WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION

Form #7

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2015 MAY 11 P 3:34

OFFICE WEST VIRGINIA
SECRETARY OF STATE

Effective Date

NOTICE OF AN EMERGENCY RULE

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

CITE AUTHORITY: WV Code 29A-3-15(a) & 30-13-9 etc (General Authority), WV Code 30-13-18(e) (2015)(Specific Mandate)

EMERGENCY AMENDMENT TO AN EXISTING RULE: YES X NO ___

IF YES, SERIES NUMBER OF RULE BEING AMENDED: Series 1

TITLE OF RULE BEING AMENDED: Examination, Licensure and Practice of Professional Engineers

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: ___

TITLE OF RULE BEING PROPOSED: ___

THE ABOVE RULE IS BEING FILED AS AN EMERGENCY RULE TO BECOME EFFECTIVE AFTER APPROVAL BY SECRETARY OF STATE OR 42ND DAY AFTER FILING, WHICHEVER OCCURS FIRST.

THE FACTS AND CIRCUMSTANCES CONSTITUTING THE EMERGENCY ARE AS FOLLOWS:

The Legislature has determined there is a need to regulate the practice of engineering, including the licensure of professional engineers and the certification of engineer interns in order to protect the health, safety and welfare of the public. These statutory procedures were amended in both 2013 and 2015. To further the public interest of licensure and certification, the Board's rules need to adequately inform potential licensees of the procedures to be followed for examination, licensure and renewal.

In 2015, significant changes were enacted with regard to the renewal process (SB389, which was effective from passage). In order to implement the new provisions this renewal season, emergency rules were specifically required in WV Code 30-13-18(e). The 2015 amendment to WV Code 30-13-18 also requires reinstatement of any former registrant with a non-practicing status, which is also addressed as integral to the renewal process.

Use additional sheets if necessary

Authorized Signature

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Examination, Licensure and Practice of Professional Engineers

Type of Rule: [X] Legislative [ ] Interpretive [ ] Procedural

Agency: WV State Board of Registration for Professional Engineers

Address: 300 Capitol Street - Suite 910, Charleston, WV 25301

Phone Number: 304-558-3554 Email: lesley@wvpebd.org

Fiscal Note Summary

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

Due to other provisions of law, the Board will be alternating PE and COA renewals to allow for revenue generation each year The PEs and Retired PEs will renew in even years while firm COAs will renew in odd years. For this reason, there will be minimal financial impact as we are converting from annual renewal to biennial renewal. COA fees were simply doubled to account for the biennial renewal so there is no change in revenue collected over a two year period. However, due to cost savings of authorization of electronic renewal notifications, thus minimizing paper notifications and licenses being mailed, the Board offered a $10 reduction in PE renewals and a $20 reduction in Retired PE renewals to offset the decrease in expenditures. Transitioning from a 90-day grace period to a one month grace period will result in minimal loss of late fees typically collected during Aug-Sept as savings will occur in preparation time and cost for additional notifications normally mailed during the previous extended timeframe.

Fiscal Note Detail

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

FISCAL YEAR			
Effect of Proposal	Current Increase/Decrease (use "-")	Next Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0.00	0.00	0.00
Personal Services	0.00	0.00	0.00
Current Expenses	0.00	0.00	0.00
Repairs & Alterations	0.00	0.00	0.00
Assets	0.00	0.00	0.00
Other	0.00	0.00	0.00
2. Estimated Total Revenues	0.00	0.00	0.00

Rule Title: Examination, Licensure and Practice of Professional Engineers

Rule Title: Examination, Licensure and Practice of Professional Engineers

3. **Explanation of above estimates (including long-range effect):**
Please include any increase or decrease in fees in your estimated total revenues.

Due to the SB389 which provides authorization for electronic notification of renewals, in addition to other cost saving measures such as new technology recently implemented by the agency to allow for licensees to print their own PE license wallet card or company COA certificate upon successful renewal completion via a secure web portal, there will be no financial impact. In fact, the Board has authorized a $10 reduction in the 2-year renewal fee for PE licenses and a $20 reduction in the 2-year renewal fee for Retired PEs to ensure no excess revenue. These fee reductions represent the savings in annual costs to have renewal notifications designed, mass printed, and mailed, in addition to the same for PE wallet card licenses and company COA certificates once licensees and firms successfully renew. This also takes into account the personal services and temporary employment costs involved.

The one possible, yet minimal, financial impact could be that one year revenue may be slightly higher (or lower) than the next year due to the differences in the number of renewing PE licenses and Retired PEs renewing in even years vs. the number of renewing firm COAs in odd years. However, currrent revenue projections for the current number of licensees shows a near even split, but the Board recognizes that number could shift from year to year depending on the number of PEs or firms that chose to maintain Active status vs. those that may elect to move to a non-practicing status.

MEMORANDUM

Please identify any areas of vagueness, technical defects, reasons the proposed rule **would not** have a fiscal impact, and/or any special issues **not** captured elsewhere on this form.

Date: May 11, 2015

Signature of Agency Head or Authorized Representative

Kelly Rosier Tabor

EMERGENCY RULE QUESTIONNAIRE

DATE: May 11, 2015

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (*Agency Name, Address & Phone No.*) WV State Board of Registration for Professional Engineers
300 Capitol Street - Suite 910, Charleston, WV 25301
304-558-3554

EMERGENCY RULE TITLE: Examination, Licensure and Practice of Professional Engineers

1. Date of filing May 11, 2015

2. Statutory authority for promulgating emergency rule:

   ~~WV Code 30-13-18(e) (2015)(Specific Mandate)~~
   WV Code 30-13-9(a), 13, 14, 15, 16(c), 17, 18, 19, 21
   WV Code 29A-3-15(a) & 30-13-9 etc (General Authority)

3. Date of filing of proposed legislative rule: April 3, 2015

4. Does the emergency rule adopt new language or does it amend or appeal a current legislative rule?
   Amend

5. Has the same or similar emergency rule previously been filed and expired?

   No

6. State, with particularity, those facts and circumstances which make the emergency rule necessary for the **immediate** preservation of public peace, health, safety or welfare.

   In 2015, significant changes were enacted with regard to the renewal process (SB389, which was effective from passage). In order to implement the new provisions this renewal season, emergency rules were specifically required in WV Code 30-13-18(e). The 2015 amendment to WV Code 30-13-18 also requires reinstatement of any former registrant with a non-practicing status, which is also addressed as integral to the renewal process.

