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STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS

OFFICE OF SECRETARY  
1800 East Washington Street, Room 411  
TELEPHONE 348-3554

November 30, 1973

Edgar F. Heiskell  
Secretary of State  
State of West Virginia  
State Capitol  
Charleston, West Virginia

FILED IN THE OFFICE  
EDGAR F. HEISKELL III  
SECRETARY OF STATE  
THIS DATE 11/30/73

Dear Sir:

Enclosed are two copies of the amended Rules and Regulations pertaining to Professional Engineers in West Virginia for the following pages: Page 1, Page 10 through Page 22.

I certify that the attached amended Rules and Regulations are true and accurate copies adopted by this Board at its meeting on November 30, 1973, held in Charleston, West Virginia.

Very truly yours,

William E. Moore II  
Secretary

WEM:ds

Enclosures

*obsolete  
valid Dec 30, 1972  
to March 4, 1973*

WEST VIRGINIA ADMINISTRATIVE REGULATIONS

W. Va. State Board of Registration for Professional Engineers

Chapter 30-13  
Series I  
(1966)

FILED IN THE OFFICE  
EDGAR F. WEISKELL III  
SECRETARY OF STATE

THIS DATE 11/30/73

Subject: Matters Pertaining to  
Rules and Regulations for  
Professional Engineers in West Virginia

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Section 1. General

1.01 Statutory Authority. These rules and regulations are promulgated and issued under the authority granted in Chapter 30, Article 1, Section 4, and Chapter 29A, Article 3, Section 1 of the West Virginia Code of 1931, as amended.

1.02 Location of Office. The office of the West Virginia State Board of Registration for Professional Engineers is located at Room 411, 1800 East Washington Street, Charleston, West Virginia, 25301.

Section 2. Definitions

2.01 "Board" means the "West Virginia State Board of Registration for Professional Engineers."

2.02 "Code" means the official code of West Virginia, as amended.

2.03 "EIT" means Engineer in Training.

2.04 "ECPD" means Engineers Council for Professional Development.

2.05 "NCEE" means National Council of Engineering Examiners.

2.06 "PE" means Professional Engineer

2.07 Aero-space Engineer: Aero-space engineering is the art of designing aircraft and air craft components, missiles, space vehicles, guidance systems, rockets, and guiding the technical phases of their manufacture and operation.

2.08 Agricultural Engineer: Agricultural engineering refers to one who has been trained in both engineering and agriculture, with experience in combining the two, and who is qualified to develop, design, organize and direct engineering work in the agricultural and closely allied industries. The agricultural engineer strives for maximum efficiency and economy in agricultural operations and equipment.

2.09 Ceramic Engineer: Ceramic engineering includes preparation of non metallic minerals from raw materials; forming by presses, molds, and wheels; firing in kilns, ovens and furnaces; and applications to industrial and domestic uses. Ceramic engineering includes processing and manufacturing of abrasives, glassware, building materials, cements, refractories, enamels, white wares and the like.

2.10 Chemical Engineer: Chemical engineering is defined as the application of the principles of the physical sciences, together with the principles of economics and human relations, to fields that pertain directly to processes and process equipment in which material is treated to effect a change in state, energy content, or composition. The chemical engineer deals with problems arising in manufacturing processes involving both chemical reactions and the structures, equipment, and machinery necessary for the proper control of a chemical reaction.

2.11 Civil Engineer: Civil engineering is the most diverse branch of engineering. It includes all engineers engaged in the planning, designing, construction, engineering economics and maintenance of bridges, buildings, waterways, dams, railroads, airport terminals, pipe lines, highways, sanitary systems, foundations, hydro electric installations, irrigation systems and similar systems and structures of modern civilization. Recently civil engineering has been broadened to include community planning and in addition to traditional surveying and mapping has encompassed photogrammetric methods.

2.12 Community Planning: Community planning is for the purpose of contributing to the proper development of a community. To develop a Comprehensive Plan it is necessary to prepare base maps of the community, make factual examinations of the economy of the area, the historical growth patterns of population, the existing land uses, traffic circulation within the community, housing conditions, and a study of the community facilities, including schools, parks, playgrounds, public buildings and utilities as they presently serve the community and the requirements for the future.

