

186  
ENROLLED BILL

House Bill No. 186

(By Mr. Norton)

Passed March 12, 1931

In Effect Ninety days from Passage

# ENROLLED BILL

(H. B. No. 186)

[Passed March 12, 1931; in effect ninety days from passage.]

AN ACT to amend and re-enact article thirteen, chapter thirty of the official code of West Virginia, one thousand nine hundred thirty-one.

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

That article thirteen, chapter thirty of the official code of West Virginia, one thousand nine hundred thirty-one, be amended and re-enacted so as to read as follows:

Section 1. That in order to safeguard life, health, and property, any person practicing or offering to practice the profession of engineering, shall hereafter be required to submit evidence that he is qualified so to practice and shall be registered as hereinafter provided; and it shall be unlawful for any person to practice or to offer to practice the profession of engineering, in this state, or to use in connection with his name or otherwise assume, use, or advertise any title or description tending to convey the impression that he is a professional engineer, unless such person

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Originated in the House  
Takes effect ninety days from passage.  
Clerk of the House of Delegates.

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10 has been duly registered or exempted under the provisions of  
11 this article.

Sec. 2. The term, "professional engineer," as used in this ar-  
2 ticle, shall mean a person who represents himself to be such a  
3 professional engineer, either through the use of the term, "en-  
4 gineer," with or without qualifying adjectives, or through the  
5 use of some other title implying that he is such a professional  
6 engineer.

7 The term, "board," as used in this article, shall mean the state  
8 registration board for professional engineers, provided for by  
9 this article.

Sec. 3. The board shall consist of five professional engineers,  
2 who shall be appointed by the governor and shall have the  
3 qualifications required by section four.

4 The members of the board as constituted under the present  
5 law shall continue in office until the expiration of the term for  
6 which each was appointed, and as the terms of present members  
7 shall expire appointments shall be made for terms of five years,  
8 and so made as to have the term of one member expire each year.  
9 Each member shall hold office until the expiration of the term  
10 for which such member is appointed or until a successor shall

11 have been duly appointed and shall have qualified.

Sec. 4. Each member of the board shall be a citizen of the  
 2 United States and a resident of this state, and shall have been  
 3 engaged in the practice of the profession of engineering for at  
 4 least ten years, and shall have been in responsible charge of  
 5 engineering work for at least five years.

Sec. 5. The governor may remove any member of the board  
 2 for misconduct, incompetency, neglect of duty, or for any other  
 3 sufficient cause.

Sec. 6. The following facts, established in the application,  
 2 shall be regarded as minimum evidence satisfactory to the board,  
 3 that the applicant is qualified to practice as a professional en-  
 4 gineer, to-wit:

5 (a) A specific record of seven or more years of active prac-  
 6 tice in engineering work of a character satisfactory to the  
 7 board and indicating that the applicant is competent to be  
 8 placed in responsible charge of such work; or,

9 (b) Graduation from a school or college approved by the  
 10 board as of satisfactory standing, having a course in engineering  
 11 of not less than four years; and a specific record of an addi-  
 12 tional three years of active practice in engineering work, of a

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13 character satisfactory to the board, and indicating that the ap-  
14 plicant is competent to be placed in responsible charge of such  
15 work.

16 *Provided*, That no person shall be eligible for registration as  
17 a professional engineer who is not of good character and repute.

18 In considering the qualifications of applicants, responsible  
19 charge of engineering teaching may be construed as responsible  
20 charge of work. Graduation in engineering from a school of  
21 recognized standing shall be considered as equivalent to four  
22 years of active practice and the satisfactory completion of each  
23 year of work in such school without graduation shall be con-  
24 sidered as equivalent to a half year of active practice. Grad-  
25 uation in a course other than engineering from a college or uni-  
26 versity of recognized standing shall be considered as equivalent  
27 to two years of active practice: *Provided, however*, That no  
28 applicant shall receive credit for more than four years of active  
29 practice because of educational qualifications.

30 In cases where the evidence presented in the application  
31 does not appear to the board to be conclusive or to warrant  
32 the issuing of a certificate of registration, the applicant may  
33 be required to present further evidence for the consideration

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34 of the board, and may also be required to pass an oral or writ-  
35 ten examination, or both, as the board may determine.

Sec. 7. Applications for registration shall be on forms pre-  
2 scribed and furnished by the board, shall contain statements  
3 made under oath showing the applicant's education and de-  
4 tail summary of his technical work, and shall contain not less  
5 than five references, of whom three or more shall have per-  
6 sonal knowledge of his engineering experience.

7 The registration fee for professional engineers shall be twenty  
8 dollars, ten dollars of which shall accompany application, the  
9 remaining ten dollars to be paid upon issuance of certificate.  
10 Should the board deny the issuance of a certificate of regis-  
11 tration to any applicant the initial fee deposited shall be re-  
12 tained as an examination fee.

