

**WEST VIRGINIA
SECRETARY OF STATE**

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #2

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JUL 21 12 01 PM '00

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: State Board of Registration for Professional Engineers TITLE NUMBER: 7

RULE TYPE: Legislative CITE AUTHORITY: 30-13

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 1

TITLE OF RULE BEING AMENDED: Rules of the WV State Board of Registration for Professional Engineers

IF NO, SERIES NUMBER OF 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 August 21, 2000 AT 4:00 P.M. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

State Board of Registration
for Professional Engineers
608 Union Building
Charleston, WV 25301

Attn: Ann Hicks

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



Ann Hicks

Authorized Signature

ATTACH A BRIEF SUMMARY OF YOUR PROPOSAL

\$11.20

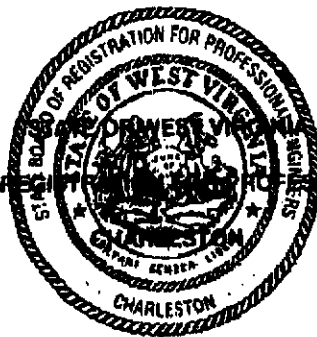
Frank L. Gaddy, P.E.
Huntington
President

Edward L. Robinson, P.E.
Cross Lanes

Leonard J. Timms, Jr., P.E.
Bridgeport

Gene R. Weekley, Jr., P.E.
Huntington
Secretary

Robert L. Wolfe, P.E.
Charleston



STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS

Ann Hicks
Charleston
Board Administrator

606 Union Building
Charleston, WV 25301-2703
TELEPHONE (304) 558-3554
FAX (304) 558-6232

July 20, 2000

Ms. Judy Cooper, Director
Administrative Law Division
Secretary of State Office
Bldg.1, Suite 157-K
State Capitol Complex
Charleston, WV 25305-0770

Dear Ms. Cooper:

On behalf of the State Board of Registration for Professional Engineers, permission is hereby granted for Ms. Ann Hicks to sign the necessary documents in filing the proposed legislative rule changes.

Sincerely,

Frank L. Gaddy, P.E.
President

State Board of Registration for Professional Engineers

608 Union Building

Charleston, West Virginia 25301

Brief Summary of the Proposed Changes to the Rules

The State Board of Registration for Professional Engineers would like to request the review of the Legislative Rule-Making Committee as to the proposed changes to the Rules and Regulations governing the practice of engineering in the State of West Virginia.

The Board requests consideration and approval for the following: (1) deletion of §7-1-8.2(f), §7-1-8.2(g) and §7-1-8.2(h) rules which have expired since the last update; (2) ~~§7-1-3.9 and~~ §7-1-3.9 and §7-1-3.10 - addition of procedures for Professional Limited Liability Partnerships and Companies in accordance with passage of SB 338; (3) §7-1-18.5 - increase of fees; and (4) to clarify language in providing a better interpretation and understanding of the existing Rules and Regulations.

State Board of Registration for Professional Engineers

608 Union Building

Charleston, West Virginia 25301

Circumstances Which Require the Changes of the Rules

The State Board of Registration for Professional Engineers would like to request the review of the Legislative Rule-Making Committee as to the circumstances which require the changes in the existing Rules and Regulations governing the practice of engineering in the State of West Virginia.

These changes are to eliminate existing sections of the Rules and Regulations which have expired since the last update, to implement procedures for professional limited liability partnerships, to increase fees and to provide a clarification of various existing rules.

□
APPENDIX B

FISCAL NOTE FOR PROPOSED RULES (NOT APPLICABLE)

Rule Title: Rules of the West Virginia State Board of Registration
for Professional Engineers

Type of Rule: Legislative Interpretive Procedural

Agency: State Board of Registration for Professional Engineers

Address: 608 Union Building

Charleston, WV 25301-2703

1. Effect of Proposed rule:

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
ESTIMATED TOTAL COST					
PERSONAL SERVICES					
CURRENT EXPENSE					
REPAIRS & ALTERATIONS					
EQUIPMENT					
OTHER					

2. Explanation of Above Estimates:

3. Objectives of These Rules:

Rule Title: Rules of the State Board of Registration for Professional Engineers

4. Explanation of Overall Economic Impact of Proposed Rule:

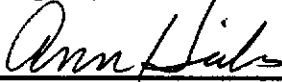
A. Economic Impact on State Government:

B. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of Citizens:

C. Economic Impact on Citizens/Public at Large.

Date: July 19, 2000

Signature of Agency Head or Authorized Representative:



Ann Hicks

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

FILED
JUL 21 12 01 PM '00
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

SERIES 1

REGULATIONS GOVERNING THE WEST VIRGINIA BOARD
OF REGISTRATION FOR PROFESSIONAL ENGINEERS

7-1-1. **GENERAL.**

1.1 Purpose. The purpose of adopting rules of procedure is to ensure the proper performance of the duties of the Board of Registration for the regulation and conduct of member and personnel procedures, meetings, records, examinations.