A General Long-Range Plan should determine the land area requirements together with the extent and type of use. Street and transportation studies should delineate the system needed to meet current and future requirements with special attention being given to thoroughfare and bypass routes with the intersection requirements. Such a study would require the determination of the parking facilities available

and the necessity for future requirements.

Community planning with respect to utilities, requires an examination of the present system in use in the area, a determination of the future needs of the area, an outline of suggested improvements, all of which includes water supply, sewage systems and treatment plants for the present and the future. The general plan also requires the determination of the fiscal capabilities of a community current and projected, the development of cost estimates, design criteria and descriptive maps and drawings.

While a great deal of the work entailed in community planning is of a statistical nature, proper plan and evaluation of it cannot be made without professional services which require the application of engineering principles and data.

2.13 Electrical Engineer: The electrical engineer must be qualified to plan, design, construct, test, maintain and operate electrical power machinery including all devices used in the generation, transmission, distribution, measurement and utilization of this form of energy. He must be competent in the field of electronics as to circuits, vacuum tubes, transistors, antennae, wave propagation,

communications including radio, television, radio-telephone and the like. He must be qualified in the area of illumination as to light sources measurement, interior and exterior applications, and photo-electric systems. He must be qualified in sound systems and their applications.

2.14 Highway Engineer: The highway engineer must possess a knowledge of highway and street engineering including planning, designing, economic studies, and construction of the ways, roads, and streets over which the vehicular traffic of the State travels. He must possess knowledge of methods of determining traffic volumes, vehicle characteristics, driver characteristics and traffic capacities of highway and streets. He must understand surveying, characteristics of soils, methods for increasing the supporting power of soils, pavement design, selection of materials used for pavements, drainage of ground and surface water, a knowledge of construction practice and construction machinery used in building roads and streets. By using all factors included above he must be able to develop an economical plan for ways, roads, and streets which will carry the traffic adequately.

2.15 Industrial Engineering: Industrial engineering includes the efficient use of manpower, machines, materials and money in industry. More specifically the industrial engineer must develop the best way to produce or manufacture products at the lowest cost commensurate with the desired quality with due regard to characteristics of the market. He must be skilled in manufacturing methods, layout of

machines, motion and time study, production planning, quality control, materials handling, operations research, personnel administration, organization for management, and cost control.

2.16 Mechanical Engineering: The mechanical engineer must be qualified to design power plants including economic evaluation of the sites and original investment costs with relationship to sources of fuel, water, and transportation and the mechanical equipment by which the power accomplishes useful results. He must be qualified to design and build heat engines (steam, oil, gas, nuclear, internal combustion) and hydraulic engines for railroads, steamships, airplanes, spacecraft, missiles, automobiles, trucks and various industrial machines. He must be qualified to design devices that control the direction, force and nature of energy, and machines for gearing, belting and shafting. In addition, he must be able to design and construct units for environmental control including heating, refrigeration, and air conditioning. The mechanical engineer must make broad use of mechanics, physics, graphics, thermodynamics, strength of materials, mathematics and related engineering subjects.

2.17 Metallurgical Engineering: The metallurgical engineer must be qualified in the science of metals, their physical, electrical, mechanical, and chemical properties, how they are affected by heat, pressure, electricity and external environment. Metallurgical engineer- includes production of metals from ores by mechanical, thermal, and chemical processes; development of metallic alloys with needed

characteristics through knowledge of molecular and crystalline structure; and fabrication of metal products by casting, welding, and powder metallurgy.

2.18 Mining Engineering: Mining engineering includes the exploration, location, development, surface and sub-surface surveys, design, mapping, and working of mines and related structures and equipment for extracting metallic ores and other minerals and preparing them for marketing, the related provisions for the safety of men and equipment.

2.19 Nuclear Engineering: Nuclear engineering involves the design and operation of equipment and systems in which nuclear fission or fusion is carried on at a controlled rate for the production of fissionable or radioactive material or the generation of useful energy. The nuclear engineer must be familiar with chemistry and metallurgy of unusual materials, protection of personnel from dangerous radiation, instrumentation of complex processes, remote control hazardous operations, and operating equipment at extreme temperatures and pressure.

