

HANDBOOK

FOR

Building Officials

Developed By

West Virginia Board of Architects

and

***West Virginia State Board of Registration
for Professional Engineers***



1995 Edition

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**TITLE 7
LEGISLATIVE RULES
WEST VIRGINIA STATE BOARD OF
REGISTRATION FOR PROFESSIONAL ENGINEERS**

SERIES 1

**REGULATIONS GOVERNING THE WEST VIRGINIA BOARD
OF REGISTRATION FOR PROFESSIONAL ENGINEERS**

7-1-9. CLASSIFICATIONS OF ENGINEERING

9.1 Classification of Registration. The Board shall register a qualified applicant under one of the following classifications:

- (a) Professional Engineer;
- (b) Engineer Intern;
- (c) Professional Engineer-Retired;

7-1-11. SEALS

11.1 Seal of the Board. The seal of the Board shall be affixed to each certificate of registration.

11.2 Seal of Registrant. When an applicant is granted registration, he or she must obtain an official seal of the size and design prescribed by the Board. The seal shall contain the following information:

- (a) The words "State of West Virginia"
- (b) The registrant's name
- (c) The registrant's registration number
- (d) The words "Registered Professional Engineer"

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

11.3 Seal on Documents.

- (a) The registrant shall place his or her seal and signature on all

specifications, reports, drawings, plans, design information and calculations which he or she presents to a client or any public or government agency to certify that the work was done by the registrant or under the control of a registrant. Revisions to any documents must be numbered, dated, and initialed by the registrant whose seal appears on the original document.

(b) When copies are to be made, the registrant's seal and signature on all originals, tracings, and other documents shall be reproducible.

(c) When the document contains more than one sheet, all registrants involved in preparation of the document or who controlled the work shall seal and sign the first or title page and are responsible for it. In addition, each sheet shall be sealed and signed by the registrant or registrants responsible for each sheet. When a firm, partnership or corporation performs the work, each sheet shall be sealed and signed by the registrant or registrants who performed the work. For bound documents, the registrant's seal who performed the work may be affixed to the first sheet of the bound document if that sheet bears a statement as to the number of bound sheets.

(d) Each registrant is solely responsible for the use of his or her seal. Only a registrant shall affix his or her seal to work that is prepared by the registrant or work that is prepared under his or her direct supervision.

(e) When a registrant of another state has a temporary permit to practice in this state registrant shall use his or her state's registration seal and affix his or her signature and of the temporary permit to work done in this state.

(f) When a registrant of this state examines and verifies the work of an out-of-state registrant, the registrant of this state has 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.

(g) The Board authorizes the electronic reproduction of a seal when the resulting facsimile meets the specifications of this rule. 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.

(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.

7-1-12. TEMPORARY PERMITS

12.1 Requirements.

(a) This Board may grant a temporary permit to a person who desires to practice or offer to practice engineering in this state who is not a resident of this state or who has no established place of business in this state, provided that person is legally qualified by registration in his or her home state or any foreign country and that his or her qualifications for

obtaining the permit meet those required for registration under West Virginia Code 30-13-1 et seq.

(b) To obtain a temporary permit, an applicant must make application to the board on forms provided by it and pay a fee prescribed in Subsection 19.6 of this rule.

12.2 Length and Scope of Permit. The Board shall grant the permit for a definite length of time not to exceed one year to allow the permittee to do a specific job. Under the permit the permittee may not practice engineering with respect to any other work not set forth in the permit.

7-1-15. AUTHORIZATION CERTIFICATES

15.1 Application and Fees. A firm desiring to obtain authorization should contact the Board for an application form and fee schedule.

7-1-16. PROFESSIONAL RESPONSIBILITY

16.1 Knowledge of Rules. All persons registered under the provisions of the West Virginia Code 30-13-1 et seq are charged with having knowledge of the Rules of Professional Responsibility as well as amendments to the rules. The Board will notify every registrant and applicant for registration in writing of amendments to the rules. the Rules and amendments as made are also published in the roster provided for in West Virginia Code 30-13-12.

16.2 Rules of Professional Responsibility. To comply with the purpose of the West Virginia State Board of Registration Law for professional engineers, West Virginia Code 31-13-1 et seq which is 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. These rules supplement the provisions for professional responsibility prescribed in West Virginia Code 30-13-1 et seq and are binding on every person holding a certificate of registration to offer or perform engineering services in this state.

(a) All persons registered in West Virginia are required to be familiar with the Code, this rule, and all applicable laws relating to the practice of engineering. The Rules of Professional Responsibility delineate specific obligations the registrant must 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.

(b) The practice of engineering is a privilege, as opposed to a right. All registrants shall exercise their privilege of practicing by performing services only in the areas of their competence according to current standards of technical competence.

(c) Registrants shall recognize their responsibility to the public and

shall represent themselves before the public only in an objective and truthful manner.

(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.

16.3 Registrant's Obligation to Society.

(a) Registrants, in the performance of their services for clients, employers and customers, shall be cognizant that their first and foremost responsibility is the public welfare.

(b) Registrants shall approve and seal only those design documents and surveys that conform to accepted engineering standards and safeguard the life, health, property and welfare of the public.

(c) Registrants shall notify their employer or client and such other authority as may be appropriate when their professional judgement is overruled under circumstances where the life, health, property, welfare of the public is endangered.

(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.

(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.

(f) Registrants shall issue no statements, criticisms or arguments on technical 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.

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

(h) Registrants having knowledge of possible violations of any of the Rules of Professional Responsibility shall provide the board with information and assistance necessary to the final determination of the violation.

16.4 Registrant's Obligation to Employer and Clients

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

(b) Registrants shall not affix their signatures or seals to any plans or documents dealing with subject matter in which they lack competence, nor to any plan or document not prepared under their direct control and personal supervision.

(c) Registrants may accept assignments for coordination of an entire project, provided that each design segment is signed and sealed by the registrant responsible for preparation of that design segment.

