

SB 389 (Veto 2)

FILED

2015 MAR 11 P 5:10

WEST VIRGINIA LEGISLATURE
EIGHTY-SECOND LEGISLATURE
REGULAR SESSION, 2015

OFFICE OF THE SECRETARY OF STATE



ENROLLED

Senate Bill No. 389

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

[PASSED MARCH 2, 2015; IN EFFECT FROM PASSAGE.]

FILED

2015 MAR 11 P 5:10

ENROLLED

OFFICE WEST VIRGINIA
SECRETARY OF STATE
Senate Bill No. 389

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

[Passed March 2, 2015; in effect from passage.]

AN ACT to amend and reenact §30-13-18 of the Code of West Virginia, 1931, as amended, 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 late fee; and authorizing legislative rules and 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
13 license is lapsed when the registrant does not respond to
14 renewal 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
5 authorization must file all the required information with the
6 board on an application form specified by the board. The
7 required information shall include the sworn statement of the
8 engineer 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 this
16 article is relieved of responsibility for engineering services
17 performed due to his or her employment or other relationship
18 with a person or firm holding a certificate of authorization.

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

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

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

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

43 (h) Every holder of a certificate of authorization has a
44 duty to notify the board promptly of any change in
45 information previously submitted to the board in an
46 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
23 pursuant to section fifteen, article three, chapter twenty-nine-
24 a of this 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. Meyers
.....
Chairman Senate Committee

John B. Helms
.....
Chairman House Committee

Originated in the Senate.

In effect from passage.

Mark A. Berman
.....
Clerk of the Senate

Steph J. Hendrix
.....
Clerk of the House of Delegates

Will P. Hill
.....
President of the Senate

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

The within *is disapproved* this the *11th*
Day of *March*....., 2015.

Earl Ray Tomblin
.....
Governor

PRESENTED TO THE GOVERNOR

MAR 09 2015

Time 2:01 PM