2.20 Oil and Gas Engineering: Oil and Gas engineering includes exploration, drilling, production, storage and transportation of crude petroleum and natural gas, and preparing these for marketing and the safe use by men and industry.

2.21 Photogrammetry: Photogrammetry is the science of obtaining reliable measurements by means of photography, the interpretation of such photography and the compilation of accurate maps and topography

therefrom. To qualify as a photogrammetric engineer, one must be able to determine the mathematical relations that pertain to photogrammetry and to demonstrate their uses. It is desirable to express all the principles of photogrammetry in terms of solid analytical geometry and three dimension transformation and to utilize the ideas of projective geometry. These fundamentals are usually expressed in terms of algebra, geometry, and trigonometry, with which all engineers in this field should be familiar. The examinations in photogrammetry will normally cover the field in determining the focal length of camera lenses, the flying heights to obtain certain scale photographs or maps, the scale of photographs, the scale of displacement of images, the rectification of photographs to bring them to true scales, the rate of change of scale under certain conditions, the effect of tilt in the photograph, the effect of distortions, the difference in elevation of objects, the fundamentals of radial plotting, flight planning formulas and other such data requiring the application of basic mathematics and preparation of maps required.

The Board considers that photogrammetry is a specialized sub-branch of civil engineering and, therefore, does not give examinations in this branch except to those engineers who have been previously registered in civil engineering or successfully pass an original 24-hour examination including civil engineering and photogrammetry.

2.22 Sanitary Engineering: The sanitary engineer was developed by the progressive integration of the physical and biological sciences.

Sanitary engineering includes the design, construction, financing and maintenance of water supply systems, sanitary and storm sewers, sewage treatment plants, facilities for treatment of industrial waste, systems for collections and disposal of refuse, and other facilities for the improvement of the health of the community, both industrial and domestic through environmental sanitation. Atmospheric pollution, and radiological health, water supply pollution, pest control are areas of public health with which the sanitary engineer must be familiar.

2.23 Structural Engineering: Structural engineering is one of the most highly developed sub-branches of civil engineering. The structural engineer is concerned with the planning, designing, construction, engineering economics and maintenance of buildings, bridges, towers, piers, retaining walls, supports for industrial installations, and other structures. He must possess knowledge of the various internal and external forces acting on its structures such as its own weight, superimposed loads, vibrations, forces, and pressures from natural causes including the elements. The structural engineers must design structures so that they will accomplish their intended purpose, be of such strengths so as to be safe for this intended use, and so that the investment in them will be properly protected.

Section 3. Examinations. The board requires all applicants for registration to pass its written examinations in conformance with the statutory provisions of the Code and the rules and regulations promulgated by the Board, except as otherwise noted herein.

THIS DATE 11/30/73

3.01 Application Dates. All applications must be in the Board's office eight weeks before the date of the examinations.

3.02. Examination Schedule. Two day examinations will be given in the spring and fall in Charleston, Morgantown or any other location designated by the Board. The examining periods will be two eight-hour sessions, from 9:00 A.M. to 1:00 P.M. and from 2:00 P.M. to 6:00 P.M. on each of the two days.

3.03 Examination Content. One day of the examination will cover the basic examination in the Fundamentals of Engineering and passing this examination will entitle the examinee to be certified as an EIT. Such certificate will be valid for a period of 12 years. The other day of the examination will cover the Principles and Practice of Engineering in the branch of engineering requested by the applicant or decreed by the Board.

3.04 Passing Grades. The passing Board grade for each examination shall be 70%. The examination in the Fundamentals of Engineering and in the Principles and Practice of Engineering may be passed independently.

3.05 Readmission to Examination. An applicant who fails the examination may reapply and be readmitted, provided that after four failures the applicant must wait two years and present satisfactory evidence of additional study before being permitted to reapply.