(d) 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.

(e) Registrant 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.

(f) 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.

(g) 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.

(h) 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.

16.5 Registrant's Obligation to other Registrants

(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 nor the complexity of the assignments. Presentation incident to the solicitation of employment or business shall not misrepresent pertinent facts concerning employers, employees, associates, joint ventures or past accomplishments.

(b) Registrants shall not offer, give, solicit or receive, either directly or indirectly, any commission, or 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 public authority.

(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.

16.6 Convictions. A registrant of this Board 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 or regulation promulgated by this Board is sufficient cause for the Board levying a fine, reprimanding the registrant, or denying,

revoking or suspending a registration to practice engineering by the registrant in this state.

7-1-17. COMPLIANCE AND ENFORCEMENT

17.1 Compliance. The statutes of this state provide that a person must be registered to practice or to offer to practice engineering in the state. Any person who violates any of the provisions of West Virginia Code 30-13-1 et seq or this rule is subject to the provisions of West Virginia Code 30-13-21 through 23.

STATE OF WEST VIRGINIA
HANDBOOK FOR BUILDING OFFICIALS

FORWARD

This manual has been jointly published by the West Virginia Board of Architects and the West Virginia State Board of Registration for Professional Engineers to aid building officials and design professionals in understanding the laws governing architecture and engineering in West Virginia.

This manual is a guideline intended as a source of basic information and does not attempt to address all of the questions concerning the practices of architecture or engineering. Section VI of this handbook addresses the questions most often asked by building officials. If you need further information or assistance concerning requirements of the two state boards, please write or telephone:

*West Virginia Board of Architects
910 Fourth Avenue, Suite 412
Huntington, WV 25701-1434
304-528-5825
304-528-5826 FAX*

or

*West Virginia State Board of Registration
for Professional Engineers
611 Union Building
Kanawha Boulevard East
Charleston, WV 25301-2104
304-558-3554
304-558-8506 FAX*

INTRODUCTION

Building codes and professional registration laws are meant to work together to protect the public's health and safety. Building officials and architectural and engineering registration boards each exist to protect the public from unsafe structures. Registration officials protect by ensuring that all design professionals have proper education and training and pass a rigorous examination on technical and practice issues. Building officials promulgate and enforce building code requirements that are intended to protect the public's health and safety.

While the architect's act has provided for limited exemptions permitting unregistered persons to prepare plans for single-family houses, farm buildings and other structures of limited scope, it is clear public policy in our state, and indeed all states, that structures of significant size or complexity must be designed by registered professionals.

If building officials require all plans for non-exempt structures to bear the appropriate seal of a registered architect or engineer, then the registration system will share responsibility for protecting the public. This document has been prepared in the spirit of service to the public and to assist building officials and the professions in better understanding the professional authorship requirements of West Virginia law and codes; however, there seems to be some confusion among West Virginians as to who is responsible for the design of buildings, bridges and other structures.

Design professionals, i.e. architects and/or professional engineers are dedicated to the principal that they will only practice in the area in which they have expertise. For instance, a dedicated architect who has not been trained in structural, mechanical and electrical engineering will secure the assistance of one who is trained and is qualified to

practice in that specialized area, a West Virginia registered professional engineer. Likewise, a professional engineer will not practice in the area of architecture without being qualified to practice in that area and will secure the assistance of a licensed architect in the State of West Virginia. Thus, the reason that you will see design professional firms identifying themselves as architects-engineers or engineers-architects. Normally, whether the name architect appears before the name engineer or vice versa usually is associated with the primary expertise of the firm's principals. So within the profession we do cooperate and in some instances an architect may be the lead design professional and he will secure the assistance of professional engineers to design the complete engineering applications applicable to the project. Likewise, if the professional engineer is the design professional he will secure an architect to assist in the architectural design and architectural ramifications of the project. The architect, the engineer or the building officials are dedicated and charged with the responsibility of protecting the health, welfare and safety of the public and with that charge we all must work in harmony. It is the client's responsibility to choose whether or not an architect or a professional engineer has the prime responsibility of designing structures in West Virginia. Building codes and professional registration laws are meant to work together.

I. DEFINITIONS AND PRACTICE OF ARCHITECTURE AND ENGINEERING

Architect - A person who has passed all the educational and training requirements to be licensed with the West Virginia Board of Architects to practice architecture in the State of West Virginia.

Professional Engineer - A person who has exhibited the educational and experience requirements of the West Virginia State Board of Registration for Professional Engineers to practice professional engineering within the State of West Virginia.

Design Professional - A generic term used in this handbook to identify architects and/or professional engineers as described above collectively.

Building Official - A person associated with a governmental body, be it Federal, State, County or City charged with the responsibility of enforcing the building code requirements within the governmental unit to which he is assigned.

Architect's Law - West Virginia Code Chapter 30 Article 12 creates the architectural act that governs the practice of architecture in the State of West Virginia. Appendix A includes excerpts from Chapter 30 Article 12 of the West Virginia Code.

Engineer's Law - Chapter 30 Article 13 of the West Virginia Code stipulates the requirements for practicing professional engineering in the State of West Virginia. Appendix B includes excerpts from Chapter 30 Article 13 of the West Virginia Code.

Technical Submissions - Designs, drawings, specifications, studies, and other technical reports

prepared in the course of practicing architecture and/or engineering.

BOCA Building Code - Most Governmental entities within the State of West Virginia recognize and accept the Building Officials Conference of America, a national building code for use by the design professionals and building officials to protect the health and safety of the public. The 1990 edition is the current code recognized in the State of West Virginia.

Rules and Regulations - Both of the architectural and engineering codes have rules and regulations governing how the provisions of the law are to be administered. Excerpts of those rules and regulations are included in the respective professional's Appendix A and B.

