuments shown on the record document may serve in lieu of the required references. A valid set of coordinates on the Washington coordinate system may serve as one of the references. However, to best ensure an accurate relocation, references in close proximity to the corner are recommended. Monuments placed shall be magnetically locatable and include a cap stamped with the appropriate corner designation as defined in the current BLM *Manual of Surveying Instructions*.

[Statutory Authority: RCW 58.24.040(1), 90-06-028 (Order 568), § 332-130-030, filed 3/1/90, effective 4/1/90; 89-11-028 (Order 561), § 332-130-030, filed 5/11/89; Order 275, § 332-130-030, filed 5/2/77.]

WAC 332-130-040 Land description guidelines. An instrument used for the conveyance of real property should contain a description of the property sufficiently definite to allow location by a land surveyor without recourse to oral testimony.

The following guidelines consist of elements which are recommended for use in the preparation of land descriptions. They are not intended to be all inclusive and may not be applicable in all situations:

(1) In a description of a lot, tract, parcel or portion thereof in a recorded plat, short plat, or record of survey:

(a) Lot and block number or designation and addition or subdivision name;

(b) Official recording data and identification of recording office;

(c) Location by section, township, and range with respect to the Willamette Meridian, (if applicable);

(d) Property location by county and state.

(2) In a description of an easement, lot, tract, or parcel described by metes and bounds:

(a) Parcel location by the subdivision(s) of the section; or portion of any other official subdivisional tract from a GLO or BLM public land survey; or portion of a recorded plat, short plat, or record of survey;

(b) Section, township, and range with respect to the Willamette Meridian;

(c) Property location by county and state;

(d) Direction and distance to GLO or BLM corners or properly determined section subdivision corners with description of the physical corners, if applicable;

(e) A description of the boundary giving:

(i) Place of beginning and/or initial point;

(ii) Basis of bearings or azimuths;

(iii) Bearings, angles or azimuths in degrees, minutes and seconds;

(iv) Distances in feet and decimals of feet or record units, where applicable;

(v) Curve data showing the controlling elements;

(vi) Identification of senior adjoiners giving recording office and filing reference;

(vii) Calls to existing controlling monuments, both artificial and natural;

(viii) Calls which indicate if a course is a section line, subdivisional line, a line of record or parallel therewith;

(ix) A bearing and distance for each boundary line of the described parcel with a closing course returning to the point of beginning, except where the boundary can be described by a record, physical or natural feature.

(3) In a description based on a public land survey subdivision:

(a) Special segregations such as donation land claims, homestead entry surveys, townsites, tracts, and Indian or military reservations;

(b) Government lot number(s);

(c) Aliquot part designation;

(d) Section, township, and range with respect to the Willamette Meridian;

(e) Property location by county and state.

(4) Other elements of consideration for any land description:

(a) Avoid ambiguities when exceptions to a parcel are stated;

(b) Indicate width of strip description and its relationship to described centerline or survey line;

(c) Delineate the dividing line when designating a fractional portion of a parcel;

(d) When designating one-half or other fractional portion of an aliquot part by government subdivision procedures, follow with "according to U.S. Government subdivision procedures."

[Statutory Authority: RCW 58.24.040(1), 89-11-028 (Order 561), § 332-130-040, filed 5/11/89; Order 275, § 332-130-040, filed 5/2/77.]

WAC 332-130-050 Survey map requirements. The following requirements apply to land boundary survey maps and plans, records of surveys, plats, short plats, boundary line adjustments, and binding site plans required by law to be filed or recorded with the county.

(1) All such documents filed or recorded shall conform to the following:

(a) They shall display a county recording official's information block which shall be located along the bottom or right edge of the document unless there is a local requirement specifying this information in a different format. The county recording official's information block shall contain:

(i) The title block, which shall be on all sheets of maps, plats or plans, and shall identify the business name of the firm and/or land surveyor that performed the survey. For documents not requiring a surveyor's certificate and seal, the title block shall show the name and business address of the preparer and the date prepared. Every sheet of multiple sheets shall have a sheet identification number, such as "sheet 1 of 5";

(ii) The auditor's certificate, where applicable, which shall be on the first sheet of multiple sheets; however, the county recording official shall enter the appropriate volume and page and/or the auditor's file number on each sheet of multiple sheets;

(iii) The surveyor's certificate, where applicable, which shall be on the first sheet of multiple sheets and shall show the name, license number, original signature and seal of the land surveyor who had responsible charge of the survey portrayed, and the date the land surveyor approved the map or plat. Every sheet of multiple sheets shall have the seal and signature of the land surveyor and the date signed;

(iv) The following indexing information on the first sheet of multiple sheets:

(A) The section-township-range and quarter-quarter(s) of the section in which the surveyed parcel lies, except that if the parcel lies in a portion of the section officially identified by terminology other than aliquot parts, such as government lot, donation land claim, homestead entry survey, townsite, tract, and Indian or military reservation, then also identify that official subdivisional tract and call out the corresponding approximate quarter-quarter(s) based on projections of the aliquot parts. Where the section is incapable of being described by projected aliquot parts, such as the Port Angeles townsite, or elongated sections with excess tiers of government lots, then it is acceptable to provide only the official GLO designation. A graphic representation of the section divided into quarter-quarters may be used with the quarter-quarter(s) in which the surveyed parcel lies clearly marked;

(B) Additionally, if appropriate, the lot(s) and block(s) and the name and/or number of the filed or recorded subdivision plat or short plat with the related recording data;

(b) They shall contain:

(i) A north arrow;

(ii) The vertical datum when topography or elevations are shown;

(iii) The basis for bearings, angle relationships or azimuths shown. The description of the directional reference system, along with the method and location of obtaining it, shall be clearly given (such as "North by Polaris observation at the SE corner of section 6"; "Grid north from azimuth mark at station Kellogg"; "North by compass using twenty-one degrees variation"; "None"; or "Assumed bearing based on ..."). If the basis of direction differs from record title, that difference should be noted;

(iv) Bearings, angles, or azimuths in degrees, minutes and seconds;

(v) Distances in feet and decimals of feet;

(vi) Curve data showing the controlling elements.

(c) They shall show the scale for all portions of the map, plat, or plan provided that detail not drawn to scale shall be so identified. A graphic scale for the main body of the drawing, shown in feet, shall be included. The scale of the main body

of the drawing and any enlargement detail shall be large enough to clearly portray all of the drafting detail, both on the original and reproductions;

(d) The document filed or recorded and all copies required to be submitted with the filed or recorded document shall, for legibility purposes:

(i) Have a uniform contrast suitable for scanning or microfilming.

(ii) Be without any form of cross-hatching, shading, or any other highlighting technique that to any degree diminishes the legibility of the drafting detail or text;

(iii) Contain dimensioning and lettering no smaller than 0.08 inches, vertically, and line widths not less than 0.008 inches (equivalent to pen tip 000). This provision does not apply to vicinity maps, land surveyors' seals and certificates.

(e) They shall not have any adhesive material affixed to the surface;

(f) For the intelligent interpretation of the various items shown, including the location of points, lines and areas, they shall:

(i) Reference record survey documents that identify different corner positions;

(ii) Show deed calls that are at variance with the measured distances and directions of the surveyed parcel;

(iii) Identify all corners used to control the survey whether they were calculated from a previous survey of record or found, established, or reestablished;

(iv) Give the physical description of any monuments shown, found, established or reestablished, including type, size, and date visited;

(v) Show the record land description of the parcel or boundary surveyed or a reference to an instrument of record;

(vi) Identify any ambiguities, hiatuses, and/or overlapping boundaries;

(vii) Give the location and identification of any visible physical appurtenances such as fences or structures which may indicate encroachment, lines of possession, or conflict of title.

(2) All signatures and writing shall be made with permanent black ink.

(3) The following criteria shall be adhered to when altering, amending, changing, or correcting survey information on previously filed or recorded maps, plats, or plans:

(a) Such documents filed or recorded shall comply with the applicable local requirements and/or the recording statute under which the original map, plat, or plan was filed or recorded;

(b) Alterations, amendments, changes, or corrections to a previously filed or recorded map, plat, or plan shall only be made by filing or recording a new document;

(c) All such documents filed or recorded shall contain the following information:

(i) A title or heading identifying the document as an alteration, amendment, change, or correction to a previously filed or recorded map, plat, or plan along with, when applicable, a cross-reference to the volume and page and auditor's file number of the altered document;

(ii) Indexing data as required by subsection (1)(a)(iv) of this section;

(iii) A prominent note itemizing the change(s) to the original document. Each item shall explicitly state what the change is and where the change is located on the original;

(d) The county recording official shall file, index, and cross-reference all such documents received in a manner sufficient to provide adequate notice of the existence of the new document to anyone researching the county records for survey information;

(e) The county recording official shall send to the department of natural resources, as per RCW 58.09.050(3), a legible copy of any document filed or recorded which alters, amends, changes, or corrects survey information on any document that has been previously filed or recorded pursuant to the Survey Recording Act.