7. If the emergency rule was promulgated in order to comply with a time limit established by the Code or federal statute or regulation, cite the Code provision, federal statute or regulation and time limit established therein.

_____

_____

_____

_____

8. State, with particularity, those facts and circumstances which make the emergency rule necessary to prevent substantial harm to the public interest.

_____

See complete details within #6 and attached.

_____

_____

_____

The Legislature has determined there is a need to regulate the practice of engineering, including the licensure of professional engineers and the certification of engineer interns in order to protect the health, safety and welfare of the public. These statutory procedures were amended in both 2013 and 2015. To further the public interest of licensure and certification, the Board's rules need to adequately inform potential licensees of the procedures to be followed for examination, licensure and renewal.

In 2015, significant changes were enacted with regard to the renewal process (SB389, which was effective from passage). In order to implement the new provisions this renewal season, emergency rules were specifically required in WV Code 30-13-18(e). The 2015 amendment to WV Code 30-13-18 also requires reinstatement of any former registrant with a non-practicing status, which is also addressed as integral to the renewal process.

List of Interested Businesses / Organizations / State Agencies

Chris Butler, President
WV Society of Professional Engineers
P.O. Box 3312
Charleston, WV 25333
Phone: 304-951-9297
Cell: 304-550-0191

Michael Haid. Executive Director
American Council of Engineering Companies of WV
P.O. Box 1031
Charleston, WV 25324
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7CSR1

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

FILED
2015 MAY 11 P 3:34
OFFICE WEST VIRGINIA
SECRETARY OF STATE

SERIES 1
EXAMINATION, LICENSURE AND PRACTICE OF PROFESSIONAL ENGINEERS

§7-1-1. General.

1.1. Scope. -- This rule sets forth standards for the regulation and conduct of members, records, applications and examinations. This rule is binding upon persons applying and registered under W. Va. Code §§30-13-1 et seq. and is applicable to individuals or ~~organizations~~ firms providing engineering services ~~and holding a certificate of authorization~~.

1.2. Authority. -- W. Va. Code §§ 30-13-9(a), 13, 14, 15, 16(c) 17, 18, 19, 21.

1.3. Filing Date. -- May 11, 2015

1.4. Effective Date. --

1.5 Amendment of Former Rules. -- This legislative rule ~~repeals and replaces~~ amends West Virginia 7CSR1 "~~Regulations~~ Rules Governing The West Virginia Board of Registration for Professional Engineers" filed and effective July 1, ~~2001~~ 2004.

§7-1-2. Definitions.

2.1. "ABET" means ABET, Inc., formally known as the Accreditation Board for Engineering and Technology.

2.2. "ABET/TAC" means the Technology Accreditation Commission of ABET, Inc., formally known as the Accreditation Board for Engineering and Technology.

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

2.4. "COA" means Certificate of Authorization, which is a document required and issued in accordance with §7-1-11 of these rules.

2.5. "College/Unit Semester/Quarter Hour" means the credit given for courses in an ABET approved program or other Board-approved courses approved in accordance with §7-1-10 of these rules.

2.6. "Comity Applicant" means a person who is applying to become a registered PE in ~~WV~~ West Virginia and is currently in possession of a PE registration or certificate of licensure issued by a proper authority of a jurisdiction other than ~~WV~~ West Virginia.

2.7. "EI" means a certified Engineer Intern, who is a person who has passed the FE examination and been certified as such by this Board after having met the qualifications set forth in W. Va. Code § 30-13-13 and the procedures followed by NCEES notwithstanding the provisions regarding EI applications in §7-1-3 of these rules and the FE examination in §7-1-5 of these rules. Up-to-date information and procedures for certification as an Engineer Intern are available from the Board and NCEES.

2.8. ~~"Expired" or "expired status" means a registration that was not renewed in a timely manner, and shall include lapsed and inactive status. Lapsed status means expiration without notice to the Board and inactive status means the registrant notified the Board of an intention not to renew.~~

~~2.9.~~ "FE" means the Fundamentals of Engineering Examination.

2.9~~10~~. "Foreign Degree Applicant" means a person applying for certification or registration who received a Baccalaureate degree in Engineering from a non-ABET accredited foreign institution outside of the United States.

2.10~~1~~. "Firm" means a firm, corporation, partnership, joint stock association, private practitioner employing others, or sole proprietor employing no one but himself/herself which practices or offers to practice engineering.

~~2.12. "Fiscal year" means the WV fiscal year, which operates July 1 of the current year through June 30 of the following year.~~

2.11~~3~~. "NCEES" means the National Council of Examiners for Engineering and Surveying.

2.12~~4~~. "PDH" means a Professional Development Hour, which is one contact hour of instruction or presentation designed to keep a professional engineer current in his or her branch/discipline.

2.13~~5~~. "PE" means a registrant or registered Professional Engineer, who is a person who has passed the PE exam and is an acronym used after an engineer's name to indicate he or she is a registered engineer with the Board.

2.14~~6~~. "PE exam" means the Principles and Practice of Engineering Examination.

2.15~~7~~. "Registrant" means a PE.

2.16. "Status" refers to the designation of a current or former registrant, including the designations of nonpracticing status set forth in W. Va. Code § 30-13-13a.

§7-1-3. EI and PE Applications.

3.1 Types of Applications.

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

3.2. Criteria for Applications.

(a) The Board shall only consider applications completed in accordance with §7-1-3.4 of these rules.

(b) The Board shall accept applications for EI certification from persons who meet all of the requirements of W. Va. Code §30-13-13. A senior student in a four-year program leading to-a

baccalaureate degree from a Board-approved curriculum may apply for certification as an EI and may take the FE during his or her senior year.

3.3. Applications Generally.

(a) Form of Applications. Applications shall be completely filled out on forms prescribed and provided by the Board. It is the responsibility of the applicant to submit to the Board a completed application package as set forth in this section.

(b) Time of Submission. In order to allow sufficient time for processing and for securing examinations, all applicants who may require an examination shall file their application with this Board at times specified by the Board. PE applications must be submitted at least 90 days prior to the desired PE exam date. EI applications must be submitted at least 60 days prior to the desired FE exam date. Exam dates will be made available pursuant to §7-1-5.3(a)

(c) Translations. All foreign language documentation shall be accompanied by translations certified to be accurate by a competent authority recognized by the Board.

