

**WEST VIRGINIA
SECRETARY OF STATE**

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #2

Do Not Mark In this Box

FILED

OCT 5 2 43 PM '92

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS TITLE NUMBER: 7

RULE TYPE: LEGISLATIVE; CITE AUTHORITY 30-13-24 ET SEG

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 1

TITLE OF RULE BEING AMENDED: LEGISLATIVE RULES, WEST VIRGINIA BOARD OF
REGISTRATION FOR PROFESSIONAL ENGINEERS, SERIES 1, SECTION 1 THROUGH 11
INCLUSIVE

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON NOVEMBER 4, 1992 AT 11:59 PM. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

WEST VIRGINIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS

608 UNION BUILDING

CHARLESTON, WV 25301

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.

Frank Gaddy PE
Board member

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

5.80

1117

Oct 2 5 43 PM '05

RECEIVED
OFFICE OF THE DIRECTOR

FISCAL NOTE FOR PROPOSED RULES

Rule Title: LEGISLATIVE RULES, WEST VIRGINIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS, SERIES I

Type of Rule: X Legislative Interpretive Procedural

Agency BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS Address 608 UNION BUILDING CHARLESTON, WV 25301

1. Effect of Proposed Rule	ANNUAL		FISCAL YEAR		
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	\$	\$	\$	\$	\$
Personal Services					
Current Expense					
Repairs and Alterations			N O C H A N G E		
Equipment					
Other					

2. Explanation of above estimates:

THE BOARD DOES NOT EXPECT THAT THESE RULES WILL CHANGE THE PRESENT ^{cost} ~~CODE~~ OF OPERATION OF THE BOARD.

3. Objectives of these rules:

THESE RULES ARE REQUIRED BY THE REVISED CODE THAT WAS EFFECTIVE ON JUNE 4, 1992. BASICALLY THE CHANGE AFFECTED THE EDUCATIONAL REQUIREMENT OF ITS CANDIDATES FOR REGISTRATION AND PENALTIES FOR FAILURE TO COMPLY WITH THE PROVISIONS OF THE CODE.

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

IT IS NOT EXPECTED THAT THESE RULES WILL ADD ANY ECONOMIC IMPACT ON STATE GOVERNMENT.

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of citizens.

THESE RULES SHOULD NOT HAVE ANY MATERIAL ECONOMIC IMPACT ON ANY POLITICAL SUBDIVISIONS.

C. Economic Impact on Citizens/Public at Large.

AGAIN, THESE RULES ARE NOT EXPECTED TO CHANGE ANY ECONOMIC IMPACT ON CITIZENS/PUBLIC AT LARGE WHICH THE OLD RULES CAUSED, IF ANY.

Date: _____

10/5/92

Signature of Agency Head or Authorized Representative

Paul R. Egan

TITLE 7
LEGISLATIVE RULES
WEST VIRGINIA STATE BOARD OF
REGISTRATION FOR PROFESSIONAL ENGINEERS

SERIES 1

REGULATIONS GOVERNING THE WEST VIRGINIA BOARD
OF REGISTRATION FOR PROFESSIONAL ENGINEERS

&7-1-1 INTRODUCTION (Authority: &30-13-9(a) - Board Powers)

1.1 Purpose. The purpose of adopting rules of procedure is to ensure the proper performance of the duties of the Board of Registration by the regulation of member and personnel procedures, meetings, records, examinations and the conduct thereof. Chapter thirty, Article thirteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to engineering provides the board may adopt rules of procedure not inconsistent with the constitution and laws of this state.

1.2 Authority of Rules. (Authority: &30-13-9(a) - Board Powers)

Rules of procedure adopted by the board shall be binding upon persons registered under this Act and shall be applicable to corporations holding a certificate of authorization.

1.3 Filing date.

These rules were filed on October 5, 1992.

1.4 Effective date.

These rules are effective ???

1.5 Repeal of former rules (Authority &30-13-9(a) Board Powers)

These legislative rules repeal and replace West Virginia 7CSR1 "Regulations governing The West Virginia Board of Registration for Professional Engineers" filed and effective May 9, 1991. However, the Board will accept applications from those applicants who qualify under 7-1-5.2 par. 3, 5.3 and 5.4 until June 30, 1995 and if such applicant meets the requirements of these sections the Board may register the applicant.