Practice of Architecture - Rendering or offering to render those services, hereinafter described, in connection with the design, construction, enlargement or alteration of a building or group of buildings and the space within and surrounding such buildings, which have as their principal purpose human occupancy or habitation; the services referred to include planning, providing preliminary studies, designs, drawings, specifications and other technical submissions and administration of construction contracts.

Practice of Engineering - The term "Practice of Engineering", within the intent of Article 13 of the Code of West Virginia, shall mean 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, engineering surveys and studies, and the review of construction for the purpose of assuring compliance with drawings and specifications; any of which embrace 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 engineering services.

II. EXEMPT STRUCTURES

The Professional Engineers Act Chapter 30 Article 13 does not make any provisions for Exempt Structures. However, the Architect's Act Chapter 30, Article 12 does permit a person who is not registered as an architect to design and supervise the erection or alteration of the following:

(1) A detached single family dwelling and any sheds, storage buildings and garages incidental thereto;

(2) A multi-family residential structure not in excess of three stories excluding any basement area;

(3) Farm buildings, including barns, silos, sheds or housing for farm equipment and machinery, livestock, poultry or storage, if such structures are designed to be occupied by no more than ten persons;

(4) Any alteration, renovation or remodeling of a building, if such alteration, renovation or remodeling does not affect structural or other safety features of the building or if the work contemplated by the design does not require the issuance of a permit under any applicable building code;

(5) Pre-engineered buildings, including mobile classrooms purchased by county school boards; and

(6) A commercial structure which is to contain not more than seventy-six hundred square feet and not in excess of one story excluding any basement area.

III. THE ARCHITECT AND THE PROFESSIONAL ENGINEER

Presented in this section are descriptions of the general areas of responsibility for architects and professional engineers which elaborate on the statutory definitions of architecture and engineering mentioned above. The descriptions are not all inclusive, but are intended to give general guidance on the practice of the two professions.

A. Architects

Architects must be concerned with the basic concepts of the full spectrum of design considerations. Architects must develop a comprehensive package of design documents for submittal to the building department, taking all aspects of the project into account and coordinating various submissions prepared by other project team members. Listed below are examples of the matters architects typically address:

- 1. Site layout (e.g., parking, zoning requirements, grading, landscaping, building layout).*
- 2. Aesthetics and overall design.*
- 3. Building classification (e.g., occupancy, type of construction).*
- 4. Building circulation and exiting (e.g., stairway, exit width, travel distances, corridors).*
- 5. Life safety considerations (e.g., requirements for sprinklers, fire ratings, fire walls, separations, fire alarms, smoke control).*
- 6. Interior space planning.*
- 7. Interior and exterior finish materials (e.g., durability, function, aesthetics, fire ratings).*
- 8. Environmental impacts (e.g., sound attenuation, quality of living, impact on natural surroundings).*
- 9. Physically handicapped criteria.*
- 10. Overall project coordination.*

B. Engineers

Engineers are concerned with the planning, analysis and design of particular building systems. Through education and training they have detailed knowledge of how specialized components of a building must work. Listed below are examples of matters engineers typically address:

- 1. Structural systems (e.g., framing, structural connections, foundations).*
- 2. Electrical systems (e.g., power distribution, security, fire alarm and smoke detection).*
- 3. Mechanical systems (e.g., drains and venting, water distribution systems, HVAC, fire protection system).*
- 4. Soils analysis (e.g., soils reports, soil stabilization, geotechnical investigations).*
- 5. Civil works (e.g., site work, site drainage, grading, utilities, circulation).*
- 6. Coordination of engineering works (e.g., power stations, dams, bridges, sewage treatment facilities).*
- 7. Overall project coordination.*

IV. MEANS OF IDENTIFYING PROFESSIONAL WORK

Professional submissions such as plans, specifications and calculations should clearly show the identity of the design professional who prepared them by having affixed that person's signature and seal to the technical submission and otherwise complying with the requirements of state law. This act signifies that the registered architects and registered professional engineers are responsible for their professional design services.

V. BOCA STATE BUILDING CODE

The BOCA national and state building code currently has the following requirements:

Section 108.0 the BOCA National Building Code/1990

Professional Architectural and Engineering Services

108.1 General *All design for new construction work, alteration, repair, expansion, addition or modification work involving the practice of professional architecture or engineering, as defined by the statutory requirements of the professional registration laws of the state in which the construction is to be undertaken, shall be prepared by registered professional architects or engineers as certified by such state. All plans, computations and specifications required for a building permit application for such work shall be prepared by or under the direct supervision of a registered architect or engineer and bear that architect's or engineer's signature and seal in accordance with the state's statutes and regulations governing the professional registration and certification of architects or engineers.*

As a general rule, building officials should require that all plans have either the seal of an architect or engineer as appropriate, or have a notation on the plans or building permit application noting the state law exemption from the general rule requiring that all plans be prepared by registered professionals. Building officials facing litigation after a building failure should have to explain why they could have required plans to be prepared and sealed by a registered architect or engineer, but chose to accept plans from an unregistered designer when the law or codes may not have allowed that designer to prepare the plans in the first place.

VI. COMMON QUESTIONS AND ANSWERS

Are architect's seals required for exempt structures listed under Part II of the Manual?

No.

I have a set of plans stamped and signed by a Design Professional registered in a state other than West Virginia. Does the plan submittal meet the requirements in West Virginia?

No. Only design professionals currently registered with the appropriate board have authority to practice in West Virginia. Professionals registered in other states must obtain registration in West Virginia in order to practice in this state.

The West Virginia State Board of Registration for Professional Engineers may grant a temporary permit to practice or offer to practice engineering to a person not a resident of or having no established place of business in this state, provided such person is legally qualified by registration to practice engineering, as defined in Article 30-13-3 (a) in their own state or country. Such person shall make application to the board in writing and after payment of a fee established by board regulation may be granted a written permit for a definite period of time not to exceed one year to do a specific job, provided, however: no right to practice engineering shall accrue to such applicant with respect to any other works not set forth in said permit.