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

(e) Staff Review of Applications. The Board staff shall review the submitted application package and shall notify the applicant if the package is not complete as set forth in §7-1-3.4 below. The Board shall not act upon an application until the applicant has submitted a completed application package. Upon such submission, the Board shall act in accordance with §7-1-4.

(f) Confidentiality of Applications. References and transcripts received in accordance with §7-1-3.7 of these rules shall be kept confidential, and the Board shall place all such confidential records regarding the qualifications of an applicant in files that are considered non-public records. The Board shall not divulge the source and character of the information except in special cases when required by law.

(g) Retention 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 Board shall store the duplicate copies of these records and one copy shall be stored in fireproof and secure facilities.

3.4. Completed Application Package.

(a) Definition. A completed application package shall include the following:

(1) The requisite education as set forth in §7-1-3.5 of these rules, which education shall be obtained prior to the time of submitting the application, with the exception of EI applicants who may apply for the FE exam during their senior year of college.

(2) The requisite work experience as set forth in §7-1-3.6 of these rules, which experience shall be obtained prior to the time of submitting the application;

(3) The references required in §7-1-3.7 of these rules;

(4) One (1) passport-size photo taken within six (6) months of the date of application;

(5) Such fee(s) as are required in §7-1-13.4 of these rules, including the non-refundable application fee.

(b) The Board shall accept an application for PE registration that includes the documented NCEES Record properly executed and issued with verification by ~~the~~ NCEES in lieu of that portion of the application form prescribed by the Board.

(c) Specific application requirements.

(1) Comity Applicant. In addition to the requirements set forth in this section, comity applicants shall also meet the following requirements:

(A) passage of the FE and PE exam; and

(B) verification of current registration in a jurisdiction where they currently live and/or work.

(2) Foreign Degree Applicants. In addition to the requirements set forth in this section, applicants with degrees from foreign schools shall also meet the requirements set forth in paragraph (c) of subsection 5 of this section.

3.5 Education.

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

(1) a Baccalaureate Degree in Engineering from a school whose curricula are accredited by ABET at the time of the awarding of the degree;

(2) a Baccalaureate Degree in Engineering Technology from a school whose curricula is accredited by ABET/TAC at the time of the awarding of the degree; or

(3) a Baccalaureate Degree in Engineering from a school whose curricula is evaluated by the Board and found to be of a high quality essentially equal to those curricula which are accredited by ABET.

(4) a Baccalaureate Degree from a school whose curricula is evaluated by the Board and found to be of a high quality essentially equal to those curricula which are accredited by ABET, in addition to a Master's and/or Ph.D. in Engineering from a school whose undergraduate program in that engineering area is accredited by ABET.

(b) Transcripts.

(1) Upon graduation, 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.

(2) If the degree has been earned prior to application submission, obtaining the official transcript is the responsibility of the applicant and shall be submitted within the completed application package.

(c) Degrees from Foreign Institutions. All applicants with an undergraduate degree from a

foreign institution shall comply with one of the following:

(1) If an applicant receives only a Baccalaureate degree in Engineering from a foreign institution, he or she shall submit a foreign degree evaluation. An applicant who is required to submit a foreign degree evaluation shall use the Engineering Credentials Evaluation International (ECEI) of ABET or such other evaluation service as may be approved by the Board.

(2) If an applicant receives a Baccalaureate degree in Engineering or related curricula from a foreign institution, and Master's Engineering degree from an institution whose undergraduate program is ABET accredited, the Board may review the applicant's transcripts and waive the ~~need~~ requirement to submit a foreign degree evaluation.

(3) If an applicant receives a Baccalaureate degree from a foreign institution whose curricula is evaluated by the Board and found to be of a high quality essentially equal to those curricula which are accredited by ABET, in addition to a Master's and/or Ph.D. in Engineering from a school whose undergraduate program in that engineering area is accredited by ABET, the Board will not require the applicant to submit a foreign degree evaluation.

3.6. Employment; work experience. Employment and work experience verifications are the responsibility of the applicant and shall be submitted on forms supplied by the Board as part of the completed application package.

(a) Requirements.

(1) Number of Years. A PE applicant who has earned the degree described in §7-1-3.5(a)(1) or §7-1-3.5(a)(3) shall demonstrate that he or she has obtained a minimum of four (4) years of experience satisfactory to the Board. A PE applicant who has earned the degree described in §7-1-3.5(a)(2) shall demonstrate that he or she has obtained a minimum of six (6) years of experience satisfactory to the Board.

(b) Satisfactory Experience.

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

(2) The experience shall be under the supervision of a registered Professional Engineer. If not, the applicant shall explain why the Board should consider the experience acceptable.

(3) Upon review of the completed application package, the Board may credit experience based on the following:

(A) Armed Services. 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.

(B) Sales or supervision. For sales experience or construction supervision experience to be satisfactory, the applicant shall prove that engineering principles were required and used while gaining this experience.

(C) Teaching. The Board may classify the teaching of courses in ABET-approved programs as satisfactory experience.

(D) Research. The Board may credit experience gained in the performing of engineering research or projects if the applicant at the time was a member of an engineering faculty or higher at an institution with a Board-approved curricula as defined in §7-1-3.5(a).

(E) Graduate Studies. The Board may credit an applicant who has followed Board-approved curricula as defined in §7-1-3.5(a) with a Master's degree in engineering with one year's experience. If such applicant follows the Master's degree in engineering with a Doctor of Philosophy degree in engineering, the Board may credit the applicant with an additional year of experience. If the Doctor of Philosophy degree is obtained without the Master's degree, the applicant may be credited with two years of experience.

(c) Verifications. The verifications shall include the following:

(1) Time Period. The Board shall consider only the experience an applicant obtains after he or she graduates from a Board-approved curriculum.

(2) Documentation. An applicant shall provide a detailed description of the nature of the work and duties he or she has performed on forms supplied by the Board. The applicant shall account for all employment or work experience for the period of time that has elapsed since graduation from the 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.