3.06 Residence Requirements. The Board will accept applications for PE registration from any person who has previously been certified

by this Board as an EIT and grant registration upon satisfactory completion of the required examination, regardless of his then place of domicile, provided that not more than 12 years have elapsed since the date of original issuance of the EIT certificate.

The Board will not otherwise accept applications from any non-resident person who has not been previously registered in the state of his residence or state of principal practice except as otherwise stated in Rule 4.02.

3.07 Graduates of Board Approved Curricula. Applicants under 40 years of age will be required to pass an eight-hour written examination in the Fundamentals of Engineering and an eight-hour written examination in the Principles and Practice of Engineering.

Applicants over 40 years of age with 15 years of engineering experience satisfactory to the Board, may be excused from the eight-hour written examination in the Fundamentals of Engineering and gain registration by successfully passing an eight-hour written examination in the Principles and Practice of Engineering. Applicants over 50 years of age with 20 years of engineering experience satisfactory to the Board, may be registered after passing an oral and/or short written examination.

3.08 Graduates of Non-approved or Allied Science Curricula. Graduates of non-approved or allied science curricula will be admitted to the Fundamentals of Engineering examination immediately preceding their graduation or at any time thereafter but will not be granted

EIT status until they have passed the examination and completed six years of engineering practice under the supervision of registered Professional Engineers who can attest to the engineering nature of the work.

Certification under this section may not be recognized by other engineering registration boards.

Four year degrees in Engineering Technology will be treated as an allied science degree.

3.09 Applicants Without a Four Year Engineering or Allied Science Degree. Applicant without a four year college degree in engineering or an allied science will be required to present satisfactory evidence of eight years of engineering experience under the direct supervision of registered Professional Engineers before admission to the examination in the Fundamentals of Engineering. The Board will request that the supervising registered Professional Engineers furnish affidavits testifying to the nature and extent of the engineering experience of the applicant. The Board may require a personal interview with the applicant before admitting him to the examination in the Fundamentals of Engineering.

#### Section 4. Other Requirements for Registration

4.01 Experience Credit for Graduate Work. Additional experience credit may be granted for postgraduate education if, in the opinion of the Board, substantial research or teaching experience was also involved.

4.02 Federal Government Employees or Military Personnel.

Applicants for registration who are members or employees of certain government agencies of this nation, subject to frequent transfers in the line of duty, and who may not have permanent home addresses, will be treated as West Virginia residents if their assignments at the time of application include duties in this state.

4.03 Transcripts of Grades. Transcripts of grades must be mailed direct from the school or college to the Board with the signature of the proper school officer and the embossed seal of the school.

4.04 Registration by Comity. The Board evaluates the requirements which led to the granting of prior registration, and if they are equivalent to that required by West Virginia at that time, registration by comity may be granted.

This Board has required all applicants under forty years of age to pass a sixteen hour written examination since January 1, 1953.

Section 5. Fees

5.01 Reinstatement. If a certificate of registration has lapsed for more than two years, applicants for reinstatement must bring their records up to date before the Board will consider reinstatement.

5.02 The fee for the replacement of a valid certificate of registration shall be \$10.00.

5.03 The Board will waive the annual renewal fee to a holder of a valid certificate during such time as he is in the armed forces of

the United States of America, and will retain his name in good standing on the roster of the Board during said time; provided, he makes application for such waiver of fee, with acceptable evidence of such service.

Section 6. Disciplinary Proceedings

6.01 The Board may receive and investigate complaints pertaining to professional engineers and the practice of engineering and make findings thereon.

6.02 The Board may suspend or revoke the certificate or registration of any professional engineer registered hereunder who fails to conform to rules of professional conduct as set forth below.

1. PROFESSIONAL CONDUCT

In order to safeguard the life, health, property and welfare of the public, and to establish and maintain a high standard of integrity, skills, and practice in the profession of engineering, the following Rules of Professional Conduct shall be binding upon every person holding a certificate of registration as a professional engineer and on all partnerships or corporations or other legal entities authorized to offer or perform engineering services in this state.

