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# West Virginia Laws and Rules for Engineers

by

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West Virginia Laws and Rules for Engineers  
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Examination

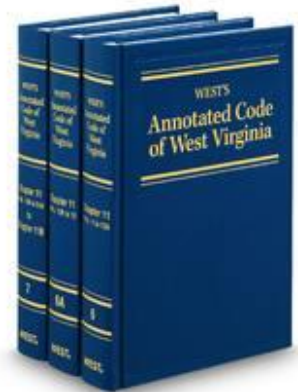
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**West Virginia Code**

State laws are enacted by the West Virginia State Legislature, made up of the Senate and House of Delegates. When a bill has passed in both chambers, it is transmitted to the Governor for signature and then becomes law. If the Governor vetoes the bill, the Legislature must override a veto with a two-thirds vote in both the Senate and the House of Delegates for the bill to become law.



Passed bills from each legislative session are published in Session Laws which are unannotated and difficult to utilize. Laws are also added to the *West Virginia Code* in the appropriate locations with annotations, such as notes, cross-references, and legislative history. The *West Virginia Code* is the official organized collection of state laws, and can be referred to as *West Virginia Code Annotated*, *Annotated Code of West Virginia*, or *W. Va. Code*.



The W. Va. Code contains 64 chapters covering a variety of subjects. Chapter 30 has the following four articles with relevance to engineering:

- Chapter 30: Professions And Occupations
  - Article 1. General Provisions Applicable To All State Boards Of Examination Or Registration Referred To In Chapter.
  - Article 1a. Procedure For Regulation Of Occupations And Professions.
  - Article 1b. Provisions Applicable To Military Members And Their Spouses.
  - Article 13. Engineers.

Article 13 (W. Va. Code 30-13) is the only article specific to engineering.

See the “Helpful Resources” section for the website addresses with the latest laws, rules, and Board information. The laws and rules in this course are current as of October 2024.



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**W. Va. Code 30-13**

The law dedicated to the practice of engineering is W. Va. Code 30-13. It contains general requirements for engineers. It also gives authority to the *West Virginia State Board of Registration for Professional Engineers* (Board) to enact the laws and manage licensing. The following is the contents of W. Va. Code 30-13, with **bold** sections being of particular importance for practicing professional engineers.

Article 13. Engineers

§30-13-1. Legislative findings; intent.

**§30-13-2. General provisions.**

**§30-13-3. Definitions.**

§30-13-4. Board of registration for professional engineers; appointment and term.

§30-13-5. Board qualifications.

§30-13-6. Compensation and expenses.

§30-13-7. Removal of members and vacancies.

§30-13-8. Organization and meetings.

§30-13-9. Board powers.

§30-13-10. Receipt of fees, fund established, disbursements.

§30-13-11. Records and reports.

§30-13-12. Roster.

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

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

§30-13-14. Application and registration fee.

§30-13-15. Examinations.

**§30-13-16. Certificates and seals.**

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

§30-13-18. Renewals and reinstatement.

§30-13-19. Reissuance of certificates.

**§30-13-20. Public works.**

§30-13-21. Disciplinary action--Revocation, suspension, refusal to issue, restore or renew, probation, civil penalty, reprimand.

§30-13-22. Disciplinary action -- Procedures.

§30-13-23. Criminal offenses.

**§30-13-24. Exemptions.**



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## **Code of State Rules**

State laws are often high-level and lack details required for implementation. The West Virginia Legislature delegates state agencies to manage the implementation of laws and to create rules and regulations that complement the laws. The compilation of agency regulations is called the *West Virginia Code of State Rules* or the *West Virginia Administrative Code*, often abbreviated as CSR, C.S.R., or W. Va.



Code R. These regulations are enforceable just like state laws.

The CSR has 225 Titles, each for a different agency (department, division, district, board, council, authority, or commission). Professional engineering is under the following agency/title:

- Title 7: Legislative Rule West Virginia State Board Of Registration For Professional Engineers
  - Series 1 – Examination, Licensure and Practice
  - Series 2 – Administrative Hearing Procedures
  - Series 3 - Application Of Engineering Seal (Repealed)

In 2022, Series 3 contents were incorporated into Series 1. The Board can make edits to the regulations in Title 7, Series 1 (cited as 7 CSR 1), provided they don't contradict state laws.