&7-1-2 DEFINITIONS (Authority: &30-13-3 - Definitions)

2.1 Definition of Terms. The Code defines the following terms:

- (1) Engineer,
- (2) Professional Engineer,
- (3) Engineer-Intern,
- (4) Practice of Engineering,
- (5) Consulting Engineer,
- (6) Board,
- (7) Responsible Charge, and
- (8) Rules of Professional Conduct for Professional Engineers.

2.2 Additional Terms:

- (1) "Code" means the code of West Virginia Chapter 30-13-1 et seq

(2) "NCEES" means National Council of Examiners for Engineering and Surveying

(3) "ABET" means Accreditation Board for Engineering and Technology

(4) "TAC-ABET" means Technology Accreditation Commission

(5) "T.O.E.F.L." means Test of English as a Foreign Language provided by Educational Testing Service, Post Office Box 6151, Princeton, New Jersey, 08541-6151.

&7-1-3 APPLICATIONS (Authority: in part &30-13-14 -Application and Registration Fee)

3.1 Kinds of Applications. Registration as a Professional Engineer requires that an applicant present their qualifications on forms prescribed by the Board.

(1) Applications for registration as a Professional Engineer are accepted from those who believe that they are qualified by education and experience, according to the code of this state, to be registered as a Professional Engineer.

(2) Applications for certification as an Engineer-Intern are accepted from those who believe that they have the necessary qualifications for registration, according to the code of this state, as a professional engineer except for that of experience.

(3) Those who are senior students in at least a four-year program leading to a baccalaureate degree from a

Board approved engineering school may apply for registration as an Engineer-Intern and to take the fundamentals examinations during their senior year.

(4) Applications for registration properly executed and issued with verification by the National Council of Examiners for Engineering and Surveying (NCEES) will be accepted in lieu of the same information that is required on the form prescribed and furnished by this Board.

3.2 Completing Applications. (Authority: in part §30-13-14 Application and Registration Fee)

(1) An applicant must provide a detailed description of the nature of work and duties in the Professional Experience section of the application form. When space provided on forms is inadequate, supplementary sheets provided by this Board (or if not provided, sheets of a good grade of white paper 8.5 x 11 are to be used).

(2) All applications made to this Board must be subscribed and sworn to on the forms used by the applicant before a Notary Public or other persons qualified to administer oaths.

(3) In order to allow sufficient time for processing and for securing examinations, all applications which may require examinations must be filed with this Board at times specified by the Executive Officer of the Board.

(4) Withholding information or providing statements which are untrue or misrepresent the facts may be cause

for denial of an application.

(5) It is the responsibility of the applicant to supply correct addresses of all references and to be sure that the references are supplied as requested. If a reference fails to respond, this could delay the processing of an application either until a reply is obtained or another reference is given.

(6) In relating experience, the applicant must account for all employment or work experience for the period of time which has elapsed since graduation from a Board approved engineering curriculum. If not employed or employed in other kinds of work this should be indicated in the experience record.

(7) The applicant shall have transcripts of all college grades mailed directly from the school or college to the Board with the signature of the proper school officer and the embossed seal of the school.

3.3 Applications from Non-Residents.

(1) A person who is a resident of West Virginia, for purposes of registration or certification, is defined as one who lives and is employed in the geographical boundaries of the state or is associated with a company which has a location in this state.

(2) With few exceptions, applicants who do not reside in West Virginia are expected to secure registration or certification in their home state or state in which they resided

before applying for registration or certification in this state.

(3) One who is a graduate of a Board approved engineering curriculum in West Virginia may apply for original registration or certification.

(4) The Board shall evaluate the requirements which led to the granting of registration in another state, and if those requirements were equivalent to those required by West Virginia at that time, registration by comity may be granted. All applicants for registration by comity will be required to have passed sixteen (16) hours of written examination.

3.4 Applications from Applicants With Degrees from Foreign Schools.

(1) All foreign language documentation submitted with the completed application must be accompanied with translations certified to be accurate by competent authority.

(2) All applicants must be able to speak and write the English language fluently. The Board will consider a score over five hundred fifty (550) on the "Test of English as a Foreign Language" as administered by the Educational Testing Service, Post Office box 6151, Princeton, New Jersey, 08541-6151, as fulfilling this requirement.

3.5 Reconsideration of Applications.

Reconsideration may be requested of an application which has been denied when the request is based on additional information and/or evidence which

could affect the original decision. A reconsideration request must be made within one year after the decision was made to reject the original application.

3.6 Disposal of Applications. Applications may be approved, deferred for further information, more experience, questionable references, or other reasons; or may be denied.