Can a West Virginia design professional "overstamp" plans prepared and stamped by an out-of-state design professional for submittal in West Virginia?

No. A West Virginia licensed design professional may only prepare and seal drawings prepared by him or her or under his or her direct supervision.

See following excerpts in Appendix.

State Board of Registration for Professional Engineers of West Virginia Law - Article 30-13-16(c).

State Board of Registration for Professional Engineers of West Virginia Rules & Regulations - Section 7-1-11.3(f).

State of West Virginia Code Architects Act Article 30-12-7 Seals.

Rules and Regulations of the West Virginia Board of Architects Section 9.6(A),(B),(C).

Can an owner/builder/contractor make changes to an architect's or engineer's plans?

No. When plans are prepared by a West Virginia design professional, no changes may be made except by that professional (or under certain conditions by another appropriately licensed professional).

May anyone other than a licensed architect or professional engineer prepare and submit plans to building officials?

There are several situations that are exempted by the architect's law that permits submission of plans not sealed by a registered professional. Building officials should document for the record at the time a permit is granted based on unsealed plans the exception in the law that allows design of the structure by an unlicensed person.

Do shop drawings have to be sealed by a registered engineer and submitted to the building official for approval?

No, typically shop drawings are intended as contractor or fabricator details. These are not part of the filed plans.

What are examples of component designs which are required to be sealed by an appropriate design professional when submitted to the building official for approval?

Component, or "manufactured," buildings are treated no differently than other buildings. The plans must be prepared and sealed by an appropriate professional registered in this state. Examples of such designs are: prefabricated metal buildings, roof truss systems, post tension or pre-stress designs and pre-cast concrete building components.

Can a contractor sign the cover sheet of a set of plans prepared by an out-of-state architect or engineer and comply with the law?

No.

If an unregistered designer or owner prepares plans for a non-exempt building and applies for a building permit, should the building official suggest the designer or owner contact an architect or engineer, whichever is appropriate, and have the drawings and specifications reviewed and sealed?

No, such action on the part of a registered architect or professional engineer would be contrary to law and would put the professional's license in jeopardy. A registered architect or professional engineer may seal only plans prepared by him or her under his or her direct supervision.

See following excerpts in Appendix.

***State Board of Registration for Professional Engineers
of West Virginia Law - Article 30-13-16(c).***

***State Board of Registration for Professional Engineers
of West Virginia Rules & Regulations - Section 7-1-
11.3(f).***

***State of West Virginia Code Architects Act
Article 30-12-7 Seals.***

***Rules and Regulations of the West Virginia Board of
Architects Section 9.6(A),(B),(C).***

***Who may issue orders and addenda to building permit
construction documents which have been filed for non-
exempt structures?***

***Change orders, additional drawings and/or addenda
that alter documents required to be filed with the building
department for non-exempt structures must bear the seal of
the registered architect or professional engineer responsible
for the modifications.***

Who can be the applicant for a building permit?

***The applicant can be the owner, contractor or the
architect or engineer as appropriate. However, the
registered professional's name shall be listed on the
application. All modifications or revisions to the sealed plans
required by the building official shall be issued to the
registered professionals by the building official.***

***Are construction administration services required to
be provided by a registered architect or (civil) engineer?***

Yes.

VII. MINIMUM STANDARDS FOR CODE SUBMISSIONS

Plans and specifications submitted to the building official must be of sufficient nature to clearly show the project in its entirety with emphasis on the following:

- 1. Structural integrity*
- 2. Life safety*
- 3. Architectural barriers*
- 4. Building code compliance*
- 5. Definition of scope of work*

The required drawings will depend upon the size, nature and complexity of the project. Following is a suggested standard of minimum required drawings for review by building officials. Additions and remodels may not require all of the following for plan submittal and review.

Cover Sheet

- 1. Project identification*
- 2. Project address and a location map*
- 3. All design professionals identified*
- 4. The principal design professional (the professional responsible for project coordination) shall be identified. All communications should be directed through this individual.*
- 5. Design criteria list:*
 - i. Occupancy*
 - ii. Type construction*
 - iii. Location of property*
 - iv. Seismic zone*

- v. **Square Footage/Allowable area**
- vi. **Fire sprinklers**
- vii. **Height and number of stories**
- viii. **Occupant load**
- ix. **Land use zone**

Site Plan

Show proposed new structure and any existing buildings or structures, all property lines with dimensions, all streets, easements and setbacks. Show all water, sewer, electrical points of connection, proposed service routes and existing utilities on the site. Show all required parking, drainage and grading information. Indicate drainage inflow and outflow locations and specify areas required to be maintained for drainage purposes. When appropriate include a topographical survey. Show north arrow.

Foundation Plan

Show all foundations and footings. Indicate size, locations, thicknesses, materials and strengths and reinforcing. Show all imbedded anchoring such as anchor bolts, hold-downs, post bases, etc. Provide a geotechnical report for the proposed structure at that site.

Floor Plan

Show all floors including basements. Show all rooms, with their use, overall dimensions and locations of all structural elements and openings. Show all doors and windows. Provide door and window schedules. All fire assemblies, area and occupancy separations and draft stops shall be shown.

Framing Plans and Roof Framing Plans

Show all structural members, their size, methods of attachment, location and materials for floors and roofs. Show roof plan.

Exterior Elevations

Show all views. Show all vertical dimensions and heights. Show all openings and identify all materials and show lateral bracing system, where applicable.

Building Sections and Wall Sections

Show materials of construction, non-rated and fire rated assemblies and fire rated penetrations. Show dimension of all heights.

Mechanical System

Show the entire mechanical system. Include all units, their sizes, mounting details, all duct work and duct sizes. Indicate all fire dampers where required. Provide equipment schedules. Submit energy conservation calculations per State of West Virginia.

Plumbing System

Show all fixtures, piping slopes, materials and sizes. Show point of connections to utilities, septic tanks, pre-treatment sewer systems and water wells.