Note that there is a separate rule and separate board for architects, landscape architects, land surveyors, and geologists.



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**7 CSR 1**

The following are the contents of 7 CSR 1 with important sections in **bold** being of particular importance for practicing professional engineers.

7-01 - Examination, Licensure and Practice of Professional Engineers

§ 7-1-1 - General

**§ 7-1-2 - Definitions**

§ 7-1-3 - EI and PE Applications

§ 7-1-4 - Board Actions on Applications

§ 7-1-5 - Examinations

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

**§ 7-1-7 - Seals**

§ 7-1-8 - Temporary Permits

§ 7-1-9 - Expirations, renewals, and reinstatements to active status

**§ 7-1-10 - Continuing Professional Competency**

§ 7-1-11 - Certificates of Authorization (COAs)

**§ 7-1-12 - Professional Responsibility**

§ 7-1-13 - Fees Generally

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

§ 7-1-15 - Civil Penalties

§ 7-1-16 - Board Policies

§ 7-1-17 - Severability



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**State Board**

The state agency for professional engineering is the *West Virginia State Board of Registration for Professional Engineers*, hereafter referred to as the Board.

The Board is part of the Division of Occupational and Professional Licenses.

The Board oversees over 8,000 professional engineers. The board is given authority to manage and further regulate professional engineering. The Board can make modifications to 7 CSR 1.

**WV Engineering Law Booklet**

The Board created a “booklet” with the latest laws, rules, a summary of recent changes, and an overview of professional engineering licensing and regulation in the state. The pdf of the booklet is available at below website:

[https://www.wvpebd.gov/Portals/WVPEBD/docs/WVPEBD\\_LawsRulesRegs.pdf](https://www.wvpebd.gov/Portals/WVPEBD/docs/WVPEBD_LawsRulesRegs.pdf)



WEST VIRGINIA  
*Engineering Law*  
 STATUTE & RULES

AS OF AUGUST 2022



West Virginia State Board of Registration  
 for Professional Engineers

300 Capitol Street, Suite 910  
 Charleston, West Virginia 25301  
[www.wvpebd.org](http://www.wvpebd.org)

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 for Professional Engineers

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Board Website

The board website (<https://www.wvpebd.gov/>) contains the following topic pages:

- General Information
- West Virginia Board
- West Virginia Engineering Law
- Importance of Licensure
- Change of Address-Individual
- Change of Address-Company
- License / COA Verification
- Fees
- Applications / Forms
- Continuing Education
- Renewal Services
- Social Media
- International Issues
- Performance Measures / Outcomes / Agency Stats
- Public Records / FOIA Info
- Transparency
- Related Links
- FAQs



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## **Practice of Professional Engineering**

The following is a copy-paste of the relevant laws and rules that help define the practice of professional engineering:

### W. Va. Code 30-13

#### **§30-13-2. General provisions.**

In order to safeguard life, health and property and to promote the public welfare, the practice of engineering in this state is hereby declared to be subject to regulation in the public interest. It is unlawful for any person to practice or to offer to practice engineering in this state, as defined in the provisions of this article, or to use in connection with his or her name or otherwise assume or advertise any title or description tending to convey the impression that he or she is a registered or licensed engineer, unless the person has been duly registered or exempted under the provisions of this article. Engineering is hereby declared a learned profession and its practitioners are held accountable to the state and the public by professional standards in keeping with the ethics and practice of other learned professions in this state. The practice of engineering is a privilege granted by the state.

#### **§30-13-3. Definitions.**

Unless the context in which used clearly requires a different meaning as used in this article:

- (a) "Board" means the West Virginia state board of registration for professional engineers as provided for in this article.
- (b) "Consulting engineer" means a professional engineer whose principal occupation is the independent practice of engineering; whose livelihood is obtained by offering engineering services to the public; who serves clients as an independent fiduciary; who is devoid of public, commercial and product affiliation that might tend to infer a conflict of interest; and who is cognizant of their public and legal responsibilities and is capable of discharging them.
- (c) "Engineer" means a person who is qualified to practice engineering by reason of special knowledge and use of the mathematical, physical and engineering sciences



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and the principles and methods of engineering analysis and design, acquired by engineering education and engineering experience.