1.2 Authority. West Virginia Code §30-13-9(a), 14, 18, 19, 21.

1.3 Scope. This rule is binding upon persons registered under West Virginia Code §30-13-1 et seq. and is applicable to individuals or organizations providing engineering services and holding a certificate of authorization.

~~1.4 February 23, 1993~~

~~1.5 June 16, 1993~~

1.6 Repeal of former rules.

This legislative rule repeals and replaces West Virginia 7CSR1 "Regulations governing The West Virginia Board of Registration for Professional Engineers" filed and effective ~~May 9, 1991.~~ June 16, 1993.

~~7 1 2~~ DEFINITIONS

~~2.1 "Code" means West Virginia Code 30-13-1 et seq.~~

~~2.2 "NCEES" means the National Council of Examiners for Engineering and Surveying.~~

~~2.3 "ABET" means the Accreditation Board for Engineering and Technology.~~

~~2.4 "TAC/ABET" means the Technology Accreditation Commission.~~

~~2.5 "T.O.E.F.L." means the Test of English as a Foreign Language provided by the Educational Testing Service, Post Office Box 6151, Princeton, New Jersey, 08541-6151.~~

~~2.6 "FE" means the Fundamentals of Engineering Examination.~~

~~2.7 "EI" means an Engineer Intern (a person who has passed the "FE" examination).~~

~~2.8 "PE" means the Principles and Practice of Engineering Examination.~~

~~2.9 "PDH" means Professional Development Hour—A contact hour of instruction or presentation. The common denominator for other units of credit.~~

~~2.10 "CEU" means Continuing Education Unit—Unit of credit customarily used for continuing education courses. One continuing education unit equals 10 hours of class in an approved continuing education course.~~

~~2.11 "College/Unit Semester/Quarter Hour" Credit for ABET approved courses or other related college courses approved in accordance with Subsection 14.4 of this Rule.~~

~~2.12 "Certificate of Authorization" A firm, corporation, co-partnership, joint stock association or private practitioner employing others, referred to in this rule as a "firm", which practices or offers to practice engineering by engineers registered by the Board must apply to the Board for a certificate of authorization.~~

7-1-2. DEFINITIONS.

2.1 "ABET" means the Accreditation Board for Engineering and Technology.

2.2 "Certificate of Authorization" - A document issued by this Board to a firm, corporation, co-partnership, joint stock association or private practitioner employing others, referred to in this rule as a "firm", which practices or offers to practice engineering by engineers registered by the Board.

2.3 "CEU" means Continuing Education Unit - Which is a unit of credit customarily used for continuing education courses. One continuing education unit equals 10 hours of class in an approved continuing education course.

2.4 "Code" means West Virginia Code §30-13-1 et seq.

2.5 "College/Unit Semester/Quarter Hour" is the credit given

for ABET approved courses or other related college courses approved in accordance with Subsection 14.4 of the Rule.

2.6 "EI" means an Engineer Intern (a person who has passed the "FE" examination).

2.7 "FE" means the Fundamentals of Engineering Examination.

2.8 "NCEES" means the National Council of Examiners for Engineering and Surveying.

2.9 "PDH" means Professional Development Hour which is one contact hour of instruction or presentation designed to keep a professional engineer current in his or her discipline.

2.10 "PE" means the Principles and Practice of Engineering Examination or an acronym used after an engineer's name to indicate whether or not he or she is a registered engineer with the State Board of Registration For Professional Engineers.

2.11 "TAC/ABET" means the Technology Accreditation Commission.

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

7-1-3. APPLICATIONS.

3.1 Types of Applications.

(a) A person applying to the Board for registration

as a Professional Engineer shall submit to the Board a completed application on forms prescribed by the Board.

(b) A person applying to the Board for certification as an Engineer Intern shall submit to the Board a completed application on forms prescribed by the Board.

(c) A person or firm applying to the Board for a Certificate of Authorization of a firm shall submit to the Board a completed application on forms prescribed by the Board.

3.2 Criteria for Applications.

(a) The Board ~~will~~ shall only accept applications from persons who meet the education and experience requirements under the Code.

(b) The Board ~~will~~ shall accept applications for certification as an Engineer Intern from persons who meet all of the requirements of the Code. Senior students in a four-year program leading to a baccalaureate degree from a Board approved curriculum may apply for certification as an Engineer Intern and may take the Fundamentals of Engineering examinations during their senior year.

(c) The Board ~~will~~ shall accept an application for registration which includes the documented record properly executed and issued with verification by the ~~National Council of Examiners for Engineering and Surveying (NCEES)~~ in lieu of an application on forms prescribed by the Board.