3.7. References.

(a) It is the responsibility of the applicant to supply all references on forms supplied by the Board. A PE applicant shall submit satisfactory references from five individuals, three of whom shall be professional engineers having personal knowledge of the applicant's engineering experience and ability. Also, the applicant should preferably include in the references individuals familiar with the applicant's experience noted in the employment section of the application. An EI applicant shall submit at least three satisfactory character references.

(b) An applicant may not use a relative or a current Board member as a reference.

(c) An applicant shall provide each individual being used as a reference with the Board-approved reference form. The reference form shall be returned to the applicant in a signed, sealed envelope to be included in the applicant's completed application package.

§7-1-4. Board Actions on Applications.

4.1. ~~This rule sets forth the procedures for the Board actions on applications.~~ The Board shall take action on all submitted applications.

(a) The application must be complete as set forth in §7-1-3.4 of these rules before the Board considers the application.

(b) The Board may approve, defer, or deny an application.

(1) Approval. 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.

(2) Deferral. When an application is deferred by the Board, it indicates that the applicant must take further steps to meet the requirements for registration or certification required by the statutes of this state, and the Board shall retain the deferred application until the applicant submits the additional information required by the Board. The Board shall notify the applicant of the deficiencies.

(3) Denial. When an application is denied by the Board, it indicates that the applicant has not met the requirements for registration or certification required by the statutes of this state, and the Board shall retain the denied application for one year and then may dispose of it. The Board shall notify the applicant of the denial.

~~(4)~~ 4.2 The Board may defer or deny any application of ~~refuse to register~~ an applicant who has not provided or withheld information, provided statements that are untrue or misrepresented the facts.

~~(5)~~ 4.3 Reconsideration of Applications. An applicant may request that the Board reconsider an application that has been denied when the request is based on additional information and/or evidence that could affect the original decision. An applicant shall make the request for reconsideration within one year after the decision was made to deny the original application.

§7-1-5. Examinations.

5.1 Classification of Examinations. The Board shall administer or direct the administration of the following written examinations, prepared and furnished by the NCEES:

(a) The "FE" examination; and

(b) The "PE" examination. The Board shall offer examinations only in those branches/disciplines of engineering in which examinations are prepared by the NCEES. Examinations in all engineering branches/disciplines may not be available at both the spring and fall examinations. The Board shall announce the schedule of available examinations.

(c) The Board shall register a successful applicant as a professional engineer without reference to engineering branch/discipline in either his or her certificate or seal.

5.2. Eligibility of Applicant for an Examination.

(a) A PE applicant may not sit for the PE examination until he or she has passed the FE examination.

(b) An applicant may not 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) An EI applicant is eligible to sit for the FE during his or her senior year in college before obtaining a baccalaureate degree in a program that has been approved by the Board as noted in §7-1-3.5 of this rule.

(d) An EI applicant enrolled in a four year engineering technology program accredited by the TAC/ABET may sit for the FE examination during his or her senior year and may only be certified as an EI after the applicant has presented evidence of 2 years of work experience in accordance with §7-1-3.6 of this rule.

(e) An applicant who fails to pass an examination or is absent from an exam may sit for further offerings of the examination upon notification and payment of the appropriate fees. Any applicant

whose application is less than 2 years old may elect to simply re-apply using the shortened form supplied by the Board. Any applicant whose application is greater than 2 years old shall submit a new, completed application packet as outlined in §7-1-3.4 of this rule.

5.3. Examination Dates and Locations.

(a) Written examinations are offered on dates set by the NCEES. Normally the examinations are offered in April and October of each year. The examination dates are available from the Board or NCEES. Applications shall be submitted pursuant to §7-1-3.3(b).

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

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

5.5. Study Information.

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

(b) The Board will make available NCEES-published specifications for written examinations.

5.6. Instruction for Examinees. Instructions provided prior to each examination shall declare an examination to be open or closed book. Materials permitted in the examination room shall be listed in the instruction information provided to each applicant by the Board upon confirmation of their approval to sit for an exam.

5.7. Fees. Application and examination fees are listed in §7-1-13.4 of this rule. All fees are non-refundable. The Board in accordance with Board policy may waive fees.

5.8. Failure to Attend an Examination.

(a) An applicant who fails to attend an examination for which he or she has been scheduled and the Board has ordered the examination forfeits all fees paid and shall not be eligible for any future fee reduction or waiver.

(b) An applicant who fails to attend an examination for which he or she has been scheduled to attend is not considered by the Board to have failed the examination.

5.8. Examination Offerings.

(a) An applicant for an examination shall be notified by the Board of approval to sit for the examination at least 30 days before the examination date.

5.9. Examination Results.

(a) The Board shall provide written notification to an applicant that he or she passed or failed the examination.

5.10. Examinations in Additional Branches/Disciplines.

(a) Upon payment of the prescribed fees listed in §7-1-13.4 of this rule, a PE currently registered by this Board may sit for examinations in additional branches/disciplines of the PE examination offered by NCEES. The Board shall record the passing of the examination.

(b) If an applicant fails to pass the examination in an additional branch/discipline, he or she retains his or her current registration status~~.~~

§7-1-6. Engineering Registration and Certification; Designations of Nonpracticing Status of Former Registrants.

6.1. 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~~, as defined in §7-1-9.2(e)~~.

6.2. Professional Engineer.

(a) PE Registration Numbers. 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 shall advise the registrant of his or her number.

(b) The Board shall grant an applicant who has met all the requirements of the W.Va. Code §30-13 and rules promulgated under this Code as they pertain to education, experience, and upon passing the required FE and PE examinations, a certificate of registration to practice engineering in West Virginia.

(c) Certificates of Registration. The Board shall issue a certificate of registration and similar wallet card to an applicant who has met the requirements of this state and who has paid the certificate fee prescribed in §7-1-13.4. The certificate signed by the Board members shall show the registrant's registration number and seal of the Board.

(d) Replacement of Certificate. The registrant shall notify the Board when a certificate of registration is lost, destroyed or mutilated, and, if the registrant is in good standing, the Board shall replace it, upon presentation of a statement of the loss and the prescribed fee in §7-1-13.4.

6.3. Engineer Intern.

(a) EI Certification Numbers. The Board shall assign each EI a certification number at the time certification is granted by the Board. Numbers are issued consecutively in the order in which an applicant is granted certification. The Board shall advise the EI of his or her number.