(d) "Engineer intern" means a person who has qualified for, taken and has passed an examination in the fundamental engineering subjects, as provided in this article.

(e) "Practice of engineering" means any service or creative work, the adequate performance of which requires engineering education, training and experience in the application of special knowledge of the mathematical, physical and engineering sciences to such services or creative work as consultation, investigation, evaluation, planning and design of engineering works and systems; planning the use of land and water; teaching of advanced engineering subjects, engineering surveys and studies; and the review of construction for the purpose of assuring compliance with drawings and specifications any of which embraces such services or work, either public or private, in connection with any utilities, structures, buildings, machines, equipment, processes, work systems, projects and industrial or consumer products or equipment of a mechanical, electrical, hydraulic, pneumatic or thermal nature, insofar as they involve safeguarding life, health or property, and including such other professional services as may be necessary to the planning, progress and completion of any engineering services. Engineering surveys include all survey activities required to support the sound conception, planning, design, construction, maintenance and operation of engineered projects.

Any person who practices any branch of the profession of engineering or who, by verbal claim, sign, advertisement, letterhead, card or in any other way represents himself or herself to be a professional engineer, or by using another title implies that he or she is a professional engineer or that he or she is registered under this article or who holds himself or herself out as able to perform, or who performs any engineering service or work or any other service designated by the practitioner which is recognized as engineering, is considered to practice or offer to practice engineering within the meaning and intent of this article.

(f) "Professional engineer" means a person who has been duly registered or licensed as a professional engineer by the board. The board may designate a professional engineer, on the basis of education, experience and examination, as being licensed in a specific discipline or branch of engineering signifying the area in which the engineer has demonstrated competence.



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(g) "Responsible charge" means direct control and personal supervision of engineering work.

(h) "Rules of professional responsibility for professional engineers" means those rules, if any, promulgated by the West Virginia state board of registration for professional engineers as authorized by this article.

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

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 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.

**§30-13-16. Certificates and seals.**

(a) The board shall issue a certificate of registration to any applicant who, in the opinion of the board, has met the requirements of this article. The certificate of registration shall carry the designation "professional engineer". It shall give the full name of the registrant with their registration number and shall be signed by the chairman and the secretary under the seal of the board. The certificate of registration grants the recipient authority to practice in this state.

(b) An unexpired and unrevoked certificate is prima facie evidence that the person named on it is entitled to all rights, privileges and responsibilities of a professional engineer.



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(c) Every registrant shall obtain a seal for use in identifying his or her official professional work. The design of the seal shall be determined by the board and shall bear the registrant's name, registrant's registration number, the legend "registered professional engineer, state of West Virginia" and such other words or figures as the board may prescribe. The seal may be a rubber stamp. Whenever the seal is applied, the registrant's written signature shall be adjacent to or across the seal. No further words or wording are required. A facsimile signature is not acceptable. Whenever presented to a client or any public or governmental agency, the seal, signature and date shall be placed on all specifications, reports, drawings, plans, design information and calculations in accordance with rules promulgated by the board. The seal and signature shall be used by registrants only when the work being stamped was under the registrant's complete direction and control.

In the case of a registrant of another state using a temporary permit issued by this state, the registrant shall use the state of permanent registration seal and shall affix his or her signature and temporary permit number to all work. In the case of a registrant checking the work of an out-of-state registrant, the state registrant shall completely check and have complete dominion and control of the design. The complete dominion and control includes possession of the sealed and signed reproducible construction drawings with complete signed and sealed design calculations indicating all changes in design.

(d) The board shall issue to any applicant who, in the opinion of the board, has met the requirements of this article, an enrollment card as engineer intern, which indicates that his or her name has been recorded in the board office. The engineer intern enrollment card does not authorize the holder to practice as a professional engineer. It is unlawful for a registrant to affix or to permit his or her seal and signature to be affixed to any document after the expiration of his or her certificate or for the purpose of aiding or abetting any other person to evade or attempt to evade any provisions of this article.