3.3 Completing Applications.

(a) An applicant shall provide a detailed description of the nature of the work and duties he or she has performed 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, additional sheets of a good grade of white paper 8.5 inches x 11 inches are to be used).

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

(c) In order to allow sufficient time for processing and for securing examinations, all applicants which may require an examination must file their application with this Board at times specified by the Board.

(d) The Board may refuse to register an applicant who has withheld information or provided statements which are untrue or misrepresented the facts.

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

(f) In relating experience, the applicant ~~must~~ shall

account for all employment or work experience for the period of time which has elapsed since graduation from a Board approved curriculum. If the applicant was not employed or was employed in other kinds of work he or she should indicate this in the experience record.

(g) 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.

3.4 Applications from Non-Residents.

(a) A person who is a resident of West Virginia, for purposes of registration is defined as a person who lives and is employed within the geographical boundaries of the state.

(b) Applicants who do not reside in West Virginia ~~must~~ shall be registered or certified in the state in which they reside before they can apply for registration or certification in this state.

(c) Regardless of one's residence, a A person who is a graduate of a Board approved curriculum in West Virginia may apply for the original registration or certification.

(d) Prior to applying ~~All applicants~~ for registration with the Board by comity all applicants for registration, shall ~~must~~ have passed an eight hour written examination in the Fundamentals of Engineering and an eight hour written examination in the

Principles and Practice of Engineering that are acceptable to this Board, and ~~must have met~~ shall meet all of the other requirements of the West Virginia Code §30-13-1 et seq.

3.5 Applications from Applicants With Degrees from Foreign Schools.

(a) All foreign language documentation submitted with the completed application ~~must~~ shall be accompanied by translations certified to be accurate by a competent authority recognized by the Board.

(b) All applicants ~~must be able to~~ shall speak and write the English language fluently. An applicant who obtains a A score of 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, fulfills meets this requirement. Other testing services may be approved by the Board.

3.6 Disposal of Applications. The Board may approve an application; defer it until the applicant provides further information, gains more experience, additional references, or for other reasons; or deny an application.

(a) When an application is approved by the Board it indicates that the applicant has met all the requirements for registration or certification required by the statutes of this state, and the Board shall grant the applicant a registration

or certification. The Board shall notify the applicant of the approval.

(b) The Board will retain all applications which are deferred for any reason until the applicant submits the additional information required by the Board.

(c) When the Board denies an application it ~~will be kept~~ shall keep it on file for one year and then ~~destroyed~~ destroy it.

3.7 Reconsideration of Applications. An applicant may request that the Board reconsider an application which has been denied when the request is based on additional information and/or evidence which could affect the original decision. An applicant ~~must~~ shall make the request for reconsideration within one year after the decision was made to deny the original application.

3.8 Retention of Records of Applications. The Board shall make copies of all approved applications which show the name, date of birth, the date of application, education, experience and other qualifications of the applicant, the examination required of the applicant, and the Board granted registration or certification notice. The duplicate copies of these records shall be ~~are~~ stored by the Board and one copy shall be stored in fire-proof and secure facilities. ~~The Board will keep a duplicate copy of the records.~~

7-1-4. PROFESSIONAL LIMITED LIABILITY COMPANY (PLLC).

4.1 For the Purposes of West Virginia Code §30-13-17, a professional limited liability partnership or professional limited liability company shall apply for a certificate of authorization.

4.2 Every professional limited liability partnership and professional limited liability company shall, prior to applying for a registration with the Secretary of State, obtain a letter indicating its eligibility to receive a certificate of authorization pursuant to West Virginia Code §30-13-17. The letter shall be filed with the application for registration with the Secretary of State. An applicant for a certificate of authorization pursuant to this rule must designate a responsible engineer in charge who must have an ownership interest in the professional limited liability partnership or professional limited liability company.

7-1-5. CURRICULA APPROVED BY THE BOARD.

The term "a graduate of a curriculum of four years or more approved by the Board as being of satisfactory standing" used in West Virginia Code §30-13-13(a)(2) is interpreted by this Board to mean a person who has:

(a) a Baccalaureate Degree from a school whose curricula is accredited by the Accreditation Board for Engineering and Technology, Engineering Accreditation Commission at the time of the awarding of the degree;

(b) a Baccalaureate Degree in Engineering Technology

from a school whose curricula is accredited by The Accreditation Board for Engineering and Technology, Technology Accreditation Commission at the time of the awarding of the degree.—; or

(c) a Baccalaureate Degree from a school whose curricula is 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.

7-1-6. EXPERIENCE.

An applicant for registration as a Professional Engineer ~~must~~ shall demonstrate that he or she has obtained a minimum of four (4) years of experience satisfactory to the Board.

6.1 The applicant's experience on engineering projects shall be broad in scope in his/her discipline and progressive, in that it was of increasing quality and required greater responsibility.