(1) Approved Applications: when an application is approved by the Board Members showing that the applicant has met all the requirements for registration or certification required by the statutes of this state, the applicant shall be granted registration or certification with notification by the Executive Officer of the Board.

(2) Deferred Applications: applications deferred for any reason are retained on file pending disposal when proper remedy as requested is presented.

(3) Denied Applications: when an application is denied, it is kept on file for one year and then may be destroyed.

3.7 Retention of Records of Applications. All approved applications are copied showing the name, date of birth, the date of application, education, experience and other qualifications of applicant, type of examination required and the date of granting the applicant's registration. The copies are stored by the Board in fire-proof and secured facilities. A duplicate of the copy of

the records are maintained in this office.

&7-1-5 FEES (Authority: &30-13-14 - Application and
Registration Fees)

5.1 Amount of Fees. Fees for various services provided by the Board are set by Board regulation in accordance with article thirty, chapter thirteen, paragraph fourteen of the West Virginia code. The current fee schedule may be obtained by contacting the Executive Officer of the Board.

5.2 Fees are payable to West Virginia State Board of Registration for Professional Engineers. Payment of fees must be made by check or money order. Cash will not be accepted in payment of fees. Applications received without the proper fee will be returned to the applicant.

5.3 Renewal Fee (Authority: &30-13-18 - Expirations and Renewal)

(1) Renewal fees are payable before the thirtieth (30) day of June of each year.

(2) Each registrant will be notified by the Secretary of the Board by the thirty first (31) day of May of each year of the amount of the renewal fee.

(3) Renewal fees one month in arrears are subject to a penalty for late renewal. The schedule of penalty fees may be obtained by contacting the Executive Officer of the

Board.

5.4 The fee for the issuance of a duplicate certificate to a registrant may be obtained by contacting the Executive Officer of the Board.

&7-1-6. CURRICULA APPROVED BY THE BOARD (Authority: &30-13-13 - General Requirements for Registration)

The term "a graduate of an engineering curriculum of four years or more approved by the Board as being of satisfactory standing" used in article 30, chapter 13, paragraph thirteen (a)(2) of the Code is interpreted by this Board to mean:

(1) a Baccalaureate Degree in Engineering accredited by the Accreditation Board for Engineering and Technology, Engineering Accreditation Commission at the time of the awarding of the degree.

(2) a Baccalaureate Degree in engineering not accredited by the Accreditation Board for Engineering and Technology, Engineering Accreditation Commission such as those curricula recently developed or curricula offered by foreign schools evaluated by the Board as being of high quality essentially equal to those curricula which are accredited.

&7-1-7. EXPERIENCE (Authority: &30-13-13 - General Requirements for Registration)

In evaluating experience which indicates to the Board that the applicant may be competent to practice engineering, the following will be considered:

7.1 Experience must be progressive on engineering projects to indicate that it is of increasing quality and requiring greater responsibility.

7.2 Only work of an engineering nature which follows graduation is creditable.

7.3 Experience must not be obtained in violation of this registration act.

7.4 Experience gained in the Armed Services, to be creditable, must be of a character equivalent to that which would have been gained in the civilian section doing similar work. Normally it would be expected that the applicant while in the Armed Services served in an engineering or engineering related group.

7.5 Experience should be gained under the supervision of a registered Professional Engineer or if not, an explanation showing why the experience is considered acceptable should be made.

7.6 For sales experience to be creditable, it must be

demonstrated that engineering principles were required and used in gaining the experience.

7.7 Teaching experience to be creditable must be at an advanced level in an engineering curriculum approved by the Board. Employment must be at a teaching grade of at least assistant professor.

7.8 Experience gained in the design of engineering research and projects by members of an engineering faculty at the rank of assistant professor or higher and where the curriculum is approved by the Board is creditable.

7.9 Successful completion of graduate study leading to the Master's degree in engineering which has followed a Baccalaureate Degree in engineering may be used for credit for one year's experience. If the Ph.D. in engineering is completed under the same conditions, two years total experience may be credited. The two years credit includes the one year for the Master's degree. If the Ph.D. is obtained without the Master's degree, the credit for experience will be two years.

7.10 Experience may not be anticipated. The experience must have been received at the time of the application.

7.11 Experience as a contractor in the execution of

design by a Professional Engineer or in employment considered as that of supervising construction of such work may not be considered as credible experience.

&7-1-8. REFERENCES (Authority: &30-13-12 - General Requirements for Registration)

8.1 References are those individuals who should have personal knowledge of an applicant and who are able to issue judgments concerning an applicant's experience, ability, character or reputation.

