WEST VIRGINIA LEGISLATURE
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ENROLLED
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 401

(SENATORS SNYDER AND CHAFIN, ORIGINAL SPONSORS)

[PASSED APRIL 13, 2013; TO TAKE EFFECT JULY 1, 2013.]
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(SENATORS SNYDER AND CHAFIN, original sponsors)

[Passed April 13, 2013; to take effect July 1, 2013.]

AN ACT to amend and reenact §30-13-6, §30-13-13, §30-13-15 and §30-13-17 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §30-13-13a, all relating to the Board of Registration for Professional Engineers; providing requirements for registration and certification of engineers, engineer interns and engineering businesses; providing for compensation of, and reimbursement for, members of the board at same rate as legislative interim pay; providing for registration of engineers generally; adding additional classifications of registration; setting forth qualifications for engineer interns; establishing designations for engineers ineligible to practice; updating examination provisions to comport with changes at the national level; providing emergency rule-making authority to comply with changes in standardized tests; and clarifying the certificate of authorization requirements.

Be it enacted by the Legislature of West Virginia:

That §30-13-6, §30-13-13, §30-13-15 and §30-13-17 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that said code be amended by adding thereto a new section, designated §30-13-13a, all to read as follows:
ARTICLE 13. ENGINEERS.

§30-13-6. Compensation and expenses.

Each member of the board shall receive compensation for time spent, and reimbursement for reasonable and necessary expenses incurred, in the performance of board-related duties pursuant to section eleven, article one of this chapter.

§30-13-13. Requirements for registration of professional engineers and certification of engineer interns.

(a) General requirements. – Every person who desires to be certified as an engineer intern or to be registered as a professional engineer in this state must comply with the following requirements:

(1) Submission of a completed application specified by the board and payment of the application fee specified by rule of the board;

(2) Be at least eighteen years of age;

(3) Be of good moral character;

(4) Submit statements of reference as specified by rule of the board;

(5) Graduate from a four-year engineering curriculum accredited by the Engineering Accreditation Commission of the Accreditation Board for Engineering and Technology (EAC/ABET), or an equivalent as approved by the board as being of satisfactory standing; and

(6) Be free of any grounds for disqualification as set forth in subsection (a) of section twenty-one of this article.
(b) Certification of an engineer intern. – In addition to the foregoing general requirements, an applicant must meet the following requirements to be certified as an engineer intern in this state:

(1) Satisfactorily complete the required examination on the fundamentals of engineering; and

(2) Complete each additional requirement that the board may specify by legislative rule.

(c) Registration of a professional engineer. – In addition to the general requirements specified in subsection (a) of this section, an applicant must meet the following requirements to be certified as a professional engineer in this state:

(1) Meet all the requirements for certification as an engineer intern;

(2) Submit a record of four years or more of progressive experience in engineering work of a grade and a character that indicates to the board that the applicant may be competent to practice engineering;

(3) Satisfactorily complete the required examination on the principles and practice of engineering;

(4) Complete each additional requirement that the board may specify by legislative rule.

(d) Registration of a professional engineer through comity or reciprocal registration. – Notwithstanding the requirements of the foregoing subsection of this section, the board may issue a license to an applicant who holds a valid license or other authorization to practice engineering from another state, if the applicant satisfies the general requirements of subsection (a) of this section, satisfies the
additional requirements specified by rule of the board and
meets one of the following requirements:

(1) Holds a license or other authorization to engage in the
practice of engineering issued by a proper authority of any
jurisdiction, based on requirements that do not conflict with
the provisions of this article and possesses credentials that
are, in the judgment of the board, of a standard equivalent to
or not lower than that specified in the applicable licensure act
and rules in effect in this state at the time such license was
issued, upon application, which may include a council record
with NCEES; or

(2) Holds a valid council record with NCEES, which is
the compilation of documents maintained by NCEES of an
applicant's qualifications as a professional engineer,
including official transcripts, engineering examination
results, employment verifications and references, which
indicates that the applicant meets the requirements of this
article.

(e) Certification or registration of qualified applicants. –
The board shall issue a certification to a qualified applicant
who meets the requirements for certification as an engineer
intern and shall issue a professional engineer registration to
a qualified applicant who meets the requirements for
registration as a professional engineer.

(f) Continuation of existing registrations and certificates.
- A registration or certificate issued by the board prior to July
1, 2013, shall for all purposes be considered a registration or
certificate issued under this article: Provided, That a person
registered or certified prior to July 1, 2013, must renew the
registration or certification pursuant to the provisions of this
article and the rules of the board.

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

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

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

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

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


(a) The board has the power to establish, by legislative rule, the requirements for examination for registration as a professional engineer and certification as an engineer intern including, but not limited to, the following criteria: subject matter, prerequisites for testing, passing score, examination sites and schedules, entities authorized to administer examinations, prerequisites for testing and form of testing, including examination by electronic or other means.

(b) The board’s rules for examination shall include the following minimum requirements:
(1) An examination to qualify to be an engineer intern, to test the applicant’s knowledge and understanding of the fundamentals of engineering; and

(2) An examination to qualify as a professional engineer, to test the applicant’s knowledge and understanding of the principles and practice of engineering.

(c) If the board determines that the safe and ethical practice of engineering in this state requires examination of matters specific to the law and practice in this state, the board may also establish criteria, by legislative rule, for an examination of the applicant’s knowledge and understanding of this state’s statutes, rules, professional ethics and design requirements.

(d) A candidate for registration as a professional engineer who fails the examination of the principles and practice of engineering may retake the examination one time upon payment of the fee established by the board. In the event of a second failure, the candidate may not repeat the examination unless the examinee demonstrates to the board that he or she has pursued additional instruction or training to correct the candidate’s deficit areas of knowledge.

(e) In the event that examination requirements, test administration procedures, scoring or testing methods are modified by a board-approved testing entity providing standard tests for use by the board, the board has the authority to promulgate emergency rules to adopt and reflect those changes.

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

(a) No person or firm is authorized to practice or offer to practice engineering in this state until the person or firm has been issued a certificate of authorization by the board.
(b) A person or firm desiring a certificate of authorization must file all the required information with the board on an application form specified by the board. The required information shall include the sworn statement of the engineer in responsible charge who is a professional engineer registered in this state. The board shall issue a certificate of authorization to an applicant who has met all the requirements and paid the fees set forth in board rules.

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

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

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

(f) The Secretary of State shall decline to register a trade name or service mark which includes the words engineer, engineering or modifications or derivatives thereof in its
(g) The certificate of authorization may be renewed in accordance with board rule upon payment of the required renewal fee.

(h) Every holder of a certificate of authorization has a duty to notify the board promptly of any change in information previously submitted to the board in an application for a certificate of authorization.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Originated in the Senate.

To take effect July 1, 2013.

The within is approved this the 2nd Day of May, 2013.

[Signature]
Governor