Electrical System

Show all electrical fixtures (interior, exterior and site) wiring sizes and circuiting, grounding, panel schedules, single line diagrams, load calculations and fixture schedules. Show point of connection to utility.

Structural Calculations

Where required, provide structural calculations for the entire structural system of the project.

Specifications

Either on the drawings or in booklet form, further define construction components, covering materials and methods of construction, wall finishes and all pertinent equipment. Schedules may be incorporated in project manual in lieu of drawings.

Addenda and Changes

It shall be the responsibility of the individual identified on the cover sheet as the principal design professional to notify the building official of any and all changes throughout the project and provide revised plans, calculations or other appropriate documents prior to actual construction.

Revisions

For clarity, all revisions should be identified with a delta symbol and clouded on the drawings or resubmitted as a new plan set.

APPENDIX A

Excerpts from

WEST VIRGINIA CODE ARCHITECT'S ARTICLE 12

and

RULES AND REGULATIONS

ARTICLE 12 - ARCHITECTS

30-12-1. BOARD OF ARCHITECTS. In order to safeguard the life, health, property and public welfare of the people of this state and to protect the people against the unauthorized, unqualified and improper practice of architecture, the West Virginia Board of Architects, heretofore created, shall continue in existence and shall consist of seven members, five of whom shall be architects, appointed by the governor by and with the advice and consent of the Senate and two of whom shall be lay members, not of the same political party affiliation, appointed by the governor by and with the advice and consent of the Senate. Each member who is an architect shall have been engaged in the active practice of his profession in the state of West Virginia for not fewer than ten years previous to his appointment. The members of the board in office on the date this article takes effect, in the year one thousand nine hundred ninety, shall, unless sooner removed, continue to serve until their respective terms expire and until their successors have been appointed and have qualified. Each member shall be appointed for a term of five years.

Pursuant to the provisions of chapter twenty-nine-a of this code, the board, in addition to the authority, powers and duties granted to it by this article, has the authority to promulgate rules relating to the regulation of the practice of architecture and may include rules pertaining to the registration of architects. Any disciplinary proceedings held by the board shall be held in accordance with the provisions of the administrative procedures act for contested cases pursuant to the provisions of article five of said chapter.

30-12-2. DEFINITIONS. The following words as used in this article, unless the context otherwise requires, have the following meanings:

(1)"Architect" means any person who engages in the practice of architecture as hereinafter defined.

(2)"Board" means the West Virginia Board of Architects established by section one of this article.

(3)"Direct supervision" means that degree of supervision by a person overseeing the work of another person whereby the supervisor has both control over and detailed professional knowledge of the work prepared under his or her supervision.

(4)"Good moral character" means such character as will enable a person to discharge the fiduciary duties of an architect to his client and to the public for the protection of health, safety, and welfare. Evidence of

inability to discharge such duties include the commission of an offense justifying discipline under section eight of this article.

(5) "Practice of architecture" means rendering or offering to render those services, hereinafter described, in connection with the design and construction, enlargement or alteration of a building or group of buildings and the space within and surrounding such buildings, which have as their principal purpose human occupancy or habitation; the services referred to include planning, providing preliminary studies, designs, drawings, specifications and other technical submissions and administration of construction contracts.

(6) "Registered architect" means an architect holding a current registration.

(7) "Registration" means the certificate of registration issued by board.

(8) "Technical submissions" means designs, drawings, specifications, studies, and other technical reports prepared in the course of practicing architecture.

30-12-4. REGISTRATION QUALIFICATIONS. Every person applying to the board for initial registration shall submit an application accompanied by the fee established in accordance with section three of this article with satisfactory evidence that such person holds an accredited professional degree in architecture or has completed such other education as the board considers equivalent to an accredited professional degree and with satisfactory evidence that such person has completed such practical training in architectural work as the board requires. If an applicant is qualified, the board shall, by means of a written examination, examine the applicant on such technical and professional subjects as prescribed by it. None of the examination materials are public records as defined in article one, chapter twenty-nine-b of this code. The board may exempt from such written examination an applicant who holds certification issued by the national council of architectural registration boards. The board may adopt as its own rules governing practical training and education those guidelines published from time to time by the national council of architectural registration boards. The board may also adopt the examinations and grading procedures of the national council of architectural registration board and the accreditation decisions of the national architectural accrediting board. The board shall issue its registration to each applicant who is found to be of good moral character and who satisfies the requirements set forth in this section. The registration is effective upon issuance.

30-12-6. CERTIFICATE OF REGISTRATION. Every registered architect having a place of business or employment within the state shall display his or her certificate of registration in a conspicuous place in such place of business or employment. A new certificate of registration, to replace a lost, destroyed or mutilated certificate, shall be issued by the board upon payment of a fee established in accordance with section three of this article and such certificate shall be stamped or marked "duplicate."

30-12-7. SEAL. (a) Every registered architect shall have a seal of a design authorized by the board by rule. All technical submissions prepared by such architect, or under his or her direct supervision, shall be stamped with the impression of his or her seal. No architect holding a registration may impress his or her seal on any technical submissions unless they were prepared under his or her direct supervision: Provided, That in the case of the portions of such technical submissions prepared under the direct supervision of persons consulting with or employed by the architect, the architect may sign or seal those portions of the technical submission if the architect has reviewed such portions and has coordinated their preparation.

(b) No public official charged with the enforcement duties of a municipal building inspector may accept or approve any technical submissions involving the practice of architecture unless the technical submissions have been stamped as required by this section or by a registered engineer or the applicant has certified thereon the applicability of a specific exception under section twelve of this article permitting the preparation of such technical submissions by a person not registered thereunder. A building permit issued with respect to technical submissions which do not conform with the requirements of this section is invalid.