8.2 For registration as a professional engineer, an applicant must submit five references, three of whom shall be professional engineers having personal knowledge of the applicant's engineering experience. Individuals familiar with the applicant's experience for each employment should be included in the references.

8.3 For certification as Engineer Intern, at least three character references must be given.

8.4 It is most important to give the present address of each reference. Verification will be made by reviewing each and every reference's response.

8.5 Relatives may not be used as references.

8.6 No current Board Member shall be used as a reference.

8.7 Each applicant should inform the persons being used as references.

8.8 It is the responsibility of the applicant to assure the return of a completed reference form to the Board by the person listed as a reference. This includes educational transcripts and verification of registration in other states. All reference materials must be complete before certification or registration action may be taken on an applicant.

8.9 Confidentiality of Reference Replies. Replies received from references regarding the qualifications of an applicant shall be placed in files which are considered non-public records. The source and character of the information will not be divulged except in special cases when required by law.

7-1-9. EXAMINATIONS (Authority: §30-13-15 - Examinations)

9.1 Classification of Examinations. This state will provide the following written examinations, prepared and furnished by the National Council of Examiners for Engineering and Surveying, meeting the requirements of this state for registration as an engineer:

(1) Examination in the fundamentals of engineering, known as the Fundamentals of Engineering Examination (FE) or Engineer-Intern Examination (ET), of eight (8) hours duration, and

(2) Examination in the principles and practice of engineering, known as the Principles and Practice Examination (PE), of eight (8) hours duration. Examinations will be offered in those branches in which examinations are prepared by the National Council of Examiners for Engineering and Surveying. All branches may not be available at both the spring and fall sessions. Successful applicants will be registered as professional engineers without reference to branch in either their certificate or seal.

9.2 Eligibility of Applicant for an Examination.

(1) An applicant for registration as a professional engineer will not be permitted to sit for the PE examination until the FE examination has been passed.

(2) No applicant may sit for the eight (8) hour Fundamentals Examination or the eight (8) hour Principles and Practice Examination until the Board has established that the applicant is eligible for the examinations.

(3) An applicant for certification as an Engineer-Intern becomes eligible to sit for the Fundamentals Examination (FE) during the senior year of enrollment in an

engineering program leading to a baccalaureate degree in engineering which program has been approved by the Board. The enrollment of the applicant must be verified by the school being attended by the applicant.

(4) Graduates of a four year technology program accredited by TAC-ABET may sit for the Fundamentals of Engineering Examination after presenting evidence of two (2) years of engineering experience under the direct supervision of professional engineers and may be certified as an Engineer-Intern upon successful completion of the examination and all other requirements specified by this Code and its rules.

(5) The Board will accept applications for registration from any person who has previously been certified by the Board as an Engineer Intern and will grant registration upon the satisfactory completion of the Principles and Practice of Engineering Examination, regardless of his place of domicile; Provided, that not more than twelve (12) years have lapsed since the date of the original issuance of the Engineer Intern certificate.

9.3 Examination Dates and Locations.

(1) Written examinations are offered on dates set by the National Council of Examiners for Engineering and Surveying. Normally this is in the spring and the fall of the year. Dates are available from the Executive Officer of the Board.

(2) Locations at which the examinations are given are designated by the Board. The locations of such examinations are available from the Executive Officer of the Board.

9.4 Language of the Examination. The language of the examination will be English.

9.5 Study Information.

(1) The Board will not distribute copies of questions used on prior examinations.

(2) This Board has published specifications for all written examinations, which may be obtained upon request to the Executive Officer.

9.6 Instruction for Examinees. Instructions provided prior to each examination will declare an examination to be open or closed book. Materials permitted in the examination room will be listed in the instruction information provided to each applicant by the Executive Officer of the Board.

9.7 Failure to Attend an Examination.

(1) An applicant who fails to attend an examination for which they have been scheduled and the Board has ordered the examination will forfeit the fees paid for the

examination.

(2) Failure of an applicant to attend an examination for which he or her has been scheduled to attend does not count as a failure of the examination.

9.8 Examination Offerings.

(1) An applicant who fails to pass the first Principles and Practice examination will be granted a request to sit for another offering of the examination upon payment of the appropriate fee. In the event the applicant fails to pass the second examination and wishes to take a further examination, the applicant will be requested to provide the Board with evidence to show that additional knowledge has been acquired by the applicant since examination failure.