(b) The Board shall grant an applicant who has met all the requirements of the W.Va. Code §30-13 and rules promulgated under this Code as they pertain to education, experience, and upon passing the required FE examination, a certificate of certification to serve as an EI in West Virginia.

(c) Certificates of Certification. The Board shall issue a certificate of certification and similar wallet card to an applicant who has met the requirements of this state and who has paid all fees. The certificate signed by the Board members shall show the EI's certification number and seal of the Board.

(d) Replacement of Certificate. The EI shall notify the Board when a certificate of certification is lost, destroyed or mutilated, and, if the EI is in good standing, the Board shall replace it, upon presentation of a statement of the loss and the prescribed fee in §7-1-13.4.

6.4. Professional Engineer-Retired.

(a) Registration Numbers. The Board shall reserve the original assigned registration number for any PE who elects to convert to Professional Engineer-Retired status. This number will remain on file in the event that the retired engineer should chose to reinstate his or her PE registration in accordance with §7-1-9.3 and §7-1-10.10 of these rules.

(b) Documentation of Retired Status. The Board shall issue an appropriate wallet card to an applicant who has met the requirements of this state and who has paid appropriate fees.

(c) PE-Retired status is a nonpracticing status. Registrants who elect ~~elects~~ PE-Retired status must retire their seal and certify that they are no longer receiving remuneration from providing professional engineering services.

6.5. Updated Information. It is the EI's or PE's responsibility to notify the Board of any change in information previously submitted to the Board, such as name change, change of address, change of employer, or similar matter requiring current information.

6.6 Other designations of nonpracticing status. In addition to a retired status or revoked status, the Board recognizes the following additional designations, all of which describe a type of nonpracticing status which does not qualify the former registrant to practice or offer to practice engineering in the state of West Virginia:

(a) Professional engineer - Inactive. An active PE may elect to re-designate his or her status to Professional Engineer-Inactive upon application for inactive status which states that he or she is no longer practicing or offering to practice engineering in this state for remuneration and may seek reinstatement to active status only in accordance with §7-1-9.3 and §7-1-10.10 of these rules.

(b) Professional engineer – Lapsed. A PE who has not renewed his or her active status in accordance with §7-1-9.2 of these rules or has not applied for a re-designation to retired or inactive status shall be re-designated by the Board to Professional Engineer-Lapsed without further action by the Board and may seek reinstatement to active status only in accordance with §7-1-9.3 and §7-1-10.10 of these rules.

(c) Professional Engineer - Invalidated. A PE who is unable to provide sufficient proof that any condition of renewal set forth in W. Va. Code §30-13-1 *et seq.* or these rules has been met shall be re-designated by the Board to Professional Engineer-Invalidated without further action by the Board and may seek reinstatement to active status only in accordance with §7-1-9.3 and §7-1-10.10 of these rules.

§7-1-7. Seals.

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

7.2. Seal of Registrant. When an applicant is granted registration he or she 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".

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

(f) The seal shall not reference any engineering branch/discipline.

The following is a sample of the suggested format:

OFFICIAL SEAL SAMPLE

7.3. Seal on Documents.

(a) A registrant's seal and signature shall appear on the first or title page of all final and/or record documents of specifications, reports, drawings, plans, design information and calculations presented 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.

(b) The registrant signing and sealing the first or title page of documents shall be the firm's PE in responsible charge as designated on the firm's COA application or the project engineer.

(c) Revisions shall be numbered, dated, initialed, and sealed by the registrant responsible for the revision.

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

(e) Each registrant is solely responsible for the use of his or her seal.

(f) When an engineer registered in another state has a temporary permit to practice in this state, that engineer shall use his or her seal and affix his or her signature along with a copy of the temporary permit to documents submitted for engineering services performed in this state.

(g) 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.

(h) The Board authorizes the electronic reproduction of a seal when the resulting facsimile meets the specifications of 7-2. 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.

(i) 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.

§7-1-8. Temporary Permits.

8.1. Requirements.

(a) The 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 W.Va. Code §30-13-1 et seq.

(b) To obtain a temporary permit, an applicant shall make application to the Board on forms provided by it and pay the fee prescribed in §7-1-13.4 of this rule.

8.2. 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.

§7-1-9. Expirations, renewals, and reinstatements to active status; transition to 2-year renewal.

9.1. Expiration. PE registrations expire on ~~June 30th of each year~~ December 31st of each even-numbered year and ~~are void without hearing~~ shall be re-designated as lapsed without further action by the Board after that date unless renewed in accordance with Subsection 2 below.

9.2. Renewals.

(a) The Board shall ~~annually~~, during the month of ~~May~~ November of every even-numbered year, send a renewal notice by electronic means or by mail ~~a renewal notice~~ to the last known address of every person currently registered by the Board. The notice shall indicate the expiration date of the PE registration and the amount of the renewal fee established by the Board.

(b) The renewal form, which shall be completed and include documentation in compliance with ~~Subsections~~ Section 10 ~~and 12~~ and any other provisions of these rules ~~this rule,~~ and the applicable fee, shall be received by the Board on or before ~~June 30th of each year~~ the date of expiration appearing on the license being renewed.

(c) Renewals ~~received from July 1st through September 30th~~ postmarked or submitted online between January 1st to 31st after the expiration date shall render the PE registration valid upon payment of the late fee ~~fees~~ set forth in §7-1-13.5 of these rules.

(d) Any renewal ~~fee~~ postmarked or submitted online on or after ~~October 1~~ February 1st after the expiration date will be rejected and any fee returned, and the registration ~~will be void without hearing~~ will be re-designated as lapsed without further action by the Board.

(e) ~~A registered professional engineer who has retired from practicing professional engineering may apply for the status of professional engineer retired, and upon payment of the fee prescribed in §7-1-13.4 of this rule, he or she shall be registered as professional engineer retired.~~ Transition to two-year renewal. PE registrations which expire on June 30, 2015, shall be re-designated as lapsed without further action by the Board after that date unless renewed in accordance with the following:

(1) For the first renewal cycle after the effective date of these rules only, licenses will be renewed for eighteen (18) months, expiring on December 31, 2016. The fee for this 18-month renewal is $40.00.

(2) At least one month prior to the July 1, 2015, renewal date, the Board shall, by mail or electronic means, notify every person holding an active certificate of the implementation to 2-year licensure renewal, including the $40.00 renewal fee in effect as of the date of the filing of this rule, which existing fee was approved by the Board to be the fee to renew any license expiring on July 1, 2015, to an 18-month license expiring on December 31, 2016.