Sec. 8. When oral or written examinations are required,  
2 same shall be held at such time and place as the board shall  
3 determine. The scope of the examinations and the methods  
4 of procedure shall be prescribed by the board with special  
5 reference to the applicant's ability to design and/or supervise  
6 engineering works, which shall insure the safety of life, health  
7 and property. Examinations shall be given for the purpose



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8 of determining the qualifications of applicants for registra-  
 9 tion in professional engineering. A candidate failing on ex-  
 10 amination may, at the discretion of the board, be examined  
 11 again.

Sec. 9. The board shall issue a certificate of registration  
 2 upon payment of registration fee as provided for in this ar-  
 3 ticle, to any applicant who, in the opinion of the board, has  
 4 satisfactorily met all the requirements of this article. In case  
 5 of a registered engineer, the certificate shall authorize the  
 6 practice of "professional engineering."

7 The issuance of a certificate of registration by this board  
 8 shall be evidence that the person named therein is entitled to  
 9 all the rights and privileges of a registered professional en-  
 10 gineer, while the said certificate remains unrevoked or un-  
 11 expired.

12 Each registrant hereunder shall upon registration obtain  
 13 a seal of the design authorized by the board, bearing the regis-  
 14 trant's name and the legend, "registered professional engin-  
 15 eer." Plans, specifications, plats, and reports issued by a  
 16 registrant shall be stamped with the said seal during the life  
 17 of registrant's certificate, but it shall be unlawful for anyone



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18 to stamp or seal any document with said seal after the certifi-  
19 cate of the registrant named thereon has expired or has been  
20 revoked, unless said certificate shall have been renewed or re-  
21 issued.

Sec. 10. Certificates of registration shall expire on the last  
2 day of the month of June following their issuance or removal  
3 and shall become invalid on that date unless renewed. It shall  
4 be the duty of the secretary of the board to notify every person  
5 registered under this article, of the date of the expiration of  
6 his certificate and the amount of the fee that shall be required  
7 for renewal for one year; such notice shall be mailed at least  
8 one month in advance of the date of the expiration of said  
9 certificate. Renewal may be effected at any time during the  
10 month of June by the payment of a fee of five dollars. The  
11 failure on the part of any registrant to renew his certificate  
12 annually in the month of June as required above shall not de-  
13 prive such person of the right of renewal, but the fee to be paid  
14 for the renewal of a certificate after the month of June shall  
15 be increased ten per cent for each month or fraction of a  
16 month that payment of renewal is delayed: *Provided, how-*  
17 *ever,* That the maximum fee for delayed renewal shall not ex-



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18 ceed twice the normal renewal fee.

Sec. 11. A firm, or a copartnership, or a corporation, or a  
2 joint stock association may engage in the practice of profes-  
3 sional engineering in this state only provided such practice is  
4 carried on under the responsible direction of one or more  
5 registered professional engineers.

Sec. 12. At any time within one year after this article be-  
2 comes effective, upon due application therefor and the pay-  
3 ment of a fee of twenty dollars, the board shall issue a certifi-  
4 cate of registration, without oral or written examination, to  
5 any professional engineer who shall submit evidence under oath  
6 satisfactory to the board that he is of good character, has  
7 been a resident of the state of West Virginia for at least one  
8 year immediately preceding the date of his application, and  
9 was practicing professional engineering at the time this ar-  
10 ticle became effective, such work being of a character satisfac-  
11 tory to the board.

12 After this article shall have been in effect one year, the board  
13 shall issue certificates of registration only as provided for in  
14 section six hereof.

Sec. 13. After the first day of January, one thousand nine

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2 hundred thirty-two, it shall be unlawful for this state, or for  
3 any of its political subdivisions, for any county, city, town,  
4 or district to engage in the construction of any public work  
5 involving professional engineering, unless the plans and spe-  
6 cifications and estimates have been approved by, and the con-  
7 struction supervised by, a registered professional engineer:  
8 *Provided*, That nothing in this section shall be held to apply  
9 to any public work wherein the contemplated expenditure for  
10 the completed project does not exceed five thousand dollars.