(2) An applicant for the Principles and Practice of Engineering Examination will be notified by the Board before the examination date of approval to take the examination. The applicant must notify the Board whether they plan to sit for the examination at least ten (10) days after being notified of approval to take the examination.

(3) An applicant for the Fundamentals of Engineering Examination must submit an application at a time prescribed by the Executive Officer of the Board.

9.9 Examination Results. Successful performance or failure of an examination outcome will be supplied in writing to

each examinee. No results will be given in any other manner.

9.10 Review of Failed Examinations. An applicant who fails to make a passing score on an examination may review the examination paper within 30 days after receiving the result. The review must be done in the office of the Board under the supervision of the Executive Officer of the Board.

9.11 Examination for Record Purposes.

(1) Any engineer currently registered by this Board may take for record purposes the Fundamentals of Engineering Examination and/or a Principles and Practice Examination in a chosen discipline offered by the National Council of Examiners for Engineering and Surveying upon payment of prescribed examination fee.

(2) Failure to pass either or both examinations will in no way affect current registration.

&7-1-10. CLASSIFICATIONS OF ENGINEERING (Authority: &30-13-13&16 - General Requirements for Registration, and Certificates and Seals, respectively)

10.1 Classification of Registration. Applicants shall be registered or certified under one of the classifications as prescribed by the laws of this state:

(1) Professional Engineer;

- (2) Engineer-Intern;
- (3) Professional Engineer-Retired;

&7-1-11. REGISTRATIONS (Authority: &30-13-16 - Certificates and Seals)

11.1 Registration Number as a Professional Engineer. Each registrant is assigned a registration number at the time registration is granted by the Board. Numbers are issued consecutively in the order in which an applicant is granted registration. The registrant will be advised of his number by the Executive Officer.

11.2 Certificates of Registration. The Board shall issue a certificate of registration to an applicant who has met the requirements of this state and who has paid the registration fee. The certificate signed by the Board members will show the registrant's registration number and seal of the Board.

11.3 Reissuance of Certificate. When a certificate of registration or certificate of authorization is lost, destroyed or mutilated, it will be replaced upon presentation of a notarized statement of such act and the prescribed fee by a registrant in good standing. (Authority: &30-13-19: Reissuance of Certificates)

&7-1-12. SEALS (Authority: &30-13-16 - Certificates and Seals)

12.1 Seal of the Board. The seal of this Board shall

be affixed to each certificate of registration.

12.2 Seal of Registrant. When an applicant is granted registration, they must obtain an official seal of the size and design prescribed by the Board. The seal shall contain the following information:

- (a) The words "State of West Virginia"
- (b) The registrant's name
- (c) The registrant's registration number
- (d) The words "Registered Professional Engineer".

The following is a sample of the suggested format:

It may be a rubber stamp, or one that embosses.

12.3 Seal on Documents. (Authority: §30-13-16 - Certificates and Seals)

(1) The seal and signature of the registrant shall be placed on all specifications, reports, drawings, plans, design information and calculations whenever presented to a client or any public or government agency to certify that the work thereon was done by the registrant or under the control of the registrant. Revisions to any documents must be numbered, dated, and initialed by the person whose seal appears on the original

document.

(2) The seal and signature when placed on all original copies, tracings or other reproducible documents shall be such that the seal and signature will be reproduced when copies are made.

(3) When the document contains more than one sheet, the first or title page shall be sealed and signed by all involved in the work or those who controlled the work and are responsible for it. In addition, each sheet shall be sealed and signed by the registrant or registrants responsible for each sheet. When a firm, partnership or corporation performs the work, each sheet shall be sealed and signed by the registrant or registrants who actually did the work. For bound documents, the official seal may be affixed to the first sheet of the bound document if that sheet bears a statement as to the number of bound sheets.

(4) Each registrant is solely responsible for the use of their seal. Only work that is prepared by the registrant or work that is prepared under his direct supervision shall bear the seal of the registrant.

(5) When a registrant of another state has a temporary permit to practice in this state, the registrant shall use their state's registration seal and affix their signature and a copy of the temporary permit to work done in this state.

(6) When a registrant of this state examines and verifies the work of an out-of-state registrant, the registrant of this state shall have complete dominion and control

of the design which includes possession of the sealed and signed reproducible construction drawings with complete signed and sealed design calculations indicating all changes in design.

(7) Electronic reproduction of the seal is authorized, however, the resulting facsimile must meet the specifications of this regulation and in no way lessens the registrants responsibility for the improper use of the seal on work not prepared either by the registrant or under his or her direct supervision.