(4) Survey maps, plats and plans filed with the county shall be an original that is legibly drawn in black ink on mylar and is suitable for producing legible prints through scanning, microfilming or other standard copying procedures. The following are allowable formats for the original that may be used in lieu of the format stipulated above:

(a) photo mylar with original signatures,

(b) any standard material as long as the format is compatible with the auditor's recording process and records storage system. Provided, that records of survey filed pursuant to chapter 58.09 RCW are subject to the restrictions stipulated in RCW 58.09.110(5),

(c) an electronic version of the original if the county has the capability to accept a digital signature issued by a licensed certification authority under chapter 19.34 RCW or a certification authority under the rules adopted by the Washington state board of registration for professional engineers and land surveyors, and can import electronic files into an imaging system. The electronic version shall be a standard raster file format acceptable to the county.

(5) The following checklist is the only checklist that may be used to determine the recordability of records of survey filed pursuant to chapter 58.09 RCW. There are other requirements to meet legal standards. This checklist also applies to maps filed pursuant to the other survey map recording statutes, but for these maps there may be additional sources for determining recordability.

CHECKLIST FOR SURVEY MAPS BEING RECORDED
(Adopted in WAC 332-130)

The following checklist applies to land boundary survey maps and plans, records of surveys, plats, short plats, boundary line adjustments, and binding site plans required by law to be filed or recorded with the county. There are other requirements to meet legal standards. Records of survey filed pursuant to chapter 58.09 RCW, that comply with this checklist, shall be recorded; no other checklist is authorized for determining their recordability.

ACCEPTABLE MEDIA:

- For counties required to permanently store the document filed, the only acceptable media are:
 - Black ink on mylar or photo mylar
- For counties exempted from permanently storing the document filed, acceptable media are:
 - Any standards material compatible with county processes; or, an electronic version of the original.

- All signatures must be original and, on hardcopy, made with permanent black ink.
- The media submitted for filing must not have any material on it that is affixed by adhesive.

LEGIBILITY:

- The documents submitted, including paper copies, must have a uniform contrast throughout the document.
- No information, on either the original or the copies, should be obscured or illegible due to cross-hatching, shading, or as a result of poor drafting technique such as lines drawn through text or improper pen size selection (letters or number filled in such that 3's, 6's or 8's are indistinguishable).
- Signatures and seals must be legible on the prints or the party placing the seal must be otherwise identified.
- Text must be 0.08 inches or larger; line widths shall not be less than 0.008 inches (vicinity maps, land surveyor's seals and certificates are excluded).

INDEXING:

- The recording officer's information block must be on the bottom or right edge of the map.
 - A title block (shows the name of the preparer and is on each sheet of multiple sheets).
 - An auditor's certificate (on the first sheet of multiple sheets, although Vol./Pg. and/or AF# must be entered by the recording officer on each sheet).
 - A surveyor's certificate (on the first sheet of multiple sheets; seal and signature on multiple sheets).
- The map filed must provide the following indexing data:
 - S-T-R and the quarter-quarter(s) or approximate quarter-quarter(s) of the section in which the surveyed parcel lies,
 - Optional: A graphic representation of the section divided into quarter-quarters may be used with the quarter-quarter(s) in which the surveyed parcel lies clearly marked;

MISCELLANEOUS

- If the function of the document submitted is to change a previously filed record, it must also have:
 - A title identifying it as a correction, amendment, alteration or change to a previously filed record,
 - A note itemizing the changes.
- For records of survey:
 - The sheet size must be 18" x 24"
 - The margins must be 2" on the left and 1/2" for the others, when viewed in landscape orientation.
 - In addition to the map being filed there must be two prints included in the submittal; except that, in counties using imaging systems fewer prints, as determined by the Auditor, may be allowed.

[Statutory Authority: RCW 58.24.040(1) and 58.09.110. 00-17-063 (Order 704), § 332-130-050, filed 8/9/00, effective 9/9/00. Statutory Authority: RCW 58.24.040(1). 89-11-028 (Order 561), § 332-130-050, filed 5/11/89; Order 275, § 332-130-050, filed 5/2/77.]

WAC 332-130-060 Local geodetic control survey standards. The following standards shall apply to local geodetic control surveys:

The datum for the horizontal control network in Washington shall be NAD83 as officially adjusted and published by the National Geodetic Survey of the United States Department of Commerce or as established in accordance with chapter 58.20 RCW. The datum tag and coordinate epoch date (if pertinent) shall be reported on all documents prepared, which show local geodetic control; e.g., NAD83

(1991), NAD83 (CORS) (2002.00), NAD83 (NSRS) (2005.50) and other future [standards].

[Statutory Authority: Chapter 58.24 RCW. 05-13-104, § 332-130-060, filed 6/17/05, effective 7/18/05. Statutory Authority: RCW 58.24.040(1), 91-19-013 (Order 581), § 332-130-060, filed 9/9/91, effective 10/10/91; 89-11-028 (Order 561), § 332-130-060, filed 5/11/89; Order 275, § 332-130-060, filed 5/2/77.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 332-130-070 Land boundary survey standards. The following standards shall apply to land boundary surveys:

(1) The accuracy or precision of field work may be determined and reported by either relative accuracy procedures or field traverse standards, provided that the final result shall meet or exceed the standards contained in WAC 332-130-090.

