



# PROPOSED RULE MAKING

## CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

**Agency:** Board of Registration for Professional Engineers & Land Surveyors

<input checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR 09-08-005 ; or	<input checked="" type="checkbox"/> Original Notice
<input type="checkbox"/> Expedited Rule Making--Proposed notice was filed as WSR _____; or	<input type="checkbox"/> Supplemental Notice to WSR _____
<input type="checkbox"/> Proposal is exempt under RCW 34.05.310(4).	<input type="checkbox"/> Continuance of WSR _____

**Title of rule and other identifying information:** (Describe Subject) WAC 196-25 Business Practices

**Hearing location(s):**

Courtyard Marriott – Salon A  
31910 Gateway Center Blvd S  
Federal Way WA 98003

Date: July 29, 2009 Time: 6:00 p.m.

**Submit written comments to:**

Name: George A. Twiss, PLS, Executive Director  
Address: Board of Professional Engineers & Land Surveyors  
PO Box 9025  
Olympia WA 98507-9025  
e-mail [engineers@dol.wa.gov](mailto:engineers@dol.wa.gov)  
fax (360) 664-2551 by (date) July 27, 2009

**Assistance for persons with disabilities:** Contact

Kim King, Administrative Assistant by July 27, 2009

TTY (360) 664-8885 or (360) 664-1564

**Date of intended adoption:** July 30, 2009

(Note: This is NOT the effective date)

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** To better define the language regarding direct supervision of engineers and land surveyors.

**Reasons supporting proposal:** The original definition of direct supervision was broad-based, and the Board determined that a more specific definition was needed to guide the licensees in their business practices.

**Statutory authority for adoption:** RCW 18.43.035

**Statute being implemented:** Chapter 18.43 RCW

**Is rule necessary because of a:**

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: **May 28, 2009**

TIME: **10:23 AM**

**WSR 09-12-050**

**DATE**  
May 28, 2009

**NAME** (type or print)  
George A. Twiss

**SIGNATURE**

**TITLE**  
Executive Director

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

None

**Name of proponent:** (person or organization) Board of Registration for Professional Engineers and Land Surveyors

- Private
- Public
- Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... George Twiss	405 Black Lake Blvd, Olympia WA 98502	(360) 664-1565
Implementation....George Twiss	405 Black Lake Blvd, Olympia WA 98502	(360) 664-1565
Enforcement..... George Twiss	405 Black Lake Blvd, Olympia WA 98502	(360) 664-1565

**Has a small business economic impact statement been prepared under chapter 19.85 RCW?**

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone ( ) \_\_\_\_\_

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

No. Explain why no statement was prepared.

There is no economic impact to licensees.

**Is a cost-benefit analysis required under RCW 34.05.328?**

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone ( ) \_\_\_\_\_

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

No: Please explain: There is no economic impact to licensees.

AMENDATORY SECTION (Amending WSR 06-22-033, filed 10/25/06, effective 11/25/06)

**WAC 196-25-070 Providing direct supervision. Direct supervision** ~~((is a combination of activities))~~ means the actions by which a licensee maintains control over those decisions that are the basis for the findings, conclusions, ~~((analysis))~~ analyses, rationale, details, and judgments ~~((that are embodied in the development and))~~ 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.~~

~~Communications between the licensee and those persons who are performing the work))~~ These actions may include, but are not limited to ~~((, use of any of the following ways))~~: Direct face-to-face communications; written communications; U.S. mail; electronic mail; facsimiles; telecommunications, or other current technology ~~((: Provided, That the licensee retains, maintains, and asserts continuing control and judgement))~~. 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.