**§30-13-20. Public works.**

Government agencies, authorities, officials and employees may not engage in the practice of engineering involving either public or private property unless the provisions of this article are met.



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**§30-13-24. Exemptions.**

This article may not be construed to prevent the practice by:

- (a) Other professions. -- The practice of any other legally recognized profession;
- (b) Temporary permits. -- The practice or offer to practice engineering by a person not a resident of or having no established place of business in this state, provided the person is legally qualified by registration to practice engineering, as defined in this article, in their own state or country. The person shall make application to the board in writing and after payment of a fee established by the board may be granted a written permit for a definite period of time not to exceed one year to do a specific job: Provided, That no right to practice engineering shall accrue to the applicant with respect to any other works not set forth in the permit; and
- (c) Employees and subordinates. -- The work of an employee or a subordinate of a person holding a certificate of registration under this article, or an employee of a person practicing lawfully: Provided, That the work does not include final engineering designs or decisions and is done under the direct supervision of and verified by a person holding a certificate of registration under this article or a person practicing lawfully. Any regular full-time employee of a person, partnership, corporation or other business entity who is engaged solely and exclusively in performing services for such person, partnership, corporation or other business entity, who is not required by any provision of the law other than this article to be a registered professional engineer and whose services are performed on, or in connection with, property owned or leased by such person, partnership, corporation or other business entity, or in which such person, partnership, corporation or other business entity has an interest, estate or possessory right, and are not offered or made available to the public. This exemption includes the use of job title and personal classification by such person, but no name, title or words may be used which tend to convey the impression that an unlicensed person is offering professional engineering services to the public.



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7 CSR 1

**Section 7-1-2 - Definitions**

...

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.

...

2.7. "EI" means a certified Engineer Intern, who is a person who has been certified as such by this Board after having met the qualifications set forth in W. Va. Code § 30-13-13 and these rules.

...

2.10. "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.

2.11. "Initial license" means obtaining a license in West Virginia for the practice of engineering for the first time.

2.12. "License" or "licensure" means the official authorization by the Board to engage in the practice of or the offering of engineering in the state.

2.13. "Low-income individual" means an individual in the local labor market as defined in W. Va. Code § 21-1C-2, whose household adjusted gross income is below 130 percent of the federal poverty line. This term also includes any person enrolled in a state or federal public assistance program including, but not limited to, the Temporary Assistance for Needy Families Program (TANF), Medicaid, or the Supplemental Nutrition Assistance Program (SNAP).

2.14. "Military families" means any person who serves as an active member of the armed forces of the United States, the National Guard, or a reserve component as described in 38 U. S. C. § 101, honorably discharged veterans of those forces, and their spouses. This term also includes surviving spouses of deceased service members who have not remarried.

2.15. "NCEES" means the National Council of Examiners for Engineering and Surveying.



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2.16. "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.

2.17. "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.

...

2.19. "Registrant" means a PE.

2.20. "Satisfactory" means that which a reasonable person would find acceptable for purposes of applying to the Board for licensure.

2.21. "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.

2.22. "Unreversed", as that term refers to a criminal conviction, means that a conviction has not been set aside, vacated, pardoned, or expunged.

**Section 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, of which only a professional engineer is qualified to practice or offer to practice engineering in West Virginia:

- 6.1.a. Professional Engineer;
- 6.1.b. Engineer Intern; or
- 6.1.c. Professional Engineer-Retired.

6.2. Professional Engineer.

6.2.a. PE Registration Numbers. The Board shall assign each successful applicant a registration number. Numbers are issued consecutively in the order in which an applicant is authorized to obtain a seal. The Board shall advise the successful applicant of his or her number.

6.2.b. The Board shall grant an applicant authorization to obtain a seal 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.



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6.2.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 submitted a copy of a satisfactory West Virginia PE seal and 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.

6.2.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.

6.3.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.

6.3.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.

6.3.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.

6.3.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.

6.4.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.