6.2 The Board shall consider only the experience an applicant obtains after he or she graduates from a Board approved curriculum.

6.3 An applicant shall not obtain experience in violation of West Virginia Code §30-13-1 et seq.

6.4 Experience gained in the Armed Services shall be of

a character equivalent to that which would have been gained in the civilian sector doing similar work. A good indicator of equivalence is that the applicant while in the Armed Services served in an engineering or engineering related group.

6.5 The experience gained shall be under the supervision of a registered Professional Engineer. If not, the applicant ~~should~~ shall explain why the Board should consider the experience acceptable.

6.6 For sales experience to be creditable, the applicant ~~must~~ shall prove that engineering principles were required and used while gaining this experience.

6.7 The Board may classify the teaching of design courses in curriculums approved by the Board as professional engineering experience if the employment was at a teaching grade of at least assistant professor.

6.8 The Board may credit experience ~~Experience~~ gained in the design of engineering research and projects as a member of an engineering faculty at the rank of assistant professor or higher and where the curriculum is approved by the Board ~~may be~~ creditable.

6.9 The ~~B~~board may credit an applicant who has followed a Board-approved Baccalaureate Degree in engineering with a Master's degree in engineering with one year's experience if the applicant successfully completes graduate study leading to the

Master's degree in engineering. If the applicant completed a Doctor of Philosophy Degree in engineering under the same conditions, the Board may credit the applicant with two years of ~~total~~ experience. The two years' credit includes the one year for the Master's degree. If the Doctor of Philosophy Degree is obtained without the Master's degree, the credit for experience is two years.

6.10 The applicant ~~must have obtained~~ shall obtain the experience ~~at prior to~~ the time of filing the application.

6.11 The Board ~~will~~ shall not give the applicant credit for experience obtained as a contractor in the execution of design by a Professional Engineer or in employment considered as that of supervising construction of such work.

7-1-7. REFERENCES.

7.1 ~~The~~ An applicant shall use individuals as references who have personal knowledge of the applicant and who are able to issue judgments concerning the applicant's experience, ability, character or reputation.

7.2 For registration as a professional engineer, an applicant ~~must~~ shall submit the names of five individuals as references, three of whom shall be professional engineers having personal knowledge of the applicant's engineering experience. Also, the applicant should include in the references individuals

familiar with the applicant's experience noted in the employment section of the application.

7.3 For certification as Engineer Intern, an applicant ~~must give~~ shall submit at least three character references.

7.4 ~~The~~ An applicant ~~must~~ shall give the present address of each reference. ~~Verification will be made by reviewing each and every reference's response.~~ The Board shall review every reference's response.

7.5 An applicant may not use a relative as a reference.

7.6 An applicant may not use a current Board member as a reference.

7.7 Each applicant should inform the persons concerned that they are being used as references.

7.8 It is the responsibility of the applicant to assure the return of a completed reference form to the Board from each person listed as a reference. This responsibility includes assuring the return of educational transcripts and verification of registration in other states. All reference materials must be complete before the Board acts on the application.

7.9 ~~Confidentiality of Reference Replies.~~ The Board ~~will~~ shall place replies received from references regarding the qualifications of an applicant in files which are considered non-public records. The Board ~~will~~ shall not divulge the source and character of the information except in special cases when required

by law.

7-1-8. EXAMINATIONS.

8.1 Classification of Examinations. The Board ~~will~~shall administer or direct the administration of the following written examinations, prepared and furnished by the ~~National Council of Examiners for Engineering and Surveying~~ NCEES:

- (a) The "FE" examination~~;~~; and
- (b) The "PE" examination.

The Board ~~will~~ shall offer examinations only in those branches of engineering in which examinations are prepared by the ~~National Council of Examiners for Engineering and Surveying~~ NCEES.

Examinations in engineering branches may not be available at both the spring and fall examinations. The Board ~~will~~ shall announce the schedule of available examinations.

(c) The Board ~~will~~ shall register successful applicants as professional engineers without reference to engineering branch in either their certificate or seal.

8.2 Eligibility of Applicant for an Examination.

(a) An applicant for registration as a professional engineer may not sit for the "PE" examination until the "FE" examination has been passed.

(b) No applicant may sit for the eight (8) hour "FE" or the eight (8) hour "PE" examination until the Board has

established that the applicant is eligible for the examinations.

(c) Applicants for certification as an Engineer Intern are eligible to sit for the "FE" during the senior year in college before obtaining a baccalaureate degree in a program which has been approved by the Board.

(d) ~~A Graduate~~ of a four year engineering technology program accredited by TAC/ABET may sit for the "FE" examination during ~~the~~ his or her senior year. The Board will certify the applicant as an Engineer Intern after the applicant has presented evidence of two (2) years of engineering experience following graduation, under the direct supervision of professional engineers and successful completion of the examination and all other requirements specified by West Virginia Code §30-13-1 et seq. and this rule.