30-12-10. REGISTRATION; PRIMA FACIE EVIDENCE. Every registration issued and remaining in force is prima facie evidence in all courts of the state that the person named therein is legally registered as an architect for the period for which it is issued and of all other facts stated therein.

30-12-11. PROHIBITION. Except as hereinafter set forth in section twelve of this article, no person may directly or indirectly engage in the practice of architecture in the state or use the title "architect," "registered architect," "architectural designer," or display or use any words, letters, figures, titles, sign, card, advertisement or other symbol or device indicating that such person is an architect or is practicing architecture, unless he or she is registered under the provisions of this article. No person may aid or abet any person, not registered under the provisions of this chapter, in the practice of architecture.

30-20-11a. CONSTRUCTION ADMINISTRATION SERVICES REQUIRED.

(a)The owner of any real property who allows a project to be constructed on such real property shall be engaged in the practice of architecture unless such owner may have employed or may have caused others to have employed a registered architect or registered engineer to furnish "construction administration services" with respect to such project.

(b)For purposes of this section, the following terms shall have the following meanings.

(1)"Building official" means the person appointed by the municipality or state subdivision having jurisdiction over the project to have principal responsibility for the safety of the project as finally built.

(2)"Construction administration services" comprises the following services: (A)Visiting the construction site on a regular basis as is necessary to determine that the work is proceeding generally in accordance with the technical submissions submitted to the building official at the time the building permit was issued; (B)processing shop drawings, samples, and other submittals required of the contractor by the terms of construction contract documents; and (C)notifying an owner and the building official of any code violations, changes which affect code compliance, the use of any materials, assemblies, components, or equipment prohibited by a code, major or substantial changes between such technical submissions which he or she identifies as constituting a hazard to the public, which he or she observes in the course of performing his or her duties.

(3)"Owner" means with respect to any real property any of the following persons: (A)The holder of a mortgage secured by such real property; (B)the holder, directly or indirectly, of an equity interest in such real property exceeding ten percent of the aggregate equity interests in such real property; (C)the record owner of such real property; or (D)the lessee of all or any portion of such real property when the lease covers all of that portion of such real property upon which the project is being constructed, the lessee has significant approval rights with respect to the project, and the lease, at the time the construction of the project begins, has a remaining term of not less than ten years.

(4)"Project" means the construction enlargement or alteration of a building, other than a building exempted by the provisions of section twelve of this article, which has as its principal purpose human occupancy or habitation.

(c)If the registered engineer or registered architect who sealed the

technical submissions which were submitted to the building official at the time the building permit was issued has not been employed to furnish construction administration services at the time such registered architect or registered engineer issued such technical submissions that he or she has not been so employed. If he or she is not employed to furnish construction administration services when construction of the project begins, he or she shall file, not later than thirty days after such construction begins, with the board and with the building official, on a form prescribed by the board, a notice setting forth the names of the owner or owners known to him or her, the address of the project, and the name, if known to him or her, of the registered architect employed to perform construction administration services. If he or she believes that no registered architect or registered engineer has been so employed, he or she shall so state on the form. Any registered architect or registered engineer who fails to place the note on his or her technical submissions or to file such notice, as required by this paragraph, shall have violated the provisions of this chapter and shall be subject to discipline as set forth herein.

(d) If the board determines, with respect to a particular project or class of projects, that the public is adequately protected without the necessity of a registered architect or registered engineer performing construction administrative services, the board may waive the requirements of this section with respect to such project or class of projects.

30-12-12. EXCEPTIONS. Nothing in this article may be construed to prevent.

(a) Any of the activities that, apart from this exemption, would constitute the practice of architecture, if performed in connection with any of the following:

(1) A detached single family dwelling and any sheds, storage buildings and garages incidental thereto;

(2) A multi-family residential structure not in excess of three stories excluding any basement area;

(3) Farm buildings, including barns, silos, sheds or housing for farm equipment and machinery, livestock, poultry or storage, if such structures are designed to be occupied by no more than ten persons;

(4) Any alteration, renovation or remodeling of a building, if such alteration, renovation or remodeling does not affect structural or other safety features of the building or if the work contemplated by the

design does not require the issuance of a permit under any applicable building code; and

(5)Pre-engineered buildings, including mobile classrooms purchased by county school boards; and

(6)A commercial structure which is to contain not more than seventy-six hundred square feet and not in excess of one story excluding any basement area.

(b)The preparation of any detailed or shop drawings required to be furnished by a contractor, or the administration of construction contracts by persons customarily engaged in contracting work.

(c)The preparation of technical submissions or the administration of construction contracts by employees of a person or organization lawfully engaged in the practice of architecture when such employees are acting under the direct supervision of a registered architect.

(d)Officers and employees of the United States of America from engaging in the practice of architecture as employees of said United States of America.

(e)A partnership, corporation or other business entity from performing or holding itself out as able to perform any of the services involved in the practice of architecture, provided such practice is actually carried on under the direct supervision of architects registered in the state of West Virginia.

(f)A nonresident, who holds a certificate to practice architecture in the state in which he resides and in addition holds the certification issued by the national council of architectural registration boards, from agreeing to perform or holding herself or himself out as able to perform any of the professional services involved in the practice of architecture: Provided, That he or she may not perform any of the professional services involved in the practice of architecture until registered as hereinbefore provided and he or she notifies the board in writing if, prior to registration, he or she engages in any of the activities permitted by this paragraph.

30-12-13. ENFORCEMENT. The board shall enforce the provisions of this article and of the rules adopted hereunder. If any person refuses to obey any decision or order of the board, the board or, upon the request of the board, the attorney general or the appropriate prosecuting attorney, may file an action for the enforcement of such decision or order, including injunctive relief, in the circuit court of the county of residence of such person. After

due hearing, the court shall order the enforcement of such decision or order, or any part thereof, if legally and properly made by the board and, where appropriate, injunctive relief.

30-12-14. PENALTIES. Whoever violates any provision of this article is guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than one thousand dollars or imprisoned in the county jail for not more than twelve months, or both fined and imprisoned.

