

# VIRGINIA ACTS OF ASSEMBLY -- 2004 SESSION

## CHAPTER 191

*An Act to amend and reenact § 54.1-406 of the Code of Virginia, relating to the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects; necessity for license; design-build contracts.*

[H 854]

Approved March 19, 2004

**Be it enacted by the General Assembly of Virginia:**

**1. That § 54.1-406 of the Code of Virginia is amended and reenacted as follows:**

§ 54.1-406. License required.

A. Unless exempted by §§ 54.1-401, 54.1-402, or § 54.1-402.1, a person shall hold a valid license prior to engaging in the practice of architecture or engineering which includes design, consultation, evaluation or analysis and involves proposed or existing improvements to real property.

Unless exempted by § 54.1-401 or § 54.1-402.1, a person shall hold a valid license prior to engaging in the practice of land surveying.

B. Unless exempted by § 54.1-402, any person, partnership, corporation or other entity offering to practice architecture, engineering, or land surveying without being registered or licensed in accordance with the provisions of this chapter, shall be subject to the provisions of § 54.1-111 of this title.

C. Any person, partnership, corporation or other entity which is not licensed or registered to practice in accordance with this chapter and which advertises or promotes through the use of the words "architecture," "engineering" or "land surveying" or any modification or derivative thereof in its name or description of its business activity in a manner that indicates or implies that it practices or offers to practice architecture, engineering or land surveying as defined in this chapter shall be subject to the provisions of § 54.1-111.

D. Notwithstanding these provisions, any state agency or political subdivision of the Commonwealth unable to employ a qualified licensed engineer, architect, or land surveyor to fill a responsible charge position, after reasonable and unsuccessful search, may fill the position with an unlicensed person upon the determination by the chief administrative officer of the agency or political subdivision that the person, by virtue of education, experience, and expertise, can perform the work required of the position.

E. Through June 30, 2002, any full-time, salaried employee of the Commonwealth or any political subdivision of the Commonwealth on June 30, 1992, who has graduated from an engineering, engineering technology, or related science curriculum of four years or more, and who has acquired a specific record of thirty years or more of approved progressive professional experience on engineering projects of a grade and character which the Board judges to be pertinent to acquiring professional skills, demonstrating that the individual is eminently qualified to practice engineering, shall qualify for an oral examination for licensure in accordance with the rules and regulations of the Board as adopted May 17, 1990.

F. Notwithstanding the provisions of this section, a contractor who is licensed pursuant to the provisions of Chapter 11 (§ 54.1-1100 et seq.) of this title shall not be required to be licensed or registered to practice in accordance with this chapter when *bidding upon or* negotiating design-build contracts or performing services other than architectural, engineering or land surveying services under a design-build contract. The architectural, engineering or land surveying services offered or rendered in connection with such contracts shall only be ~~offered and~~ rendered by an architect, *professional* engineer or land surveyor licensed in accordance with this chapter.