(2) The datum when using the Washington Coordinate System shall be NAD83 as officially adjusted and published by the National Geodetic Survey of the United States Department of Commerce or as established in accordance with chapter 58.20 RCW. The datum tag and the coordinate epoch date (if pertinent) shall be reported on all documents prepared which reference the Washington Coordinate System, e.g., NAD83 (1991), NAD83 (CORS) (2002.00), NAD83 (NSRS) (2005.50) and other future standards.

[Statutory Authority: Chapter 58.24 RCW. 05-13-104, § 332-130-070, filed 6/17/05, effective 7/18/05. Statutory Authority: RCW 58.24.040(1), 90-06-028 (Order 568), § 332-130-070, filed 3/1/90, effective 4/1/90; 89-11-028 (Order 561), § 332-130-070, filed 5/11/89; Order 275, § 332-130-070, filed 5/2/77.]

WAC 332-130-080 Relative accuracy—Principles. The following principles of relative accuracy are provided to guide those who may be analyzing their work by these procedures.

(1) Relative accuracy means the theoretical uncertainty in the location of any point or corner relative to other points or corners set, found, reestablished, or established. A standard of relative accuracy can be achieved by using appropriate equipment and implementing field and office procedures that will result in a ninety-five percent probability of achieving the accuracy required.

(2) Relative accuracy is not related to uncertainties due to differences between measured values and record values or uncertainties in the geodetic position.

(3) In the application of a relative accuracy standard, the surveyor must consider the established land use patterns, land values of and in the vicinity of the surveyed parcel, and the client's intended use of the property. Higher levels of precision are expected to be used in situations necessitating higher accuracy.

(4) Each land boundary survey should contain a statement identifying the method of mathematical analysis used in achieving a stated relative accuracy.

[Statutory Authority: RCW 58.24.040(1), 90-06-028 (Order 568), § 332-130-080, filed 3/1/90, effective 4/1/90; 89-11-028 (Order 561), § 332-130-080, filed 5/11/89; Order 275, § 332-130-080, filed 5/2/77.]

(1/20/09)

WAC 332-130-090 Field traverse standards for land boundary surveys. The following standards shall apply to field traverses used in land boundary surveys. Such standards should be considered minimum standards only. Higher levels of precision are expected to be utilized in areas with higher property values or in other situations necessitating higher accuracy.

(1) Linear closures after azimuth adjustment.

- (a) City - central and local business and industrial areas 1:10,000
- (b) City - residential and subdivision lots 1:5,000
- (c) Section subdivision, new subdivision boundaries for residential lots and interior monument control 1:5,000
- (d) Suburban - residential and subdivision lots 1:5,000
- (e) Rural - forest land and cultivated areas 1:5,000
- (f) Lambert grid traverses 1:10,000

(2) Angular closure.

(a) Where 1:10,000 minimum linear closure is required, the maximum angular error in seconds shall be determined by the formula of $10 \sqrt{n}$, where "n" equals the number of angles in the closed traverse.

(b) Where 1:5,000 minimum linear closure is required, the maximum angular error in seconds shall be determined by the formula of $30 \sqrt{n}$ where "n" equals the number of angles in the closed traverse.

[Statutory Authority: RCW 58.24.040(1), 90-06-028 (Order 568), § 332-130-090, filed 3/1/90, effective 4/1/90; 89-11-028 (Order 561), § 332-130-090, filed 5/11/89.]

WAC 332-130-100 Equipment and procedures. (1) All land boundary surveys filed or recorded shall contain a statement identifying the type of equipment used, such as 10-second theodolite and calibrated chain, or 10-second theodolite and electronic distance measuring unit, and procedures used, such as field traverse, photogrammetric survey, global positioning system survey or a combination thereof to accomplish the survey shown;

(2) All measuring instruments and equipment shall be maintained in adjustment according to manufacturer's specifications.

[Statutory Authority: RCW 58.24.020, 04-11-019 (Order 711), § 332-130-100, filed 5/10/04, effective 6/10/04. Statutory Authority: RCW 58.24.040(1), 89-11-028 (Order 561), § 332-130-100, filed 5/11/89.]

WAC 332-130-110 Closure and redundancy. The following standards shall apply to geodetic surveys and land boundary surveys.

All land surveys shall contain procedures, measurement redundancy, and closure checks sufficient to detect errors and blunders and to ensure that the survey standards, chapter 332-130 WAC have been met.

[Statutory Authority: RCW 58.24.030, 58.24.040, 58.09.050, and 58.17.160, 09-03-084, § 332-130-110, filed 1/20/09, effective 7/1/09.]