RULES OF THE WEST VIRGINIA BOARD OF ARCHITECTS
2 CSR 1
TITLE 2
LEGISLATIVE RULES
BOARD OF ARCHITECTS
SERIES 1

2-1-1. SCOPE.

1.1. PURPOSE.--The Rules of the West Virginia Board of Architects are set forth for the purpose of interpreting and implementing 30-12-1, *et seq.*, establishing the Board, and conferring upon its responsibility for registration of architects and the regulation of the practice of architecture.

1.6. BOARD'S REGULATORY AUTHORITY.--The Rules and Regulations of the West Virginia Board of Architects are promulgated pursuant to the authority of West Virginia Code 31-12-1 and in conformity with the applicable provisions of the West Virginia Administrative Procedures Act [W. Va. Code 29A-1-1, *et seq.*]

2-1-9. RULES OF PROFESSIONAL CONDUCT.

9.1 COMPETENCE.--(A) In engaging in the practice of architecture, a registered architect shall act with reasonable care and competence, and shall apply the technical knowledge and skill which are ordinarily applied by registered architects of good standing, practicing in the same locality.

(B) In designing a project, a registered architect shall take into account all applicable state and municipal building laws and regulations. While a registered architect may rely on the advice of other professionals (e.g. attorneys, engineers and other qualified persons) as to the intent and meaning of such laws and regulations, once having obtained such advice a registered architect shall not knowingly design a project in violation of such laws and regulations.

(C) A registered architect shall undertake to perform professional services only when he or she, together with those whom the registered architect may engage as consultants, is qualified by education, training and experience in the specific technical areas involved.

(D) No individual shall be permitted to engage in the practice of architecture if, in the Board's judgment, such individual's professional competence is substantially impaired by physical or mental disabilities.

9.2. CONFLICT OF INTEREST.-- (A) A registered architect shall not accept compensation for his or her services from more than one party on a project unless the circumstances are fully disclosed to and agreed to by

the architect and all interested parties. The disclosure and agreement shall be in writing.

(B) If a registered architect has any business association or direct or indirect financial interest which is substantial enough to influence his or her judgment in connection with the performance of professional services, the registered architect shall fully disclose in writing to his or her client or employer the nature of the business association or financial interest. If the client or employer objects to such association or financial interest, the registered architect will either terminate such association or interest or offer to give up the commission or employment.

(C) A registered architect shall not solicit or accept compensation from material or equipment suppliers in return for specifying or endorsing their products.

(D) When acting as the interpreter of building contract documents and the judge of contract performance, a registered architect shall render a decision, impartially, favoring neither party to the contract.

9.3 FULL DISCLOSURE.-- (A) A registered architect, making public statements on architectural questions, shall disclose when he or she is being compensated for making such statements.

(B) A registered architect shall accurately represent to a prospective or existing client or employer his or her qualifications and the scope of his or her responsibility in connection with work for which he or she is claiming credit.

(C) If, in the course of his or her work on a project, a registered architect becomes aware of a decision made by his or her employer or client, against such registered architect's advice, which violates applicable or state or municipal building laws and regulations and which will, in the registered architect's judgment, materially and adversely affect the safety to the public of the finished project, the registered architect shall:

(1) Report the decision to the local building inspector or other public official charged with the enforcement of the applicable state or municipal building laws and regulations;and

(2) Refuse to consent to the decision;and

(3) In circumstances where the registered architect reasonably believes that other such decisions will be taken, notwithstanding his or her objection, terminate his or her services with respect to the project. In the case of a termination in accordance with this clause (3), the registered architect shall have no liability to his or her client or employer on account of such termination.

(D) A registered architect shall not deliberately make a materially false statement or fail deliberately to disclose a material fact requested in connection with his or her renewal thereof.

(E) A registered architect shall not assist the application for registration of an individual known by the registered architect to be unqualified in respect to education, training, experience or character.

(F) A registered architect possessing knowledge of a violation of the provisions set forth in subsections 9.1 through 9.7 of this rule by another registered architect shall report such knowledge to the Board.

9.4. COMPLIANCE WITH LAWS.--(A) A registered architect shall not, in the conduct of his or her practice knowingly violate any state or federal criminal law.

(B) A registered architect shall neither offer nor make any payment or gift to a government official, whether elected or appointed, with the intent of influencing the official's judgment in connection with a prospective or existing project in which the registered architect is interested.

(C) A registered architect shall comply with the registration laws and regulations governing his or her professional practice in any United States jurisdiction.

9.5. PROFESSIONAL CONDUCT.-- (A) Each office in West Virginia maintained for the preparation of drawings, specifications, reports or other professional work shall have a registered architect regularly employed and residing in that office having direct supervision of such work.

(B) A registered architect shall not sign or seal drawings, specifications, reports or other professional work which was not prepared under his or her direct supervision: Provided, however, that the case of such portions of such work prepared under the direct supervision of persons consulting with or employed by the architect and who are registered under this or any other professional registration law of this State, the architect may sign or seal those portions of the professional work if the architect has reviewed such portions and has coordinated their preparation.

(C) A registered architect shall neither offer nor make any gifts, other than gifts of nominal value (including, for example, reasonable entertainment and hospitality), with the intent of influencing the judgment of an existing or prospective client in connection with a project in which the registered architect is interested.

(D) A registered architect shall not engage in conduct involving fraud or wanton disregard of the rights of others.

9.6 DESIGN AND USE OF ARCHITECT'S SEAL.-- (A) Pursuant to West Virginia Code 30-12-7 and subject to subsections 8.5 and 9.5 (B) of this rule, each registered architect shall procure a seal, as prescribed by the Board.

(B) As required by West Virginia Code 30-12-7, the seal shall be imprinted on all technical submissions, as follows: On the index sheet of

each set of drawings; when no index sheet is included then on each sheet individually except as indicated in subdivision 9.5 (B) of this rule; and on the cover identifying each set of specifications. The original signature of the individual named on the seal shall appear across the face of each original seal imprint.