(3) The notice shall explain that compliance with Section 10 regarding continuing professional competency shall not be required until the renewal of the license expiring on December 31, 2016, at which time every registrant shall show evidence that he or she obtained thirty (30) professional development hours (PDHs) on or after July 1, 2014.

(4) The late fee set forth in §7-1-13.4 of these rules shall apply for renewals postmarked or submitted online between July 1 and July 31, 2015.

(5) For this transition-period renewal only, any attempted renewal postmarked or submitted online on or after August 1, 2015, will be rejected and returned, and the registration will be re-designated as lapsed without further action by the Board and the reinstatement requirements shall apply.

9.3. Reinstatement to active status. A former PE desiring to reinstate his or her registration to active status from a nonpracticing status as defined in W. Va. Code §30-13-13a shall submit a completed application on forms prescribed by the Board, along with such non-refundable fees as required in §7-1-13.4 of these rules.

§7-1-10. Continuing Professional Competency.

10.1. As a condition of registration renewal, every registrant shall show evidence that he or she obtained ~~fifteen (15)~~ thirty (30) professional development hours (PDH's) during the previous ~~year~~ two years.

10.2. Requirements. A registrant may earn PDH's by providing evidence of:

(a) ~~Successfully~~ completing Successful completion of college courses;

(b) ~~Evidence of~~ Successful completion of continuing education courses;

(c) ~~Successfully completing~~ Successful completion of on-line, correspondence, televised, videotaped, and other short courses or tutorials;

(d) Actively participating in seminars, in-house courses, workshops, technical committees of professional engineering organizations, and professional conventions;

(e) Teaching or instructing in the activities set forth in subdivision (a) through (d) of this subsection if such teaching or instruction is outside of the registrant's regular employment duties or if the registrant can document such teaching activity or instruction was newly developed and presented for the first time; or

(f) Authoring published papers, articles, or books.

10.3. If a registrant exceeds the ~~annual~~ requirement in any ~~year~~ two-year period of licensure, he or she may carry a maximum of ~~eight (8)~~ fifteen (15) PDH's forward into the subsequent ~~year~~ two-year licensure period.

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

1 College or unit semester hour	15 PDH's
1 College or unit quarter hour	10 PDH's
1 Continuing Education Unit (CEU)	10 PDH's
1 Hour of professional development in course work, seminars, professional conventions, workshops, technical committee work	1 PDH
1 Hour of teaching professional development in course work, seminars, professional conventions, workshops	2 PDH's
Each published paper or article on engineering subjects	10 PDH's

10.5. 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. No pre-approval of offerings will be issued. The Board may deny or ~~revoke~~ invalidate any renewal upon a determination of insufficient or unsatisfactory continuing education.

10.6. Forms. All renewal applications require the completion of a continuing education form specified by the Board outlining PDH credit claimed. The registrant shall supply sufficient detail on the form to permit review for approval, shall certify and sign the continuing education form, and shall submit the form with the renewal form and fee.

10.7. Record keeping. Each registrant is responsible for his or her own professional development activities. The registrant shall maintain the records to be used to support credits claimed for professional development activities. 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; and 2) attendance or participation verification records in the form of completion certificates, paid receipts or other documents supporting evidence of attendance or participation. These records shall be maintained for three renewal periods. Copies of these records and supporting documentation may be requested by the Board for approval and verification purposes.

10.8. ~~Annual~~ Continuing Education Verification.

(a) Any registrant may be audited, including Board members and staff.

(b) Three to five percent (3-5%) of renewals will be selected at random and contacted by the Board to verify compliance with continuing education claims.

(c) Any renewal forms submitted with questionable continuing education shall be added to those selected at random for verification.

(d) All verification submissions will be analyzed by the Board who may recommend continued registration, deny or ~~revoke~~ invalidate based on the renewal, or take such enforcement action as may be appropriate.

(e) Those who are denied renewal will be provided a thirty (30) day probationary period in which to acquire the necessary continuing education and submit documentation to the Board. If the registrant fails to submit satisfactory documentation in the given time period, the ~~Board will revoke the PE registration without hearing~~ registration shall be re-designated as invalidated without further action by the Board .

(f) A registrant may bring a registration ~~revoked~~ invalidated for insufficient continuing education to active status by obtaining the delinquent PDH's, up to a maximum of thirty (30) PDH's, and submitting a PE reinstatement application and appropriate fees as prescribed in §7-1-13.4.

10.9. Exemptions. An active registrant may be exempt from the professional development educational requirements for one of the following reasons:

(a) A new registrant by way of examination or reciprocity is exempt for his or her 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. The Board shall follow all other laws regarding continuing education for licensees on active duty and their spouses to the extent applicable and appropriate;

(c) A registrant experiencing physical disability, illness, or other extenuating circumstances may be exempt subject to review and approval by the Board; the registrant shall furnish supporting documentation to the Board; and

(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 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 shall comply with the requirements of §7-1-10.10~~1~~ before returning to active practice.

10.10. ~~Expired~~ Nonpracticing status. A registrant may bring ~~an expired or inactive~~ a registration with a nonpracticing status designation to active status by obtaining the delinquent PDH's, up to a maximum of thirty (30) PDH's, and submitting the ~~a~~ PE reinstatement application required by §7-1-9.3 ~~and appropriate fees as prescribed in §7-1-13.4.~~

~~10.11. Retired Status. A registrant may bring a retired registration to active status by obtaining the required PDH's, up to a maximum of thirty (30) PDH's), and submitting a PE reinstatement application and appropriate fees as prescribed in §7-1-13.4.~~

§7-1-11. Certificates of Authorization (COAs); transition to 2-year renewal.

11.1. COA ~~certificates~~ required; issuance. A COA is required to practice or offer to practice engineering in WV. The Board shall issue a COA to firms who have met all the requirements of the W. Va. Code §30-13-17 and these rules promulgated under the Code to practice or offer to practice engineering in West Virginia. The certificate signed by the Board President shall show the firm's COA number and seal of the Board.