Sec. 14. The following persons shall be exempted from regis-  
2 tration under the provisions of this article, to-wit:

3 (a) A person not a resident of and having no established  
4 place of business in this state, practicing or offering to prac-  
5 tice herein the profession of engineering, when such practice  
6 does not exceed in the aggregate more than sixty days in any  
7 calendar year: *Provided*, Such person is legally qualified by  
8 registration to practice the said profession in his own state or  
9 country in which the requirements and qualifications for ob-  
10 taining a certificate of registration are not lower than those  
11 specified in this article;

12 (b) A person not a resident of and having no established

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13 place of business in this state, or who has recently become a  
14 resident thereof, practicing or offering to practice herein for  
15 more than sixty days in any calendar year the profession of  
16 engineering if he shall have filed with the board an application  
17 for a certificate of registration and shall have paid the fee re-  
18 quired by this article. Such exemption shall continue only for  
19 such time as the board requires for the consideration of the  
20 applicant for registration: *Provided*, That such a person is  
21 legally qualified to practice said profession in his own state  
22 or country;

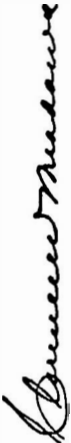
23 (c) An employee of a person holding a certificate of regis-  
24 tration in this state who is engaged in the practice of or pro-  
25 fession of engineering and an employee of a person exempted  
26 from registration by classes (a) and (b) of this section: *Pro-*  
27 *vided*, Such practice does not include responsible charge of  
28 design or supervision;

29 (d) Officers and employees of the government of the United  
30 States while engaged within this state in the practice of the  
31 profession of engineering, for said government;

32 (e) A person who practices the profession of engineering  
33 exclusively as a regular employee of a public service company



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34 by rendering to such company engineering service in connec-  
 35 tion with its facilities which are subject to regulation, super-  
 36 vision, and control, in order to safeguard life, health and prop-  
 37 erty by the public service commission of the state of West Vir-  
 38 ginia, so long as such person is thus actually and exclusively  
 39 employed and no longer.

Sec. 15. (a) The board shall, upon application therefor,  
 2 and the payment of a fee of five dollars, issue a certificate of  
 3 registration as professional engineer to any person who holds  
 4 an unexpired certificate of registration issued to him by the  
 5 proper authority in any state or territory or possession of the  
 6 United States or in any country in which the requirements  
 7 for the registration of professional engineers are of a standard  
 8 not lower than that specified in this article: *Provided, however,*  
 9 That the engineering registration boards of said states, terri-  
 10 tories, possessions, or countries shall grant full and equal  
 11 reciprocal registration rights and privileges to registrants of  
 12 this board. Agreements for reciprocity with other states, ter-  
 13 ritories, possessions, or countries may be entered into by the  
 14 board at its discretion.

15 (b) The board shall, upon application therefor and pay-

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16 ment of a fee of five dollars, issue a certificate of registration  
17 as professional engineer to any person who holds an unrevoked  
18 card or certificate of national reciprocal registration, issued  
19 by any state, province, or country in conformity with the regu-  
20 lations of the national council of state boards of engineering  
21 examiners, and who complies with the regulations of this board,  
22 except as to qualifications and registration fee.

Sec. 16. Any person who shall practice, or offer to practice,  
2 the profession of engineering in this state without being regis-  
3 tered or exempted in accordance with the provisions of this  
4 article, or any person presenting or attempting to use as his  
5 own the certificate of registration of another, or any person  
6 who shall give any false or forged evidence of any kind to the  
7 board or to any member thereof in obtaining a certificate of  
8 registration, or any person who shall falsely impersonate any  
9 other registrant of like or different name, or any person who  
10 shall attempt to use an expired or revoked certificate of regis-  
11 tration, or shall violate any of the provisions of this article,  
12 shall be guilty of a misdemeanor, and shall, upon conviction,  
13 be sentenced to pay a fine of not less than one hundred dol-  
14 lars, nor more than five hundred dollars, or suffer imprisonment

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15 for a period not exceeding three months, or both.

16 It shall be the duty of all duly constituted officers of the law  
17 of this state, or any political subdivision thereof, to enforce  
18 the provisions of this article and to prosecute any persons  
19 violating same. The attorney of the state or his assistant shall  
20 act as legal adviser of the board and render such legal assistance  
21 as may be necessary in carrying out the provisions of this  
22 article.

Sec. 17. If any section or sections of this article shall be  
2 declared unconstitutional or invalid, this shall not invalidate  
3 any other section of this article.

Sec. 18. All laws or parts of laws in conflict with the pro-  
2 visions of this article shall be, and the same are hereby re-  
3 pealed.

*Joseph W. Smith*  
Chairman Senate Committee.

*J. Alfred Taylor*  
Speaker of the House of Delegates.

*R. H. Kider*  
Clerk of the House of Delegates.

*Wm. H. H. H.*  
President of the Senate.

*M. S. Hayes*  
Clerk of the Senate.

The within is *Approved*  
this *18th* day of *March* 1931.

*W. G. Country*  
Governor.

*Lawrence T. Meadows*  
Chairman House Committee.

Filed in the office of the Secretary of State  
of West Virginia. **MAR 19 1931**  
GEORGE W. STAFF,  
Secretary of State.