6.4.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.



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6.4.c. PE-Retired status is a nonpracticing status. Registrants who elect 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 within thirty days 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:

6.6.a. Professional engineer - Inactive. An active PE or PE-Retired 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.

6.6.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.

6.6.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.



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## **Responsible Charge**

Engineering design work must be prepared under the supervision of a professional engineer with “responsible charge”, as described in the rules copied below. A typical project has multiple engineers in responsible charge, one for each design discipline (civil, structural, mechanical, electrical, etc.). The term “responsible charge” can also refer to a principle engineer responsible for services within an engineering firm.

### W. Va. Code 30-13

#### **§30-13-3. Definitions.**

Unless the context in which used clearly requires a different meaning as used in this article:

...

(g) "Responsible charge" means direct control and personal supervision of engineering work.

#### **§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



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professional activities of the firm unless that engineer is an owner or principal of the firm.

## 7 CSR 1

### **Section 7-1-7 - Seals**

...

7.3.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.

...

### **Section 7-1-11 - Certificates of Authorization**

...

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.

## NSPE

Responsible charge is also defined in a National Society of Professional Engineers (NSPE) reference document, and copied below for convenience.

### NSPE Position Statement No. 10-1778

- Defines "**responsible charge**" as the direct control and personal supervision of engineering work.
- The professional engineer in **responsible charge** is actively engaged in the engineering process, from conception to completion.
- Engineering decisions must be personally made by the professional engineer or by others over which the professional engineer provides supervisory direction and control authority.
- Reviewing drawings or documents after their completion without involvement in the design and development process appears not to satisfy the definition of **responsible charge**.



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### **Engineering Disciplines**

The engineers area of practice (a.k.a. branch or discipline), is identified through NCEES examination and registration. There are no engineering branches identified on certificates or seals.

West Virginia does not license a separate profession for structural engineering.

Professional engineers should only undertake assignments when qualified by education or experience in the technical fields involved.

#### **7 CSR 1**

##### **Section 7-1-12 - Professional Responsibility**

...

12.4. Registrant's Obligation to Employer and Clients.

12.4.a. Registrants shall undertake assignments only when qualified by education or experience in the specific technical fields of engineering involved.



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**Professional Conduct**

The following laws and rules help define professional conduct and rules of professional responsibility.

W. Va. Code 30-13

**§30-13-21. Disciplinary action--Revocation, suspension, refusal to issue, restore or renew, probation, civil penalty, reprimand.**

(a) The board may suspend or revoke or refuse to issue, restore or renew a certificate of registration of, or place on probation, impose a civil penalty or reprimand any professional engineer who has:

- (1) Perpetrated any fraud or deceit in obtaining or attempting to obtain or renew a certificate of registration or certificate of authorization;
- (2) Been negligent, incompetent or committed an act of misconduct in the practice of engineering;
- (3) Been convicted of or has entered a plea of nolo contendere to any crime under the laws of the United States or any state or territory thereof, which is a felony whether related to practice or not; and conviction of or entry of a plea of nolo contendere to any crime, whether a felony, misdemeanor or otherwise, an essential element of which is dishonesty, or which is directly related to the practice of engineering;
- (4) Failed to comply with any of the provisions of this article or any of the rules promulgated under it;
- (5) Been disciplined by another state, territory, the District of Columbia, foreign country, the United States government or any other governmental agency, if at least one of the grounds for discipline is the same or substantially equivalent to those grounds for discipline contained in this article;
- (6) Failed within thirty days to provide information requested by the board as a result of a formal or informal complaint to the board which would indicate a violation of this article;
- (7) Knowingly made false statements or signed false statements, certificates or affidavits to induce payment;