(e) The Board ~~will~~ shall accept applications for registration from any person who has previously been certified by the Board as an Engineer Intern regardless of his or her place of domicile and where no more than twelve years (12) have lapsed since the date of the original issuance of the Engineer Intern certificate. The Board ~~and will~~ shall grant the applicant registration only after he or she has obtained the required education and experience acceptable to the Board before taking and passing the "PE" exam. ~~satisfactorily completed the "PE" examination, regardless of his or her place of domicile.~~

~~provided, that not more than twelve years (12) have lapsed since the date of the original issuance of the Engineer Intern certificate.~~

~~(f) Until June 30, 1995 a graduate of a board approved curriculum, with a specific record of twenty (20) years or more of progressive experience on engineering projects and of a grade and character which indicates to the board that the applicant is competent to practice engineering, shall be admitted to the "PE" examination without being required to take the "FE" examination. Registration under this provision may not be recognized by other states.~~

~~(g) Until June 30, 1995 a graduate of a board approved curriculum, with a specific record of twenty (20) years or more of progressive experience on engineering projects and of a grade and character which indicates to the board that the applicant is competent to practice engineering, shall be admitted to the "PE" examination without being required to take the "FE" examination. Registration under this provision may not be recognized by other states.~~

~~(h) Until June 30, 1996, a graduate of Board approved experience under the direct supervision of professional engineers and may be certified as an Engineer Intern upon successful completion of the examination. The required experience must be certified to the Board by the supervising professional engineers~~

~~giving the character and nature of the work performed in detail.~~

8.3 Examination Dates and Locations.

(a) Written examinations are offered on dates set by the NCEES. Normally this is in the spring and the fall of the year. The examination dates are available from the Board.

(b) Locations at which the examinations are given are designated by the Board and are available from the Board Office.

8.4 Language of the Examination. The language used in the examination is English.

8.5 Study Information.

(a) The Board ~~will~~ shall not distribute copies of questions used on prior examinations.

(b) The Board has published specifications for all written examinations, which may be obtained upon request to the Board Office.

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

8.7 Failure to Attend an Examination.

(a) An applicant who fails to attend an examination for which ~~they~~ he or she has ~~have~~ been scheduled and the Board has

ordered the examination ~~will~~ forfeits the fees paid for the examination.

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

8.8 Examination Offerings.

(a) An applicant who fails to pass the an "PE" examination the first time 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 he or she failed the examination.~~

(b) An applicant for an the "PE" examination ~~will~~ shall be notified by the Board before the examination date of approval to take the examination. The applicant ~~must~~ shall notify the Board whether he or she plans to sit for the examination within ten (10) days of being notified of approval to take the examination.

8.9 Examination Results. The Board ~~will~~ shall provide written notification to all applicants of their passing or failing of an examination ~~examination results indicating pass or failure.~~

8.10 Review of Failed Examinations. An applicant who fails to make a passing score on an examination may review the

his or her examination paper within 30 days after receiving the result. ~~The applicant must review the examination~~ Such review shall be in the office of the Board and ~~under its supervision in the presence of a Board member or the Board Administrator.~~

8.11 Examinations in Additional Branches of the Principles and Practice of Engineering Examination.

(a) Upon payment of the prescribed examination fee listed in Subsection 19.6 of this rule, a an engineer currently registered ~~engineer~~ by this Board may sit for examinations in additional branches of the "PE" examination offered by NCEES. The Board shall record the passing of ~~such~~ the examination.

(b) ~~Should~~ If an applicant fails to pass the examination in additional branches, he or she shall retain his or her current registration status.

7-1-9. CLASSIFICATIONS OF ENGINEERING.

9.1 Classifications of Registration. The Board shall register or certify a qualified applicant under one of the following classifications~~+~~:

- (a) Professional Engineer;
- (b) Engineer Intern; or
- (c) Professional Engineer-Retired~~+~~.

7-1-10. REGISTRATIONS.

10.1 The Board shall grant an applicant who has met all the requirements of the West Virginia Code and rules promulgated under the Code as they pertain to education, experience, and upon passing the required examinations, a certificate of registration to practice engineering in West Virginia. The certificate signed by the Board members shall show the registrant's registration number and seal of the Board.

~~10.1~~ 10.2 Registration Number as of a Professional Engineer. The Board shall assign each registrant 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 Board ~~will~~ shall advise the registrant of his or her number.

~~10.2~~ 10.3 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.

~~10.3~~ 10.4 Reissuance of Certificate. The registrant shall notify the Board when a certificate of registration or certificate of authorization is lost, destroyed or mutilated, and, if the registrant is in good standing, the Board ~~will~~ shall replace it, upon presentation of a notarized statement of the loss and the prescribed fee.

7-1-11. SEALS.