(8) It shall be the responsibility of each registrant to report the loss or theft of their seal to the Board as soon as practical after such loss or theft.

7-1-13 TEMPORARY PERMITS (Authority: &30-13-24 -Exemptions)

13.1 Requirements.

(1) This Board may grant a temporary permit to a person who is not a resident of this state or who has no established place of business and desires to practice or offer to practice engineering in this state provided such person is legally qualified by registration in their home state and that their qualifications for obtaining the permit meet those required for registration under this Act.

(2) To obtain a temporary permit, an applicant must make application to this Board on forms provided by it and pay a fee prescribed by the Executive Officer of the Board.

13.2 Length and Scope of Permit. The permit is granted for a definite length of time not to exceed one year to do a specific job and the permit provides that there is no right to practice engineering with respect to any other works not set forth in the permit.

7-1-14. EXPIRATIONS AND RENEWALS (Authority: &30-13-18 - Expirations and Renewals)

14.1 Renewals.

(1) A Renewal notice will be mailed annually by the Secretary of this Board during the month of May to the last known address of every person holding a certificate of registration under this Act and to every corporation holding a certificate of authorization showing the expiration date of their certificate and the amount of the fee for renewal as established by the Board.

(2) Renewal fee received one month after the renewal date will be assessed an additional ten percent (10%) of the fee. When the fee is received 90 days after the expiration date, an additional 30 percent (30%) penalty will be assessed.

(3) Renewal fees not paid within 90 days after the expiration date voids the certification of registration and will require a new application for registration in order to continue to practice engineering.

(4) A registrant who supplies the Board before the expiration date of his or her certificate with an affidavit that the registrant is no longer practicing and will not practice engineering in this state may retain their certificate for later use upon payment of delinquent fees.

(5) The responsibility for the timely renewal of a registrant's license rests solely with the individual licensee.

(6) A Registered Professional Engineer, after the age of 65, who has retired from practicing professional engineering may apply for the status of Professional Engineer-Retired, and upon payment of a fee prescribed by the Board, be registered as a Professional Engineer-Retired.

&7-1-15 CONTINUING PROFESSIONAL COMPETENCY (Authority: 30-13-9(d) Board Powers)

15.1 Beginning the first day of July, the year after the effective date of these Rules and Regulations, the Board shall require every registrant to meet the continuing professional competency requirements of these regulations for professional development as a condition for registration renewal.

Terms used in this section are defined as follows:

(1) Professional Development Hour (PDH) - A contact hour (nominal) of instruction or presentation. The common

denominator for other units of credit.

(2) Continuing Education Unit (CEU) - Unit of credit customarily used for continuing education courses. One continuing education unit equals 10 hours of class in approved continuing education course.

(3) College/Unit Semester/Quarter Hour - Credit for ABET approved course or other related college course approved in accordance with article Paragraph 15.4 of this section.

15.2 Requirements. The Board shall require every registrant to show evidence of obtaining sufficient PDH units in order to meet the requirements of the Board for renewal. The Board shall publish and specify the required number of PDH units one year prior to the renewal period. If a registrant exceeds the annual requirement in any year, a maximum of 8 PDH's may be carried forward into the subsequent year. PDH's may be earned as follows:

- (1) Successful completion of college courses.
- (2) Successful completion of continuing education courses.
- (3) Successful completion of correspondence, televised, videotaped, and other short courses/tutorials.
- (4) Active participation in seminars, in-house courses, workshops, and professional conventions.
- (5) Teaching or instructing in (1) through (4) above.
- (6) Authoring published papers, articles, or books.

15.3 Units. The conversion of other units of credit to PDH units is as follows:

1 College or unit semester hour	45 PDH
1 College or unit quarter hour	30 PDH
1 Continuing Education Unit	10 PDH

1 Hour of professional development in course work, seminars, professional conventions, workshops.	1 PDH
For teaching any multiple of 2 Each paper or article	10 PDH

15.4 Determination of Credit. The board of registration shall have available and publish at least annually a list of pre-approved courses with subject, dates, times, contact person, and PDH value for each course. The board of registration has final authority with respect to approval of courses, credit, PDH value for courses, and other methods of earning credit.

(1) Credit for college or community college approved courses will be based upon course credit established by the college. Course approval will be recommended by the professional society committee.

(2) Credit determination for seminars, workshops, and professional conventions will be determined by the professional society committee.