All persons registered in the State of West Virginia are charged with having knowledge of the existence of these Rules of Professional Conduct, and shall be deemed to be familiar with their several provisions and to understand them. Such knowledge shall encompass the understanding that the practice of engineering is a privilege, as

opposed to a right, and the registrant shall be forthright and candid in his statements or written response to the Board or its representatives on matters pertaining to professional conduct.

THE PROFESSIONAL ENGINEER SHALL:

A. CONDUCT HIS PRACTICE IN ORDER TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE.

He shall at all times recognize his primary obligation to protect the safety, health, and welfare of the public in the performance of his professional duties. If his engineering judgment is overruled under circumstances where the safety, health and welfare of the public are endangered, he shall inform his employer of the possible consequences and notify such other proper authority of the situation, as may be appropriate.

B. PERFORM HIS SERVICES ONLY IN AREAS OF HIS COMPETENCE.

(1) He shall undertake to perform engineering assignments only when qualified by education or experience in the specific technical field of professional engineering involved.

(2) He may accept an assignment requiring education or experience outside of his own field of competence, but only to the extent that his services are restricted to those phases of the project in which he is qualified. All other phases of such project shall be performed by qualified associates, consultants or employees.

(3) He shall not affix his signature and/or seal to any engineering plan or document dealing with subject matter to

which he lacks competence by virtue of education or experience, nor to any such plan or document not prepared under his direct supervisory control.

(4) In the event a question arises as to the competence of a professional engineer to perform an engineering assignment in a specific technical field of engineering which cannot be otherwise resolved to the Board's satisfaction, the Board, either upon request of the professional engineer or by its own volition, may require him to submit to an appropriate examination as determined by the Board.

C. ISSUE PUBLIC STATEMENTS ONLY IN AN OBJECTIVE AND  
TRUTHFUL MANNER.

(1) He shall be completely objective and truthful in all professional reports, statements, or testimony. He shall include all relevant and pertinent information in such reports, statements or testimony.

(2) He shall, when serving as an expert or technical witness before any court, commission, or other tribunal, express an opinion only when it is founded upon adequate knowledge of the facts in issue, upon a background of technical competence in the subject matter, and upon honest conviction of the accuracy and propriety of his testimony.

(3) He shall issue no statements, criticisms, or arguments on engineering matters connected with public policy which are

inspired or paid for by an interested party, or parties, unless he has prefaced his comment by explicitly identifying himself, by disclosing the identities of the party or parties on whose behalf he is speaking, and by revealing the existence of any pecuniary interest he may have in the instant matters.

D. SHALL AVOID CONFLICT OF INTEREST.

(1) He shall conscientiously avoid conflict of interest with his employer or client, but, when unavoidable, he shall forthwith disclose the circumstances to his employer or client.

(2) He shall avoid all known conflict of interest with his employer or client and shall promptly inform his employer or client of any business association, interests, or circumstances which could influence his judgment or the quality of his services.

(3) He shall not accept compensation, financial or otherwise, for more than one party for services pertaining to the same project, unless the circumstances are fully disclosed to, and agreed to, by all interested parties.

(4) He shall not solicit or accept financial or other valuable considerations from material or equipment suppliers for specifying their products.

(5) He shall not solicit or accept gratuities, directly or indirectly, from contractors, their agents, or other parties dealing with his client or employer in connection with work

for which he is responsible.

(6) When in public service as a member, advisor, or employee of a governmental body or department, he shall not participate in considerations or actions with respect to services provided by him or his organization in private engineering practices.

(7) He shall not solicit or accept an engineering contract from a governmental body on which a principal officer of his organization serves as a member.

E. SOLICIT OR ACCEPT WORK ONLY ON THE BASIS OF HIS  
QUALIFICATIONS.

(1) He shall not offer to pay, either directly or indirectly, any commission, political contribution, or a gift, or other consideration in order to secure work, exclusive of securing salaried positions through employment agencies.

(2) He shall seek professional employment on the basis of qualification and competence for proper accomplishment of the work. He shall not solicit or submit proposals for professional services on the basis of competitive bidding. Competitive bidding is defined as the formal or informal submission, or receipt, of verbal or written estimates of cost or proposals in terms of dollars, man-days of work required, percentage of construction cost, or any other measure of compensation whereby the prospective client may compare engineering services on a price basis prior to the time that

one engineer or one engineering organization, has been selected for negotiations; provided, however, the submission and discussion of data published by professional engineering societies is not considered to constitute competitive bidding.