11.1 Seal of the Board. The seal of the Board shall be affixed to each certificate of registration.

11.2 Seal of Registrant. When an applicant is granted registration he or she ~~must~~ shall 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 ; and
- (d) The words "Registered Professional Engineer".

The following is a sample of the suggested format:

(e) The seal may be a rubber stamp, or one that embosses.

11.3 Seal on Documents.

(a) The registrant shall place his or her seal and signature on all specifications, reports, drawings, plans, design

information and calculations which he or she presents to a client or any public or government agency to certify that the work was done by the registrant or under the control of the registrant. Revisions ~~to any documents must~~ shall be numbered, dated, and initialed, ~~by the registrant whose seal appears on the original document and sealed by the registrant responsible for the~~ revision.

(b) When copies are to be made, the registrant's seal and signature on all originals, tracings or other documents shall be reproducible.

(c) When the document contains more than one sheet, all registrants involved in preparation of the document or who controlled the work shall seal and sign the first or title page 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 performed the work. For bound documents, the ~~registrant's~~ seal of the registrant who performed the work may be affixed to the first sheet of the bound document if that sheet bears a statement as to the number of bound sheets.

(d) Each registrant is solely responsible for the use of his or her seal. Only a registrant shall affix his or her seal to work that is prepared by the registrant or work that is prepared

under his or her direct supervision.

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

(f) When a registrant of this state examines and verifies the work of an out-of-state registrant, the registrant of this state has 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.

(g) The Board authorizes the electronic reproduction of a seal when the resulting facsimile meets the specifications of this rule. The registrant is responsible for the improper use of the seal on work not prepared either by the registrant or under his or her direct supervision.

(h) It is the responsibility of each registrant to report the loss or theft of his or her seal to the Board as soon as practical after the loss or theft.

7-1-12. TEMPORARY PERMITS.

12.1 Requirements.

(a) This Board may grant a temporary permit to a person who desires to practice or offer to practice engineering in

this state who is not a resident of this state or who has no established place of business in this state, provided that person is legally qualified by registration in his or her home state or any foreign country and that his or her qualifications for obtaining the permit meet those required for registration under West Virginia Code §30-13-1 et seq.

(b) To obtain a temporary permit, an applicant must make application to the Board on forms provided by it and pay a the fee prescribed in Subsection 19.6 of this rule.

12.2 Length and Scope of Permit. The Board shall grant the permit for a definite length of time not to exceed one year to allow the permittee to do a specific job. Under the permit, the permittee may not practice engineering with respect to any other work not set forth in the permit.

7-1-13. EXPIRATIONS AND RENEWALS.

13.1 Renewals.

(a) ~~The Secretary of the~~ The Board ~~will~~ shall annually, during the month of May, mail a renewal notice to the last known address of every person currently registered or certified by the Board under provisions of the West Virginia Code §30-13-1 et seq. and to every firm holding a certificate of authorization. The notice shall indicate the expiration date of the certificate of registration or authorization and the amount of the renewal fee

established by the Board.

(b) The responsibility for the timely payment of a registrant's fees rests solely with the individual registrant.

(c) After reaching the age of 65, a Registered Professional Engineer who has retired from practicing professional engineering may apply for the status of Professional Engineer-Retired, and upon payment of a the fee as prescribed in Subsection 19.6 of this rule, he or she shall be registered as a Professional Engineer-Retired.

7-1-14. CONTINUING PROFESSIONAL COMPETENCY.

14.1 ~~Beginning the first day of July, 1994 the Board shall require every registrant to meet the continuing professional competency requirements of this rule for professional development as a condition for registration renewal. As a condition of registration renewal, every registrant shall show evidence that he or she obtained fifteen (15) professional development hours (PDH's) during the previous year.~~

14.2 ~~Requirements. The Board requires every registrant to show evidence of obtaining sufficient PDH units in order to meet the requirements of the Board for renewal. The Board shall require five (5) PDH units as a requirement of renewal of his or her registration for the fiscal year beginning July 1, 1994, ten (10) PDH units for the fiscal year 1995, and fifteen (15) PDH units for~~

~~the fiscal year 1996 and thereafter. If a registrant exceeds the annual requirement in any year, a maximum of 8 PDH's may be carried forward into the subsequent year.~~ A registrant may earn PDH's as follows:

- (a) Successful completion of college courses-; i
- (b) Successful completion of continuing education courses-; i
- (c) Successful completion of correspondence, televised, videotaped, and other short courses/tutorials-; i
- (d) Active participation in seminars, in-house courses, workshops, and professional conventions-; i
- (e) Teaching or instructing in subdivision (a) through (d) of this subsection-; i or
- (f) Authoring published papers, articles, or books.

14.3 If a registrant exceeds the annual requirement in any year, a maximum of eight (8) PDH's may be carried forward into the subsequent year.