(3) Credit for authoring published papers, articles or books, and in-house courses is the responsibility of the registrant (subject to review as required by the board.)

15.5 Recordkeeping. Each registrant is charged with the responsibility of his own professional development activities. The responsibility of maintaining records to be used to support credits claimed is the responsibility of the registrant. Records required include, but are not limited to: 1) a log showing the type of activity claimed, sponsoring organization, location,

duration, instructor's or speaker's name, and PDH credits earned;

2) attendance verification records in the form of completion certificates, paid receipts or other documents supporting evidence of attendance. These records must be maintained for a period of three years and copies may be requested by the board for audit verification purposes.

15.6 Exemptions. A registrant may be exempt from the professional development educational requirements for one of the following reasons:

(1) New registrants by way of examination or reciprocity shall be exempt for their first renewal period.

(2) A registrant serving on active duty in the armed forces of the United States for a period of time exceeding one hundred twenty (120) consecutive days in a calendar year shall be exempt from obtaining the professional development hours required during that year.

(3) Registrants experiencing physical disability, illness, or other extenuating circumstances are reviewed and approved by the board may be exempt. Supporting documentation must be furnished to the board.

(4) Registrants who list their occupation as "Retired" on the board approved renewal form and who further certify that they are no longer receiving any remuneration from providing professional engineering or land surveying services shall be exempt from the professional development hours required. In the event such a person elects to return to active practice of

professional engineer or land surveying, professional development hours must be earned before returning to active practice for each year exempted not to exceed the annual requirement for two years.

15.7 Inactive Status. A registrant may bring an inactive license to active status by obtaining all delinquent PDH's. However, if the total number required to become current exceeds 30, then 30 shall be the maximum number required.

15.8 Forms. All renewal applications will require the completion of a continuing education form specified by the board outlining PDH credit claimed. The registrant must supply sufficient detail on the form to permit audit verification, must certify and sign the continuing education form, and submit with the renewal application and fee.

&7-1-16 AUTHORIZATION CERTIFICATES (Authority: &30-13-17 - Authorization certificates)

16.1 Application and Fees. A firm, corporation, co-partnership, joint stock association or private practitioner employing others, referred to hereinafter as a "firm", which practices or offer to practice engineering by consulting engineers registered by the Board must apply to the Board for a certificate of authorization. A firm desiring to obtain such authorization should contact the Executive Officer of the Board for an application form and fee schedule.

&7-1-17 PROFESSIONAL RESPONSIBILITY (Authority: &30-13-9 -Board Powers)

17.1 Rules of Professional Responsibility. This Board has prepared and adopted Rules of Professional Responsibility for Professional Engineers as provided in &30-13-9(a) Board Powers, of the West Virginia Code.

17.2 Knowledge of Rules. All persons registered under the provisions of the Act are charged with having knowledge of the existence of the Rules of Professional Responsibility as well as amendments from time to time which are made known in writing to every registrant and applicant for registration. The Rules and amendments as made are also published in the roster provided in &30-13-12 of the Code.

17.3 Rules of Professional Responsibility. To comply with the purpose of the West Virginia State Board of Registration Law for professional engineers, West Virginia &30-13-1 et seq. which is to safeguard life, health and property, to promote the public welfare, and to maintain a high standard of integrity and practice, the West Virginia State Board of Registration for Professional Engineers has developed the following Rules of Professional Responsibility. These rules supplement the provisions for professional responsibility prescribed in West Virginia Code &30-13-1 et seq. and shall be binding on every person holding a certificate of registration to offer or perform engineering services in this state.

(1) All persons registered in West Virginia are required to be familiar with the Registration Statute, these rules, and all applicable laws relating to the practice of engineering. The Rules of Professional Responsibility delineate specific obligations the registrant must meet. In addition, each registrant is charged with the responsibility of adhering to

standards of highest ethical and moral conduct in all aspects of the practice of engineering.

(2) The practice of engineering is a privilege, as opposed to a right. All registrants shall exercise their privilege of practicing by performing services only in the areas of their competence according to current standards of technical competence.

(3) Registrants shall recognize their responsibility to the public and shall represent themselves before the public only in an objective and truthful manner.

(4) They shall avoid conflicts of interest and faithfully serve the legitimate interests of their employers, clients, and customers within the limits defined by these rules. Their professional reputation shall be built on the merit of their services and they shall not compete unfairly with others.

17.4 Registrant's Obligation to Society.

(1) Registrants, in the performance of their services for clients, employers and customers, shall be cognizant that their first and foremost responsibility is to the public welfare.