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- (8) Aided or assisted another person in violating any provision of this article or the rules promulgated;
  - (9) Violated any terms of probation imposed by the board or using a seal or practicing engineering while the professional engineer's license is suspended, revoked, nonrenewed or inactive;
  - (10) Signed or affixed the professional engineer's seal or permitted the professional engineer's seal or signature to be affixed to any specifications, reports, drawings, plans, design information, construction documents or calculations or revisions which have not been prepared or completely checked by the professional engineer or under the professional engineer's direct supervision or control;
  - (11) Engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public;
  - (12) Provided false testimony or information to the board; and
  - (13) Been habitually intoxicated or addicted to or by the use of drugs or alcohol.
- (b) In addition to any other penalty provided in this article, the board may assess civil penalties against any person who violates any provision of this article or any rule promulgated by the board for each offense in an amount determined by the board.
- (c) The board shall prepare and shall adopt "rules of professional responsibility for professional engineers". The board may revise and amend these "rules of professional responsibility for professional engineers" from time to time and shall notify each registrant in writing of any revisions or amendments.
- (d) The board may:
- (1) Revoke a certificate of authorization;
  - (2) Suspend a certificate of authorization of any firm for a period of time not exceeding two years where one or more of its officers or directors of the firm have been found guilty of any conduct which would authorize a revocation or suspension of his or her certificate of registration under the provisions of this article;
  - (3) Place the person or firm on probation for a period of time and make the person or firm subject to conditions as the board may specify;
  - (4) Assess a civil penalty and related costs for each count or separate offense in an amount set by the board.



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7 CSR 1

**Section 7-1-12 - Professional Responsibility**

12.1. Knowledge of Rules. All registrants are charged with having knowledge of the Rules of Professional Responsibility. The rules, and all proposed and adopted amendments to the rules, shall be available on the Board website.

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 and firm.

12.2.a. All persons registered in West Virginia are required to be familiar with 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.

12.2.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.

12.2.c. Registrants shall recognize their responsibility to the public and shall represent themselves before the public only in an objective and truthful manner.

12.2.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.

12.3.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.

12.3.b. Registrants shall approve and seal only those designs, plans or other documents that conform to accepted engineering standards and safeguard the life, health, property and welfare of the public.



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12.3.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.

12.3.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.

12.3.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.

12.3.f. Registrants shall issue no statements, criticisms or arguments on engineering 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.

12.3.g. Registrants shall not permit the use of their name or firm name, nor associate in business ventures with, any person or firm engaging in fraudulent or dishonest business or professional practices.

12.3.h. Registrants having knowledge of possible violations related to the practice of engineering as set forth in statute or these rules, including 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.

12.4.a. Registrants shall undertake assignments only when qualified by education or experience in the specific technical fields of engineering involved.

12.4.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.

12.4.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.

12.4.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.

12.4.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.



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12.4.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.

12.4.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 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.

12.5.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.

12.5.b. Registrants shall not offer, give, solicit or receive, either directly or indirectly, any commission, 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.

12.5.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 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 renewal form. For purposes of this section, "another jurisdiction" means any other governing entity, including a licensing board for another profession.

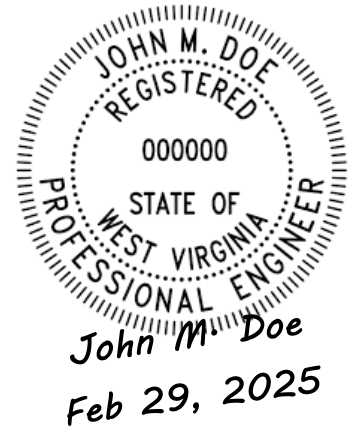


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### **Sign and Seal Requirements**

Engineering seal and signature requirements are found in W. Va. Code 30-13-16 and 7 CSR 1-7. Here are highlights that may differ from requirements in other states:

- Seal outer diameter not specified.
- Sign and date adjacent to or across the seal.
- For multipage documents, including drawing sets, it is acceptable to only seal the cover or title page, unless there are multiple engineers in responsible charge (multiple disciplines), then the responsibility of each needs to be clearly indicated, or each drawing sealed.
- Photocopies, scans, and printouts of sealed documents are acceptable provided the seal, signature and date are reproducible.
- Acceptable forms of signatures:
  - Original (hand) sign and seal (wet stamp, electronic image, or embossed)
  - Electronic/digital signature requirements:
    - Digital seal image
    - Responsibility of registrant to provide adequate security (Adobe and Bluebeam e-signatures appear acceptable)



### **Laws and Rules**

The following is a copy-paste of the relevant laws and rules:

#### **W. Va. Code 30-13**

#### **§30-13-16. Certificates and seals.**

...