~~14.3~~ 14.4 Units. The conversion of other units of credit to PDH units is as follows:

1 College or unit semester hour	45 <u>PDH's</u> PDHs
1 College or unit quarter hour	30 <u>PDH's</u> PDHs
1 Continuing Education Unit	10 <u>PDH's</u> PDHs
1 Hour of professional development in course work, seminars, professional	1 PDH

conventions, workshops.

1 Hour of teaching professional development in course work, seminars, professional conventions, workshops. 2 PDH's~~PDHs~~

Each published paper or article on engineering subjects 10 PDH's~~PDHs~~

~~14.4~~ 14.5 Determination of Credit. The Board has final authority with respect to approval of courses, credit, PDH value for courses, and other methods of earning credit.

~~(a) The Board will base credit for college or community college approved courses upon course credit established by the college. Course approval will be recommended by the Board.~~

~~(b) Credit determination for seminars, workshops, and professional conventions will be determined by the Board.~~

~~(c) Obtaining credit for authoring published papers, articles or books, and in house courses is the responsibility of the registrant and is subject to review by the board.~~

14.6 ~~4.5~~ Recordkeeping. Each registrant is ~~charged with the responsibility of~~ responsible for his or her own professional development activities. The ~~maintenance of~~ registrant shall maintain the 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, the sponsoring organization, the activity's location, and

duration, the instructor's or speaker's name, and the 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~~ shall be maintained for ~~a period of three~~ renewal periods. ~~years~~ and Copies of these records and supporting documentation may be requested by the ~~B~~Board for audit verification purposes.

14.7 ~~14.6~~ Exemptions. A registrant may be exempt from the professional development educational requirements for one of the following reasons:

(a) New registrants by way of examination or reciprocity are exempt for their first renewal period;:-

(b) 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 is exempt from obtaining the professional development hours required during that year:-;

(c) Registrants experiencing physical disability, illness, or other extenuating circumstances may be exempt subject to review and approval by the Board:- ; and the registrant shall furnish sSupporting documentation ~~must be furnished~~ to the Board:-;

(d) 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 are exempt from the required professional development hours. In the event a retired engineer elects to return to the active practice as a professional engineer, he or she ~~must~~ shall earn at least thirty (30) professional development hours before returning to active practice ~~for each year exempted not to exceed the annual requirement for two years.~~

14.8 ~~14.7~~ Inactive Status. A registrant may bring an inactive license to active status by obtaining all delinquent PDH's. The number of PDHs required shall be no more than ~~the two year minimum annual requirements for PDHs.~~ thirty (30) PDH's.

14.9 ~~14.8~~ Forms. All renewal applications require the completion of a continuing education form specified by the Board outlining PDH credit claimed. The registrant ~~must~~ shall supply sufficient detail on the form to permit audit verification, ~~must~~ shall certify and sign the continuing education form, and ~~must~~ shall submit the form with the renewal application and fee.

7-1-15. AUTHORIZATION CERTIFICATES.

15.1 Application and Fees. A firm desiring to obtain a certificate of authorization should contact the Board for an application form and fee schedule.

7-1-16. PROFESSIONAL RESPONSIBILITY.

16.1 Knowledge of Rules. All persons registered under the

provisions of the West Virginia Code §30-13-1 et seq. are charged with having knowledge of the Rules of Professional Responsibility as well as amendments to the rules. The Board ~~will~~ shall notify every registrant and applicant for registration in writing of amendments to the rules. The Rules and amendments as made are also published in the roster provided for in West Virginia Code §30-13-12.

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

(a) All persons registered in West Virginia are required to be familiar with the Code, this rule, and all applicable laws relating to the practice of engineering. The Rules of Professional Responsibility delineate specific obligations the registrant ~~must~~ shall 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.

(b) 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.

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

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

16.3 Registrant's Obligation to Society.

(a) 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.

(b) 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.

(c) Registrants shall notify their employer or client and ~~such~~ other appropriate authority ~~as may be appropriate~~ when their

professional judgement is overruled under circumstances where the life, health, property, welfare of the public is endangered.

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

(e) 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.

(f) 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.

(g) 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.

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

16.4 Registrant's Obligation to Employer and Clients.

(a) Registrants shall undertake assignments only when

qualified by education or experience in the specific technical fields of engineering involved.

(b) 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 plan or document not prepared under their direct control and personal supervision.

(c) 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.

(d) 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.

(e) 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.

(f) 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 judgment or the quality of their service.

(g) 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.

(h) 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 eEmployees of a governmental body or department, who are the pPrinciples or employees of a private concern, shall not participate in decisions with respect to professional services offered or provided by the private concern to the governmental body which they serve unless their participation is approved by the West Virginia Ethics Commission.

16.5 Registrant's Obligation to Other Registrants.

(a) 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 the assignments. Presentations incident to the solicitation of employment or business shall not misrepresent pertinent facts concerning employers, employees, associates, joint ventures or past accomplishments.