(2) Registrants shall approve and seal only those design documents and surveys that conform to accepted engineering standards and safeguard the life, health, property and welfare of the public.

(3) Registrants shall notify their employer or

client and such other authority as may be appropriate when their professional judgement is overruled under circumstances where the life, health, property, welfare of the public is endangered.

(4) Registrants shall be objective and truthful in professional reports, statements or testimony. They shall include all relevant and pertinent information in such reports, statements or testimony.

(5) Registrants shall express a professional opinion publicly only when it is founded upon an adequate knowledge of the facts and a competent evaluation of the subject matter.

(6) Registrants shall issue no statements, criticisms or arguments on technical matters which are inspired or paid for by interested parties, unless they explicitly identify the interested parties on whose behalf they are speaking, and reveal any interest they have in the matters.

(7) Registrants shall not permit the use of their name or firm name, nor associate in business ventures with, any person or firm which is engaging in fraudulent or dishonest business or professional practices.

(8) Registrants having knowledge of possible violations of any of these Rules of Professional Responsibility shall provide the board with information and assistance necessary to the final determination of such violation.

17.6 Registrant's Obligation to Employer and Clients

(1) Registrants shall undertake assignments only when qualified by education or experience in the specific technical fields of engineering involved.

(2) Registrants shall not affix their signatures or seals to any plans or documents dealing with subject matter in which they lack competence, nor to any such plan or document not prepared under their direct control and personal supervision.

(3) Registrants may accept assignments for coordination of an entire project, provided that each design segment is signed and sealed by the registrant responsible for preparation of that design segment.

(4) Registrants shall not reveal facts, data or information obtained in a professional capacity without the prior consent of the client or employer except as authorized or required by law.

(5) Registrants shall not solicit or accept financial or other valuable consideration, directly or indirectly, from contractors, their agents, suppliers, manufacturers, or other parties in connection with work for employers or clients.

(6) Registrants shall make full prior disclosures to their employers or clients of potential conflicts of interest or other circumstances which could influence or appear to influence their judgement or the quality of their service.

(7) Registrants shall not accept compensation, financial or otherwise, from more than one party; for services pertaining to the same project, unless the circumstances are fully

disclosed and agreed to by all interested parties.

(8) Registrants shall not solicit or accept a professional contract from a governmental body on which a principal or officer of their organization serves as a member. Conversely, registrants serving as members, advisors, or employees of a governmental body or department, who are the principals or employees of a private concern, shall not participate in decisions with respect to professional services offered or provided by said concern to the governmental body which they serve.

17.7 Registrant's Obligation to Other Registrants

(1) Registrants shall not falsify or permit misrepresentation of their, or their associates', academic or professional qualifications. They shall not misrepresent or exaggerate their degree of responsibility in prior assignments nor the complexity of said assignments. Presentations incident to the solicitation of employment or business shall not misrepresent pertinent facts concerning employers, employees, associates, joint ventures or past accomplishments.

(2) Registrants shall not offer, give, solicit or receive, either directly or indirectly, any commission, or gift, or other valuable consideration in order to secure work, and shall not make any political contribution with the intent to influence the award of a contract by public authority.

(3) Registrants shall not attempt to injure, maliciously or falsely, directly or indirectly, the professional

reputation, prospects, practice or employment of other registrants, nor indiscriminately criticize other registrants' work.

17.8 Convictions. A registrant of this Board who has been fined, received a reprimand, had license revoked, suspended or denied in another jurisdiction for reasons or causes which this Board finds would constitute a violation of the law governing the practice of engineering in this state or any rule or regulation promulgated by this Board shall be sufficient cause for levying a fine, reprimanding the registrant, denying, revoking or suspending a license to practice engineering by the registrant in this state.

&7-1-18 COMPLIANCE AND ENFORCEMENT (Authority: &30-13-23 - Criminal Offenses)

18.1 Compliance. The statutes of this state provide that a person must be registered to practice or to offer to practice engineering in the state. Any person who shall violate any of the provisions of the Act shall be subject to the provisions of West Virginia Code No. 30-13-21 through 23.

&7-1-19 SEVERABILITY

If any of the Rules and Regulations, or any part thereof, of this Board promulgated under the provisions of the rule-making authority for state agencies, are found by the courts

to be invalid for any reason, it is the intention of the Board that the remainder shall continue in full force and effect or it is the intention of the Board that each Rule and/or any portion thereof are severable.