

2007 SESSION

HOUSE SUBSTITUTE

070892276

HOUSE BILL NO. 1801

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on General Laws
on January 18, 2007)

(Patron Prior to Substitute—Delegate Cosgrove)

A BILL to amend the Code of Virginia by adding a section numbered 54.1-402.2, relating to the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers, and Landscape Architects; powers; cease and desist orders; penalty.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 54.1-402.2 as follows:

§ 54.1-402.2. Cease and desist orders for unlicensed activity; civil penalty.

A. Notwithstanding any other provision of law, the Board may issue an order requiring any person to cease and desist from (i) practicing or offering to practice as an architect, professional engineer, or land surveyor when such person is not licensed or registered by the Board in accordance with this chapter or (ii) holding himself out as a landscape architect or certified landscape architect or certified interior designer when such person is not certified or registered by the Board in accordance with this chapter. The order shall be effective upon its entry and shall become final unless such person files an appeal with the Board in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) within 21 days of the date of entry of the order.

B. If the person fails to cease and desist the unlicensed, uncertified, or unregistered activity after entry of an order in accordance with subsection A, the Board may refer the matter for enforcement pursuant to § 54.1-306.

C. Any person engaging in unlicensed, uncertified, or unregistered activity shall be subject to further proceedings before the Board and the Board may impose a civil penalty not to exceed \$2,500. Any penalties collected under this section shall be paid to the Literary Fund after deduction of the administrative costs of the Board in furtherance of this section.

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