(b) 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.

(c) 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.

16.6 Convictions. A registered engineer ~~registrant of this Board~~ who has been fined, received a reprimand, or had his or her registration 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 is sufficient cause for the Board ~~to levying~~ a fine, ~~reprimanding the registrant,~~ or ~~denying,~~ revoke ~~revoking~~ or ~~suspending~~ a registration to practice engineering by the registrant in this state.

16.7 If a professional limited liability partnership or professional limited liability company has been issued a certificate of authorization, the person in direct control or having personal supervision of practice is responsible for compliance with West Virginia Code §30-13-1 et seq. and this rule notwithstanding any limitations of liability provided by West Virginia Code §47B-3-6 and §31B-13-1305.

16.8 If a responsible engineer in charge is not a full time

employee of the holder of the Certificate of Aurtherization, he or she shall demonstrate to the Board by satisfactory evidence that he or she is in direct control or has personal supervision of the professional limited liability partnership or professional limited liability company.

7-1-17. COMPLIANCE AND ENFORCEMENT.

17.1 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 violates any of the provisions of West Virginia Code §30-13-1 et seq. or this rule is subject to the provisions of West Virginia Code §30-13-21 through 23.

~~7-1-18 SEVERABILITY~~

~~If this Rule, or any part of this rule is found by the courts to be invalid for any reason, the remainder of the Rule continues in full force and effect and each and every part of the Rule is severable.~~

7-1-18. 7-1-19 FEES.

18.1 ~~19.1~~ The fees listed in Subsection 19.6 of this section are payable to the West Virginia State Board of Registration for Professional Engineers. Fees shall ~~must~~ be paid by check or money

order. ~~The Board will not accept cash in payment of fees.~~
Applications received without the proper fee will be returned to
the applicant.

18.2 ~~19.2~~ Renewal Fee.

(a) The Board shall notify each ~~Each~~ registrant will be
~~notified by the Secretary of the Board~~ by the thirty-first (31st)
day of May of each year of the amount of the renewal fee.

(b) A registrant shall pay renewal fees before the
thirtieth (30) day of June of each year.

(c) A registrant whose renewal fees are one month in
arrears is subject to a penalty for late renewal.

18.3 ~~19.3~~ A renewal fee received one month after the renewal
date is late, and the Board shall ~~will~~ assess the registrant a
penalty in the amount of ~~an additional~~ ten percent (10%) of the
fee. When the fee is received 90 days after the expiration date,
the Board shall ~~will~~ assess the registrant a penalty in the amount
of an additional 30 percent (30%) of the fee.

18.4 ~~19.4~~ The Board shall void the Certificate of
Registration of any registrant whose renewal fee is not paid within
90 days after the certificate's expiration date. In order to
continue to practice engineering the former registrant ~~must~~ shall
submit a new application for registration to the Board.

~~19.5~~ ~~A registrant who supplies the Board before the~~
~~expiration date of his or her certificate with an affidavit stating~~

~~that the registrant is no longer practicing and will not practice engineering in this state may retain his or her certificate for later use upon payment of delinquent fees.~~

~~19.6~~ 18.5 The fees for various services provided by the Board are:

	<u>Engineer Intern</u>	<u>Professional Engineer</u>
Application Fee:	\$25.00	\$40.00
 <u>Examination Fees:</u>		
Board's Administration Charge:	\$20.00	\$20.00
NCEES' Examination Charge:	As charged by NCEES	
 <u>Examination Fees:</u>		
<u>Application Fee</u>	<u>\$25.00</u> \$45.00	\$60.00 <u>\$80.00</u>
<u>NCEES' Examination Charge</u>	<u>As charged by NCEES</u>	
<u>Reapply Fee (Cost of exam)</u>	<u>As charged by NCEES</u>	
 Registration Fee:		 \$25.00
 Annual Renewal Fee For:		
a Professional Engineer:		\$35.00 <u>\$40.00</u>
a Professional Engineer-Retired:		\$25.00
 Certificate of Authorization:		
Application Fee for Firms or Organizations with three Professional Engineers or Less:		\$10.00 <u>\$100.00</u>
 Renewal Fee for Firms or		

Organizations with three Professional Engineers or Less: ~~\$5.00~~ \$50.00

Application Fee for Firms or Organizations with more than three Professional Engineers: ~~\$60.00~~ \$150.00

Renewal Fee for Firms or Organizations with more than three Professional Engineers: ~~\$30.00~~ \$300.00

Comity Application Fee: ~~\$120.00~~ \$150.00

Temporary Permit: \$200.00

Roster Fee: ----- ~~\$10.00~~ \$12.00 -----

Replacement Certificates: ----- \$20.00 -----

Return Check Fee: ----- ~~\$15.00~~ \$25.00 -----