

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 54.1-400 and 54.1-402 of the Code of Virginia, relating to exemptions*  
3 *from licensure by the Board for Architects, Professional Engineers, Land Surveyors, Certified*  
4 *Interior Designers and Landscape Architects for onsite soil evaluators licensed by the Board for*  
5 *Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals.*

6 [H 518]  
7 Approved

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

9 **1. That §§ 54.1-400 and 54.1-402 of the Code of Virginia are amended and reenacted as follows:**  
10 § 54.1-400. Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

67 "*Residential wastewater*" means sewage (i) generated by residential or accessory uses, not containing  
 68 storm water or industrial influent, and having no other toxic, or hazardous constituents not routinely  
 69 found in residential wastewater flows, or (ii) as certified by a professional engineer.

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

72 § 54.1-402. Further exemptions from license requirements for architects, professional engineers, and  
 73 land surveyors.

74 A. No license as an architect or professional engineer shall be required pursuant to § 54.1-406 for  
 75 persons who prepare plans, specifications, documents and designs for the following, provided any such  
 76 plans, specifications, documents or designs bear the name and address of the author and his occupation:

77 1. Single- and two-family homes, townhouses and multifamily dwellings, excluding electrical and  
 78 mechanical systems, not exceeding three stories; or

79 2. All farm structures used primarily in the production, handling or storage of agricultural products or  
 80 implements, including, but not limited to, structures used for the handling, processing, housing or  
 81 storage of crops, feeds, supplies, equipment, animals or poultry; or

82 3. Buildings and structures classified with respect to use as business (Use Group B) and mercantile  
 83 (Use Group M), as provided in the Uniform Statewide Building Code and churches with an occupant  
 84 load of 100 or less, excluding electrical and mechanical systems, where such building or structure does  
 85 not exceed 5,000 square feet in total net floor area, or three stories; or

86 4. Buildings and structures classified with respect to use as factory and industrial (Use Group F) and  
 87 storage (Use Group S) as provided in the Uniform Statewide Building Code, excluding electrical and  
 88 mechanical systems, where such building or structure does not exceed 15,000 square feet in total net  
 89 floor area, or three stories; or

90 5. Additions, remodeling or interior design without a change in occupancy or occupancy load and  
 91 without modification to the structural system or a change in access or exit patterns or increase in fire  
 92 hazard; or

93 6. Electric installations which comply with all applicable codes and which do not exceed 600 volts  
 94 and 800 amps, where work is designed and performed under the direct supervision of a person licensed  
 95 as a master's level electrician or Class A electrical contractor by written examination, and where such  
 96 installation is not contained in any structure exceeding three stories or located in any of the following  
 97 categories:

98 a. Use Group A-1 theaters which exceed assembly of 100 persons;

99 b. Use Group A-4 except churches;

100 c. Use Group I, institutional buildings, except day care nurseries and clinics without life-support  
 101 systems; or

102 7. Plumbing and mechanical systems using packaged mechanical equipment, such as equipment of  
 103 catalogued standard design which has been coordinated and tested by the manufacturer, which comply  
 104 with all applicable codes. These mechanical systems shall not exceed gauge pressures of 125 pounds per  
 105 square inch, other than refrigeration, or temperatures other than flue gas of 300° F (150 degrees C)  
 106 where such work is designed and performed under the direct supervision of a person licensed as a  
 107 master's level plumber, master's level heating, air conditioning and ventilating worker, or Class A  
 108 contractor in those specialties by written examination. In addition, such installation may not be contained  
 109 in any structure exceeding three stories or located in any structure which is defined as to its use in any  
 110 of the following categories:

111 a. Use Group A-1 theaters which exceed assembly of 100 persons;

112 b. Use Group A-4 except churches;

113 c. Use Group I, institutional buildings, except day care nurseries and clinics without life-support  
 114 systems; or

115 8. The preparation of shop drawings, field drawings and specifications for components by a  
 116 contractor who will supervise the installation and where the shop drawings and specifications (i) will be  
 117 reviewed by the licensed professional engineer or architect responsible for the project or (ii) are

118 otherwise exempted; or  
119 9. Buildings, structures, or electrical and mechanical installations which are not otherwise exempted  
120 but which are of standard design, provided they bear the certification of a professional engineer or  
121 architect registered or licensed in another state, and provided that the design is adapted for the specific  
122 location and for conformity with local codes, ordinances and regulations, and is so certified by a  
123 professional engineer or architect licensed in Virginia; or  
124 10. Construction by a state agency or political subdivision not exceeding \$75,000 in value keyed to  
125 the January 1, 1991, Consumer Price Index (CPI) and not otherwise requiring a licensed architect,  
126 engineer, or land surveyor by an adopted code and maintenance by that state agency or political  
127 subdivision of water distribution, sewage collection, storm drainage systems, sidewalks, streets, curbs,  
128 gutters, culverts, and other facilities normally and customarily constructed and maintained by the public  
129 works department of the state agency or political subdivision; or  
130 11. *Conventional and alternative onsite sewage systems receiving residential wastewater, under the*  
131 *authority of Chapter 6 of Title 32.1, designed by a licensed onsite soil evaluator, which utilize packaged*  
132 *equipment, such as equipment of catalogued standard design that has been coordinated and tested by*  
133 *the manufacturer, and complies with all applicable codes, provided (i) the flow is less than 1,000*  
134 *gallons per day; and (ii) if a pump is included, (a) it shall not include multiple downhill runs and must*  
135 *terminate at a positive elevational change; (b) the discharge end is open and not pressurized; (c) the*  
136 *static head does not exceed 50 feet; and (d) the force main length does not exceed 500 feet.*  
137 B. No person shall be exempt from licensure as an architect or engineer who engages in the  
138 preparation of plans, specifications, documents or designs for:  
139 1. Any unique design of structural elements for floors, walls, roofs or foundations; or  
140 2. Any building or structure classified with respect to its use as high hazard (Use Group H).  
141 C. Persons utilizing photogrammetric methods or similar remote sensing technology shall not be  
142 required to be licensed as a land surveyor pursuant to subsection B of § 54.1-404 or 54.1-406 to: (i)  
143 determine topography or contours, or to depict physical improvements, provided such maps or other  
144 documents shall not be used for the design, modification, or construction of improvements to real  
145 property or for flood plain determination, or (ii) graphically show existing property lines and boundaries  
146 on maps or other documents provided such depicted property lines and boundaries shall only be used for  
147 general information.  
148 Any determination of topography or contours, or depiction of physical improvements, utilizing  
149 photogrammetric methods or similar remote sensing technology by persons not licensed as a land  
150 surveyor pursuant to § 54.1-406 shall not show any property monumentation or property metes and  
151 bounds, nor provide any measurement showing the relationship of any physical improvements to any  
152 property line or boundary.  
153 Any person not licensed pursuant to subsection B of § 54.1-404 or 54.1-406 preparing documentation  
154 pursuant to subsection C of § 54.1-402 shall note the following on such documentation: "Any  
155 determination of topography or contours, or any depiction of physical improvements, property lines or  
156 boundaries is for general information only and shall not be used for the design, modification, or  
157 construction of improvements to real property or for flood plain determination."  
158 D. Terms used in this section, and not otherwise defined in this chapter, shall have the meanings  
159 provided in the Uniform Statewide Building Code in effect on July 1, 1982, including any subsequent  
160 amendments.