

FILED

2015 APR -1 A 11: 26

**WEST VIRGINIA LEGISLATURE**

**EIGHTY-SECOND LEGISLATURE**

**REGULAR SESSION, 2015**

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

SB 389

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**ENROLLED**

**Senate Bill No. 389**

(BY SENATORS BLAIR, YOST, MAYNARD, FACEMIRE, LEONHARDT,  
WILLIAMS, WALTERS, BOSO, PALUMBO, MULLINS, GAUNCH,  
MILLER, FERNS AND SNYDER)

[PASSED MARCH 14, 2015; IN EFFECT FROM PASSAGE.]

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[Passed March 14, 2015; in effect from passage.]

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**AN ACT to amend and reenact §30-13-13a, §30-13-17 and §30-13-18 of the Code of West Virginia, 1931, as amended, all relating to the Board of Registration for Professional Engineers; changing time period for renewal from fiscal year to calendar year; authorizing renewal notification by mail or electronically; providing for reinstatement of nonrenewed licenses; authorizing annual or biennial renewal periods; providing a late fee; and requiring emergency rules related to renewal and reinstatement.**

*Be it enacted by the Legislature of West Virginia:*

That §30-13-13a, §30-13-17 and §30-13-18 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

**ARTICLE 13. ENGINEERS.**

**§30-13-13a. Designations of nonpracticing status.**

1       The board may designate a professional engineer as  
2 ineligible to practice or offer to practice engineering in this  
3 state using one of the following terms:

4       (1) *Professional engineer-retired.* – A registrant may  
5 apply for retired status upon certification that he or she is no  
6 longer practicing or offering to practice engineering in this  
7 state for remuneration.

8       (2) *Professional engineer-inactive.* – A registrant may  
9 request inactive status upon affirmation that he or she is no  
10 longer practicing or offering to practice engineering in this  
11 state.

12       (3) *Professional engineer-lapsed.* – A registrant’s license  
13 is lapsed when the registrant does not respond to renewal  
14 notices or pay the required fees.

15       (4) *Professional engineer-invalidated.* – A registrant’s  
16 license is invalidated when he or she is unable to provide  
17 sufficient proof that any condition of renewal set forth in this  
18 article or by board rule has been met.

**§30-13-17. Certificates of authorization required; naming of engineering firms.**

1       (a) No person or firm is authorized to practice or offer to  
2 practice engineering in this state until the person or firm has  
3 been issued a certificate of authorization by the board.

4       (b) A person or firm desiring a certificate of authorization  
5 must file all the required information with the board on an  
6 application form specified by the board. The required  
7 information shall include the sworn statement of the engineer  
8 in responsible charge who is a professional engineer  
9 registered in this state. The board shall issue a certificate of

10 authorization to an applicant who has met all the  
11 requirements and paid the fees set forth in board rules.

12 (c) No person or firm is relieved of responsibility for the  
13 conduct or acts of its agents, employees, officers or partners  
14 due to compliance with the provisions of this article. No  
15 individual practicing engineering under the provisions of  
16 this article is relieved of responsibility for engineering  
17 services performed due to his or her employment or other  
18 relationship with a person or firm holding a certificate of  
19 authorization.

20 (d) An engineer who renders occasional, part-time or  
21 contract engineering services to or for a firm may not be  
22 designated as being in responsible charge for the professional  
23 activities of the firm unless that engineer is an owner or  
24 principal of the firm.

25 (e) The Secretary of State shall not issue a certificate of  
26 authority or business registration or license to an applicant  
27 whose business includes, among the objectives for which it  
28 is established, the words engineer, engineering or any  
29 modification or derivation thereof unless the board of  
30 registration for this profession has issued to the applicant a  
31 certificate of authorization or a letter indicating eligibility to  
32 receive the certificate. The certificate or letter from the board  
33 shall be filed with the application filed with the Secretary of  
34 State to do business in West Virginia.

35 (f) The Secretary of State shall decline to register a trade  
36 name or service mark which includes the words engineer,  
37 engineering or modifications or derivatives thereof in its  
38 business name or logotype except those businesses holding a  
39 certificate of authorization issued under the provisions of this  
40 article.

41 (g) The certificate of authorization may be renewed or  
42 reinstated in accordance with board rule and upon payment  
43 of the required fees.

44 (h) Every holder of a certificate of authorization has a  
45 duty to notify the board promptly of any change in  
46 information previously submitted to the board in an  
47 application for a certificate of authorization.

**§30-13-18. Renewals and reinstatement.**

1 (a) Certificates of registration and certificates of  
2 authorization expire on the last day of December of the year  
3 indicated on the certificate, and the holder of any certificate  
4 that is not timely renewed is ineligible to practice or offer to  
5 practice engineering in this state until the certificate has been  
6 reinstated in accordance with rules promulgated by the board.

7 (b) Certificates may be renewed only in accordance with  
8 board rule, which may include payment of a late fee for  
9 renewals not postmarked by December 31 of the year in  
10 which renewal is required. The board shall notify every  
11 person or firm holding an active certificate under this article  
12 of the certificate renewal requirements at least one month  
13 prior to the renewal date. The notice shall be made by mail or  
14 electronic means using the contact information provided to  
15 the board.

16 (c) A certificate that was not timely renewed or for other  
17 reason was given a nonpracticing status may be reinstated  
18 under rules promulgated by the board and may require  
19 reexamination and payment of fees set forth in board rules.

20 (d) Effective July 1, 2015, the board may renew  
21 certificates on a biennial basis.

22           **(e) The board shall promulgate emergency rules pursuant**  
23 **to section fifteen, article three, chapter twenty-nine-a of this**  
24 **code to implement the provisions of this section.**

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*Mark R. Meyer*  
.....  
Chairman Senate Committee

*John B. Miller*  
.....  
Chairman House Committee

Originated in the Senate.

In effect from passage.

*Mark S. Barnes*  
.....  
Clerk of the Senate

*Stacie J. Harris*  
.....  
Clerk of the House of Delegates

*Neill Pollock*  
.....  
President of the Senate

*Philip P. Miller*  
.....  
Speaker of the House of Delegates

The within *is approved* this the *19*  
Day of *April*, 2015.

*Earl Ray Tomblin*  
.....  
Governor

**PRESENTED TO THE GOVERNOR**

**MAR 27 2015**

**Time** 3:15 pm