(c) Every registrant shall obtain a seal for use in identifying his or her official professional work. The design of the seal shall be determined by the board and shall bear the registrant's name, registrant's registration number, the legend "registered professional engineer, state of West Virginia" and such other words or figures as the board may prescribe. The seal may be a rubber stamp. Whenever the seal is applied, the registrant's written signature shall be adjacent to or across the seal. No further words or wording are required. A facsimile signature is not acceptable. Whenever presented to a client or any public or governmental agency, the seal, signature and



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date shall be placed on all specifications, reports, drawings, plans, design information and calculations in accordance with rules promulgated by the board. The seal and signature shall be used by registrants only when the work being stamped was under the registrant's complete direction and control.

In the case of a registrant of another state using a temporary permit issued by this state, the registrant shall use the state of permanent registration seal and shall affix his or her signature and temporary permit number to all work. In the case of a registrant checking the work of an out-of-state registrant, the state registrant shall completely check and have complete dominion and control of the design. The complete dominion and control includes possession of the sealed and signed reproducible construction drawings with complete signed and sealed design calculations indicating all changes in design.

## 7 CSR 1

### **Section 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:

7.2.a. The words "State of West Virginia";

7.2.b. The registrant's name;

7.2.c. The registrant's registration number; and

7.2.d. The words "Registered Professional Engineer."

7.2.e. The seal may be a rubber stamp, electronic or one that embosses.

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

The following is a sample of the suggested format:



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### 7.3. Seal on Documents.

7.3.a. A registrant's seal and signature and the date 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.

7.3.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.

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

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

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

7.3.f. When a registrant examines and verifies the engineering work of another, the registrant must take 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.

7.3.g. The Board authorizes the electronic reproduction of a seal when the resulting reproduction 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.

7.3.h. 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.



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Board Website FAQ

**Signing and Sealing**

Q1. Where can I find information about the types of documents that do or do not require a PE seal?

Answer: Detailed information about the use of the West Virginia PE seal can be found on the Board's website under General Information then Publications/Reports and find the Professional Use of Seals Brochure at [www.wvpebd.gov](http://www.wvpebd.gov).

Q2. Where can I get a West Virginia PE seal made?

Answer: Most office supply stores can make seals. A sample of what the seal has to look like will be mailed to you by the Board after your PE number is assigned. You must provide a copy of your WV PE seal to the Board along with a \$23 seal registration fee to complete the PE registration process. Your license is not active until the Board receives a copy of your seal and the final \$23 registration fee.

Q3. Can I use an electronic seal?

Answer: Yes. Electronic seals and signatures are allowed. The registrant is responsible for the security of the electronic seal, including improper use of the seal on work not prepared either by the registrant or under his or her direct supervision.

Q4. Does the West Virginia PE Board need a copy of my West Virginia seal to keep on file?

Answer: Yes. The information shown on your seal is reviewed upon receipt in the Board office to make sure all of the information is accurate, including spelling and a correct PE number. A copy of the seal is retained in your record.

Q5. Where do I sign the seal?

Answer: The PE's signature and date should be adjacent to or across the seal.

Q6. Does each sheet of a drawing need to be signed and sealed?

Answer: The Professional Engineer responsible for the work signs and seals the drawings. If the Professional Engineer supervised and checked all the work, then he or she may sign, seal and date the first sheet or title sheet of the drawings, or each appropriate section. Sometimes, though, the drawings contain work of multiple Professional Engineers – such as when different sheets required different areas of



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expertise and design components so were done by different disciplines (mechanical vs. electrical vs. civil work, for example). In other words, a drawing should reflect the seal of the Professional Engineer taking responsibility for the work.

Q7. Does each photocopy of the original drawing need to be originally signed and sealed?

Answer: No. You may photocopy a drawing that has the original seal and signature on it (the record drawing), but the record drawing should be maintained in a safe and secure manner.

Q8. Does the seal have to be a specific size?

