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**HOUSE BILL NO. 936**

Offered January 11, 2006

Prefiled January 10, 2006

*A BILL to amend and reenact § 54.1-400 of the Code of Virginia, relating to architects, professional engineers, land surveyors, and landscape architects; definitions.*

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Patron—Morgan

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Referred to Committee on General Laws

**Be it enacted by the General Assembly of Virginia:****1. That § 54.1-400 of the Code of Virginia is amended and reenacted as follows:****§ 54.1-400. Definitions.**

As used in this chapter unless the context requires a different meaning:

"Architect" means a person who, by reason of his knowledge of the mathematical and physical sciences, and the principles of architecture and architectural design, acquired by professional education, practical experience, or both, is qualified to engage in the practice of architecture and whose competence has been attested by the Board through licensure as an architect.

The "practice of architecture" means any service wherein the principles and methods of architecture are applied, such as consultation, investigation, evaluation, planning and design, and includes the responsible administration of construction contracts, in connection with any private or public buildings, structures or projects, or the related equipment or accessories.

"Board" means the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects.

"Certified interior designer" means a design professional who meets the criteria of education, experience, and testing in the rendering of interior design services established by the Board through certification as an interior designer.

"Certified landscape architect" means a person who, by reason of his special knowledge of natural, physical and mathematical sciences, and the principles and methodology of landscape architecture and landscape architectural design acquired by professional education, practical experience, or both, is qualified to engage in the practice of landscape architecture and whose competence has been attested by the Board through certification as a landscape architect.

The "practice of landscape architecture" by a certified landscape architect means any service wherein the principles and methodology of landscape architecture are applied in consultation, evaluation, planning (including the preparation and filing of sketches, drawings, plans and specifications) and responsible supervision or administration of contracts relative to projects principally directed at the functional and aesthetic use of land.

"Improvements to real property" means any valuable addition or amelioration made to land and generally whatever is erected on or affixed to land which is intended to enhance its value, beauty or utility, or adapt it to new or further purposes. Examples of improvements to real property include, but are not limited to, structures, buildings, machinery, equipment, electrical systems, mechanical systems, roads, and water and wastewater treatment and distribution systems.

"Interior design" by a certified interior designer means any service rendered wherein the principles and methodology of interior design are applied in connection with the identification, research, and creative solution of problems pertaining to the function and quality of the interior environment. Such services relative to interior spaces shall include the preparation of documents for nonload-bearing interior construction, furnishings, fixtures, and equipment in order to enhance and protect the health, safety, and welfare of the public.

"Land surveyor" means a person who, by reason of his knowledge of the several sciences and of the principles of land surveying, and of the planning and design of land developments acquired by practical experience and formal education, is qualified to engage in the practice of land surveying, and whose competence has been attested by the Board through licensure as a land surveyor.

The "practice of land surveying" includes surveying of areas for a determination or correction, a description, the establishment or reestablishment of internal and external land boundaries, or the determination of topography, contours or location of physical improvements, and also includes the planning of land and subdivisions thereof. The term "planning of land and subdivisions thereof" shall include, but not be limited to, the preparation of incidental plans and profiles for roads, streets and sidewalks, grading, drainage on the surface, culverts and erosion control measures, with reference to existing state or local standards.

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HB936

59 "Professional engineer" means a person who is qualified to practice engineering by reason of his  
60 special knowledge and use of mathematical, physical and engineering sciences and the principles and  
61 methods of engineering analysis and design acquired by engineering education and experience, and  
62 whose competence has been attested by the Board through licensure as a professional engineer.

63 The "practice of engineering" means any service wherein the principles and methods of engineering  
64 are applied to, but are not necessarily limited to, the following areas: consultation, investigation,  
65 evaluation, planning and design of public or private utilities, structures, machines, equipment, processes,  
66 transportation systems and work systems, including responsible administration of construction contracts.  
67 The term "practice of engineering" shall not include the service or maintenance of existing electrical or  
68 mechanical systems.

69 "Private entity" means any natural person, corporation, general partnership, limited liability  
70 company, limited partnership, joint venture, business trust, public benefit corporation, nonprofit entity,  
71 or other business entity.

72 "Public entity" means the Commonwealth and any agency or authority thereof, any county, city or  
73 town, any other political subdivision of the Commonwealth, any public body politic and corporate, or  
74 any regional entity that serves a public purpose.

75 "Responsible charge" means the direct control and supervision of the practice of architecture,  
76 professional engineering, or land surveying.

77 "Utility" means equipment, fixtures, structures, and other improvements utilized in connection with a  
78 system for (i) the generation and supply of electric power, (ii) the treatment and supply of water, (iii)  
79 the collection or treatment of wastewater, (iv) the generation or supply of steam, hot water, and chilled  
80 water, (v) the supply of natural gas, or (vi) the transmission of telecommunications.