11.2. Classifications of Authorization. The Board shall certify a qualified firm under one of the following classifications:

(a) Sole Proprietor with no employees who practices or offers to practice engineering for compensation or other tangible benefit or remuneration;

(b) Firm with three or fewer Professional Engineers (regardless of PE's state of registration or licensure); or

(c) Firm with four or more Professional Engineers (regardless of the PE's state of registration or licensure).

11.3. Application and Fees. A firm desiring to obtain a COA shall submit a completed application on forms prescribed by the Board, along with such non-refundable fees as required in §7-1-13.4 of these rules. Each application, including renewal and reinstatement, requires a sworn statement from the PE in responsible charge as set forth in §30-13-17.

11.4. Expiration, Renewal and Reinstatement.

(a) Expiration. COAs ~~certificates~~ expire on ~~June 30th of each year~~ December 31st of each odd-numbered year and are void~~ed~~ without further action by the Board ~~hearing~~ after that date unless renewed in accordance with subsection (b) below.

(b) Renewals.

(1) The Board shall ~~annually~~, during the month of ~~May~~ November of every odd-number year, send a renewal notice by electronic means or by mail ~~a renewal notice~~ to the last known address of every firm currently holding a COA by the Board. The notice shall indicate the expiration date of the COA ~~certification~~ and the amount of the renewal fee established by the Board.

(2) The completed renewal form and applicable fees shall be received by the Board on or before ~~June 30th of each year~~ the expiration date indicated on the certificate.

(c) Renewals received from ~~July 1st through September 30th~~ ~~30th~~ January 1st to 31st after the expiration date shall render the COA ~~certification~~ valid upon payment of the late fee ~~fees~~ set forth in §7-1-13.5 of these rules.

(d) Any renewal ~~fee~~ postmarked or submitted online on or after ~~October 1~~ February 1st after the year of expiration will be rejected and any fee returned, and the ~~registration~~ non-renewed COA will be void without ~~hearing~~ further action by the Board.

~~(e)~~ 11.5. Inactive status. A firm ~~who~~ which is no longer doing business in this state may request inactive status. A firm on inactive status is prohibited from practicing or offering to practice engineering in this state until the COA is reinstated.

11.6. Reinstatement. A firm desiring to reinstate a COA shall submit a completed application on forms prescribed by the Board, along with such non-refundable fees as required in §7-1-13.4 of these rules.

11.7. COA ~~Certificate~~ Number. The Board shall assign each firm a certificate number at the time a COA is granted by the Board. Numbers are issued consecutively in the order in which a firm is granted a COA. The Board shall advise the firm of this number.

11.8. Replacement of Certificate. The firm shall notify the Board when a COA is lost, destroyed or mutilated, and, if the firm is in good standing, the Board shall replace it, upon presentation of a statement of the loss and the prescribed fee in §7-1-13.4

11.9. Updated Information. It is the firm's responsibility to notify the Board within thirty days of any change in information previously submitted to the Board, such as name change, change of address, change of PE in responsible charge, or similar matter requiring current information.

11.10. Limited Liability Firms. The PE in responsible charge on the COA is responsible for compliance with W. Va. Code §30-13-1 et seq. and this rule notwithstanding any limitations of liability provided by W. Va. Code §§47B-3-6 and 31B-13-1305.

11.11 Transition to 2-year renewal. Every firm holding a valid COA issued by this Board as of the effective date of this rule shall receive a new COA extending the current COA expiring on June 30, 2015 to December 31, 2015. Renewals for the 2-year period commencing on January 1, 2016, shall be in accordance with other sections of these rules.

§7-1-12. Professional Responsibility.

12.1. Knowledge of Rules. All registrants are charged with having knowledge of the Rules of Professional Responsibility. The Board shall notify every registrant and applicant for registration in writing of amendments to the rules. The Rules as amended shall also be also published in the roster and on the Board website provided for in W. Va. Code §30-13-12.

12.2. Rules of Professional Responsibility. To comply with the Board's responsibilities, which are 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 W. Va. Code §30-13-21 and are binding on every registrant.

(a) All persons registered in West Virginia are required to be familiar with the W. Va. Code §30-13-1 et seq., this rule, and all applicable laws relating to the practice of engineering. The Rules of Professional Responsibility delineate specific obligations the registrant 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 this privilege 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.

12.3. 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 other appropriate authority when their professional judgment is overruled under circumstances where the life, health, property, or 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.

12.4. 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 except in accordance with 30-13-1 et seq. and these rules.

(c) 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.

(d) 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.

(e) 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.

(f) 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.

(g) 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 ~~principles~~ principals 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.

12.5. 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 or 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 a 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.

12.6. Actions brought against applicants.

~~(a)~~ A registered PE 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 promulgated by this Board, is sufficient cause for the Board to levy a fine, reprimand, or deny, revoke or suspend a registration to practice engineering by the registrant in this state. Any such actions by other jurisdictions shall be reported on the ~~annual~~ renewal form. For purposes of this section, "another jurisdiction" means any other governing entity, including a licensing board for another profession.

§7-1-13. Fees Generally.

13.1. The fees are listed in §7-1-13.4 and are payable to the West Virginia State Board of Registration for Professional Engineers. Fees based upon NCEES charges may be obtained from the Board or its website. Fees shall be paid by check, ~~or~~ money order, credit card or electronic payment and are non-refundable. ~~The Board shall return an application received without the proper fee to the applicant.~~

13.2. Timing of Submission of Fees. Any PE registration or COA application fee received prior to ~~May~~ October 1 will entitle the approved PE or COA to be placed in good standing through ~~June 30 of the current fiscal year~~ the current renewal period. Registration or COA fees received on or after ~~May 1 through June 30~~ October 1 shall be effective through the ~~following fiscal year~~ next renewal period.

13.3. Renewal Fees.

(a) The Board shall notify each registrant or firm at least thirty days prior to the expiration date ~~by the thirty-first (31st) day of May May 31st of each year~~ of the amount of the renewal fee for the next renewal period.

(b) A registrant or firm shall pay renewal fees on or before ~~the thirtieth (30) day of June of each year~~ December 31st of the year of expiration.

(c) A renewal postmarked or submitted online ~~after June 30~~ between January 1 through 31 after the expiration date is considered late, and the Board shall assess ~~the registrant~~ a late fee ~~penalty as described~~ set forth in Subsection 13.4 of this rule ~~paragraph 4 below~~.