(C) The seal, appearing on any technical submission shall be prima facie evidence that the technical submission was prepared by or under the direct supervision of the individual named on said seal.

APPENDIX B

Excerpts from

***WEST VIRGINIA CODE PROFESSIONAL ENGINEER'S
ARTICLE 13***

and

RULES AND REGULATIONS

**WEST VIRGINIA STATE REGISTRATION LAW
FOR PROFESSIONAL ENGINEERS**

Effective Date June 4, 1992

Chapter 30, Article 13, of the West Virginia Code

30-13-1. Legislative findings; intent.

The Legislature hereby determines the need to regulate the practice of engineering; to provide for the registration of qualified persons as professional engineers and the certification of engineer interns; to define the terms "engineer", "professional engineer", "engineer intern" and "practice of engineering"; to create a state Board of Registration for Professional Engineers and provide for the appointment and compensation of its members; to fix the term of members to the board and define its powers and duties; to set forth the minimum qualifications and other requirements for registration as an engineer and certification as an engineer intern; to establish registration fees with expiration and renewal requirements; to impose certain duties upon the state and political subdivisions thereof in connection with public works; and to provide for the enforcement of this article and penalties for its violation.

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 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 which requires engineering education, training and experience in the application of special knowledge of 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 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.

(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.

30-13-12. Roster.

A complete roster with the names and the last known addresses of all registered professional engineers shall be published by the secretary of the board at the intervals established by the board. Copies of this roster shall be mailed to each person registered and shall be placed on file with the secretary of state and may be distributed or sold to county and city officials and to the public.

30-13-13. General requirements for registration.

To be eligible for admission to examination for professional engineer or engineer intern, an applicant must be of good character and reputation and he or she shall submit five references along with the application for registration as a professional engineer. Three references shall be from professional engineers having personal knowledge of the engineering experience of the applicant or in the case of engineers having personal knowledge of the engineering experience of the applicant or in the case of an application for certification as an engineer intern. The references shall be from three persons knowledgeable of the applicant's character.

(a) The minimum requirements for qualifications for registration as a professional engineer are:

(1) Registration by comity or endorsement. - A person holding a certificate of registration to engage in the practice of engineering, issued by a proper authority of a state or possession of the United States, the District of Columbia or any foreign country, based on requirements that do not conflict with the provisions of this article and were of a standard not lower than that specified in the applicable registration article in effect in this state at the time such certificate was issued, may, upon application be registered without further examination.

A person holding an active council record with the national council of examiners for engineering and surveying whose qualifications, as evidenced by the council record, meet the requirements of this article may,

upon application, be registered without further examination;

(2) Graduation, experience and examination. - A graduate of an engineering curriculum of four years or more approved by the board as being of satisfactory standing and with a specific record of an additional four years or more of progressive experience on engineering projects of a grade and a character which indicates to the board that the applicant may be competent to practice engineering, shall be admitted to an eight-hour written examination in the fundamentals of engineering and, if passed, then shall be admitted to an eight-hour written examination in the principles and practice of engineering. Upon passing such examinations, the applicant shall be granted a certificate of registration to practice engineering in West Virginia, provided the applicant is otherwise qualified; and

(3) Engineering teaching. - Engineering teaching of advanced subjects and the design of engineering research and projects in a college or university offering an approved engineering curriculum of four years or more may be considered as engineering experience.

(b) The minimum requirements for registration as an engineer intern are:

(1) Graduation from an engineering curriculum of four years or more approved by the board as being of satisfactory standing; and

(2) Satisfactory passing of a written exam, eight hours in duration, covering the fundamentals of engineering.

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.

(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.

30-13-17. Authorization certificates.

(a) The practice of or offer to practice engineering by consulting engineers registered under this article, through a firm, corporation, copartnership, joint stock association or private practitioner employing others, referred to hereinafter as a firm, is permitted: Provided, That the person in direct control or having personal supervision of the practice and all personnel who act in behalf of the firm in professional matters are registered under this article: Provided, however, That the firm has been issued a certificate of authorization by the board.

(b) A firm desiring a certificate of authorization must file with the board an application using a form provided by the board and the firm shall provide all the information required by the board. A form as provided by the board is to be filed with the board with the renewal fee and within thirty days of the time any information contained on the form is changed or differs for any reason. If the information contained on the form warrants action, the board, in its judgment, may issue a certificate of authorization for the firm to practice engineering and to contract and collect fees for furnishing this service.

(c) No firm shall be relieved of responsibility for the conduct or acts of its agents, employees, officers or partners by reason of its

compliance with the provisions of this article. No individual practicing engineering under the provisions of this article shall be relieved of responsibility for engineering services performed by reason of his or her employment or other relationship with a firm holding an authorization certificate.

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

(e) Effective one year from the effective date of this article, the secretary of state shall stop issuing a certificate of incorporation to an applicant or a registrant as a foreign firm to a firm which 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 or registrant 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 firm's application for incorporation or registration.

(f) Effective one year after the effective date of this article, the secretary of state shall decline to register any trade name or service mark which includes the words engineer, engineering or modifications or derivatives thereof in its firm name or logotype except those firms holding authorization certificates issued under the provisions of this article.

(g) The certificate of authorization may be renewed.

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.

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 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.

LAW GOVERNING THE INCORPORATION OF

ENGINEERING CORPORATIONS

(Effective July 1, 1975)

Chapter 31, Article 1, Section 11, Sub-Chapter (c)

After the effective date of this section no corporation shall be chartered in this State under any name which includes the word "engineer," "engineers," "engineering," or any combination of same unless the purpose of the corporation is to practice professional engineering as defined in article thirteen [30-13-01 et.seq.], chapter thirty of this Code, as amended, and one or more of the incorporators is a registered professional engineer as therein defined.