Answer: No, but it must conform in design and be similar in size to the official seal sample provided in Legislative Rule 7-1-7.2 of the West Virginia Engineering Law, that can be found at [www.wvpebd.gov](http://www.wvpebd.gov).

Q9. What color ink should be used on the seal?

Answer: Any color of ink is acceptable on the seal or the seal can be one that embosses.



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## **Continuing Education**

Per 7 CSR 1-10, the following continuing professional competency is required every 2-year renewal period, where a PDH is a professional development hour:

- Total 30 PDH
- The Board does NOT pre-approve providers or specific courses
- The Board has final authority with respect to approval of courses, credit, PDH value for courses, and other methods of earning credit.
- Maximum of 15 PDH can carry forward to the next period
- Retain PDH records for minimum 6 years
- Renewal date is December 31 of even number years

## **Laws and Rules**

Here is a copy-paste of the relevant laws and rules:

### **7 CSR 1**

#### **Section 7-1-10 - Continuing Professional Competency**

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

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

10.2.a. Successful completion of college courses;

10.2.b. Successful completion of continuing education courses;

10.2.c. Successful completion of on-line, correspondence, televised, videotaped, and other short courses or tutorials;

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

10.2.e. Teaching or instructing in the activities set forth in subsections 10.2.a. through 10.2.d. 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

10.2.f. Authoring published papers, articles, or books.



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



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- 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. Continuing Education Verification.

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

10.8.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.

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

10.8.d. All verification submissions will be analyzed by the Board who may recommend continued registration, deny or invalidate the renewal, or take such enforcement action as may be appropriate.

10.8.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 registration shall be re-designated as invalidated without further action by the Board.

10.8.f. A registrant may bring a registration 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:

10.9.a. A new registrant by way of examination or reciprocity is exempt for his or her first renewal period;

10.9.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



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for licensees on active duty and their spouses to the extent applicable and appropriate;

10.9.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

10.9.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 before returning to active practice.

10.10. Nonpracticing status. A registrant may bring 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 PE reinstatement application required by § 7-1-9.3.

Board Website FAQs

**Renewal / Continuing Education**

Q14. How can I confirm whether a seminar I want to attend will count toward my PDH requirement?

Answer: The West Virginia PE Board does not pre-approve continuing education courses nor do we pre-qualify companies to offer continuing education seminars. The current policy has been to allow the PE to assess whether or not certain activities serve as valid professional development for their current position. The philosophy is that we license thousands of Professional Engineers and all have diverse backgrounds and needs that must be met. Since no pre-approval process is offered in West Virginia, the Board will have final authority with respect to approval of credits when reviewing annual renewals. Should you be audited, it will be your responsibility to produce records and defend the claimed credit used for professional development activities. West Virginia Engineering Law provides guidance on continuing education requirements and documentation required should you be audited.



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**Helpful References**

West Virginia State Board of Registration for Professional Engineers

General website:	<a href="https://www.wvpebd.gov/">https://www.wvpebd.gov/</a>
License renewal & Address change:	<a href="https://services.wvpebd.gov/pe/renewal/">https://services.wvpebd.gov/pe/renewal/</a>
W. Va. Code 30-13:	<a href="https://code.wvlegislature.gov/30-13/">https://code.wvlegislature.gov/30-13/</a>
7 CSR 1:	<a href="https://www.wvpebd.gov/Portals/WVPEBD/docs/FINAL%202022%20SB334%20Changes%20to%20Professional%20Engineers%20Rule%207%20CSR%201%20Series.pdf">https://www.wvpebd.gov/Portals/WVPEBD/docs/FINAL%202022%20SB334%20Changes%20to%20Professional%20Engineers%20Rule%207%20CSR%201%20Series.pdf</a>
FAQ:	<a href="https://www.wvpebd.gov/FAQs">https://www.wvpebd.gov/FAQs</a>
Eng. Law Booklet:	<a href="https://www.wvpebd.gov/West-Virginia-Engineering-Law/West-Virginia-Engineering-Law">https://www.wvpebd.gov/West-Virginia-Engineering-Law/West-Virginia-Engineering-Law</a>