(d) Any renewal ~~fee~~ postmarked or submitted online on or after ~~October~~ February 1st will be rejected and any fee returned, and the registration or COA ~~will be void without hearing~~ will be re-designated as lapsed without further action by the Board.

13.4. Fee Amounts. The fees for various services provided by the Board are:

Engineering Intern	
Application Fee	$25.00
Examination Fee	As charged by NCEES
~~Re-application Fee~~	~~$20.00~~
~~Re-examination Fee~~	~~As charged by NCEES~~
Professional Engineer	
Application Fee	$80.00
Examination Fee	As charged by NCEES
Re-application Fee	$40.00
Re-examination Fee	As charged by NCEES
Certificate Fee	$25.00
Comity Application Fee	$150.00
Temporary Permit	$200.00
Certificate of Authorization	
Application Fee for Sole Proprietor with no employees	$ 0.00
Application Fee for Firm with three or fewer Professional Engineers*	$100.00
Application Fee for Firm with four or more Professional Engineers*	$150.00
~~Annual~~ Two-Year Renewal Fee	
Professional Engineer	~~$40.00~~ $70.00
Professional Engineer-Retired	~~$25.00~~ $30.00
COA for Sole Proprietor with no employees	$ 0.00
COA for Firm with three or fewer Professional Engineers*	~~$50.00~~ $100.00
COA for Firm with four or more Professional Engineers*	~~$300.00~~ $600.00
Late fee	25% of fee
Reinstatement Applications	
Professional Engineer	~~$125.00~~ $185.00
COA for Sole Proprietor with no employees	$ 0.00
COA for Firm with three or fewer Professional Engineers*	~~$200.00~~ $300.00
COA for Firm with four or more	

Professional Engineers*	~~$600.00~~ $900.00
PE or COA Roster**	$ 25.00
Replacement Certificates	$ 25.00
Returned Checks	$ 25.00
FOIA Fees	As set forth in Board policy

** Regardless of the ~~P.E.'s~~ PE's state of registration or licensure*
*** Available for free download on the Board web site*

13.5. Late Fees on Renewals.

~~(a)~~ A renewal ~~fee~~ postmarked or submitted online after the date of expiration ~~July 1~~ is considered late, and the Board shall assess the registrant a ~~penalty~~ late fee in the amount of twenty-five percent (25%) of the renewal fee.

~~(b) A renewal postmarked after October 1 will be rejected and returned, and the registration or COA will be void without hearing.~~

~~(c) The Board shall void any PE registration of any registrant or COA certification of any firm whose renewal fee is not postmarked before October 1. In order to continue to practice or offer to provide engineering services, the former registrant or firm shall submit a reinstatement application to the Board in accordance with §7-1-3 or §7-1-11 of these rules.~~

13.6. Fee Waivers. Fees set forth in this section may be waived in accordance with Board policy.

§7-1-14. Board Enforcement, Investigations, Disciplinary Actions and Costs.

14.1. Enforcement. Any person or entity who violates any of the provisions of W. Va. Code §30-13-1 et seq or these rules is subject to the provisions of W. Va. Code §30-13-21 through 23, as well as the penalties outlined in §7-1-15 of these rules. The Board may take disciplinary action against any person or firm subject to the provisions of W. Va. Code §30-13-1 et seq. and these rules for any non-compliance with or violation of same in accordance with the procedures set forth in W. Va. Code §30-13-22 and the procedural rules adopted by the Board and on file with the Secretary of State.

14.2. Investigations. The Board shall have the power to investigate any complaint filed with the Board and any other matter brought to the attention of the Board regarding noncompliance with the provisions of W. Va. Code §30-13-1 et seq. and these rules.

14.3. Disciplinary Action. Upon Board decision that disciplinary action is warranted, the Board may take such action as is provided for in W. Va. Code §30-13-21 through 23, these rules, and any Board policies not inconsistent with such applicable law, including the imposition of civil penalties as set forth in §7-1-15 below.

14.4. The Board may assess administrative costs incurred in the performance of its enforcement or investigatory activities against any person or entity who violates the provisions referenced in subsection 14.1 of this rule, which shall be paid to the West Virginia State Board of Registration for Professional Engineers by check or money order within a period of thirty (30) days from the date of the final order entered by the Board.

§7-1-15. Civil Penalties.

15.1. The Board may enter an order assessing the appropriate civil penalties against any person or firm found guilty by the Board including~~,~~ but not limited to the following for each offense:

Action	Penalty Up To
Practicing or offering to practice w/o a license, including ~~expired~~ a license designated as nonpracticing status	$5000
Practicing or offering to practice w/o a COA, including an expired COA	$5000
Misuse of seal	$5000
Illegal advertising of engineering services	$5000
Fraud, deceit, misrepresentation or misinformation to the Board	$15,000
Violation of condition of probation	$5000
Misfeasance or malfeasance	$1000
Professional misconduct, negligence or incompetence	$1000
Action which is likely to deceive or defraud the public	$15,000
Action which threatens the public health, safety and welfare	$15,000
Failure to timely provide information to Board	$1000
Non-compliance with Board request or order	$1000
General (violation of applicable statute & rules, including W.Va. Code §30-13-21 or the Rules of Professional Responsibility set forth in these rules)	$5000

15.2. The penalty for aiding and assisting any of the above violations shall be no more than the maximum penalty defined above.

15.3. Each day of continued violation may constitute a separate offense.

15.4 In determining the amount of civil penalty to be assessed pursuant to this section, the Board may consider such factors as the following.

(a) Whether the amount imposed will be a substantial economic deterrent to the violation;

(b) The circumstances leading to the violation;

(c) The nature and severity of the violation and the risk of harm to the public;

(d) The history of previous violations;

(e) The extent to which the cited person or firm has cooperated with the Board and the Board's investigation;

(f) The economic benefits gained by the violator as a result of non-compliance;

(g) The interest of the public;

(h) Other matters as may be appropriate.

15.5. Civil penalties imposed by the Board shall be paid to the West Virginia State Treasurer's Office by check or money order within a period of thirty (30) days from the date of the final order entered by the Board.

§7-1-16. Board Policies.

16.1. The Board is authorized to establish policies and procedures not inconsistent with W. Va. Code §30-13-1 et. seq. and these rules.

§7-1-17. Severability.

17.1. 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.