(3) He shall not falsify or permit misrepresentation of his, or his associates', academic or professional qualifications. He shall not misrepresent or exaggerate his degree of responsibility in or for the subject matter of prior assignments. Brochures or other presentations incident to the solicitation of employment shall not misrepresent pertinent facts concerning employers, employees, associates, joint venturers, or his or their past accomplishments with the intent and purpose of enhancing his qualifications and his work.

F. ASSOCIATE ONLY WITH REPUTABLE PERSONS OR ORGANIZATIONS.

(1) He shall not knowingly associate with or permit the use of his name or firm in a business venture by any person or firm which he knows, or has reason to believe, is engaging in business or professional practices of a fraudulent or dishonest nature.

(b) If he has knowledge or reason to believe that another person or firm may be in violation of any of the provisions or of Chapter 30, Article 13 of the West Virginia Code of 1931, as amended, he shall present such information to the Board in writing and shall cooperate with the Board in

furnishing such further information or assistance as may be required by the Board.

Conviction of a felony without restoration of civil rights, or the revocation or suspension of a professional engineer's license by another jurisdiction, if for a cause which in the State of West Virginia would constitute a violation of Chapter 30, Article 13, of the West Virginia Code of 1931, as amended, or of these rules and regulations, shall be grounds for a charge of violation of these rules.

A certified record in such cases shall be conclusive evidence thereof.

6.03 The Board shall automatically revoke the certificate, license or registration of any person who while under suspension continues to practice in violation of such suspension.

6.04 Invalidation of one or more of the provisions of these rules and regulations by a court of competent jurisdiction shall not operate to invalidate the remainder of these rules and regulations.

#### Section 7. Interpretation of the Law

The Board has construed the law to mean in certain situations as follows:

7.01 (a) Chapter 30, Article 13, Section 11, (b) of the Code, an employee is exempt from registration as long as his work does not include responsible charge of design or supervision and a PE may sign and affix his seal to final plans and reports of such employee, provided he has checked them and assumes full

professional and legal responsibility therefor.

(b) If an employee is practicing engineering as defined in Chapter 30, Article 13, Section 2, of the Code, then he must be registered and no PE can sign or affix his seal to such work without violating the law.

7.02 (a) Chapter 31, Article 1, Section 6-a, of the Code, pertains to engineering corporations chartered in this State and must be considered with Sections 9 and 2 of Chapter 30, Article 13, of the Code.

(b) Section 2 of Article 13 gives the definition of the practice of professional engineering. Section 9 of Article 13 grants to a corporation the right to engage in the practice of professional engineering under the condition that said practice is carried on by professional engineers registered in this State.

(c) Chapter 31, Article 1, Section 6-a, requires that at least one of the incorporators be a registered professional engineer.

(d) It is the ruling of this Board that all business carried on by a corporation which encompasses the practice of professional engineering must be carried on by professional engineers registered in this State, even though the business affairs of the corporation are handled by non-registered personnel.

Section 8. Classification System

8.01 Basic and Sub-branches

<u>CIVIL</u>	<u>CHEMICAL</u>	<u>MECHANICAL</u>	<u>ELECTRICAL</u>	<u>MINING</u>
Structural	Ceramic	Aero-space		Oil & Gas
Highway	Metallurgical	Industrial		
Sanitary	Nuclear	Agricultural		
Photogrammetric				
Community Planning				

8.02 A practicing PE may be engaged in one or more of the following major functions of the engineering profession: teaching, research, development, design, construction, production, operation and maintenance, application and sales, industrial, and management or administration. These functions apply in whole or part to the approved classification of engineering whether or not they are included in the classification descriptions, if the public welfare or the safeguarding of life, health, and property is concerned or involved. The techniques included in the description of each classification will be examined, are intended here to be descriptive in the main. The classification shall not be confined as to its generality to the listed techniques.

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