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SENATE BILL NO. 940

Offered January 14, 2009

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A *BILL to amend and reenact §§ 10.1-560, 13.1-543, 13.1-549, 13.1-553, 13.1-1102, 13.1-1111, 15.2-851, 15.2-2263, 54.1-400, 54.1-401, 54.1-402.2, 54.1-403, 54.1-404.2, 54.1-405, 54.1-409, 54.1-410, 54.1-411, and 54.1-2201 of the Code of Virginia, relating to the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects; licensure of landscape architects; penalty.*

Patron—Watkins

Referred to Committee on General Laws and Technology

Be it enacted by the General Assembly of Virginia:

1. That §§ 10.1-560, 13.1-543, 13.1-549, 13.1-553, 13.1-1102, 13.1-1111, 15.2-851, 15.2-2263, 54.1-400, 54.1-401, 54.1-402.2, 54.1-403, 54.1-404.2, 54.1-405, 54.1-409, 54.1-410, 54.1-411, and 54.1-2201 of the Code of Virginia are amended and reenacted as follows:

§ 10.1-560. Definitions.

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

"Agreement in lieu of a plan" means a contract between the plan-approving authority and the owner that specifies conservation measures that must be implemented in the construction of a single-family residence; this contract may be executed by the plan-approving authority in lieu of a formal site plan.

"Applicant" means any person submitting an erosion and sediment control plan for approval or requesting the issuance of a permit, when required, authorizing land-disturbing activities to commence.

"Certified inspector" means an employee or agent of a program authority who (i) holds a certificate of competence from the Board in the area of project inspection or (ii) is enrolled in the Board's training program for project inspection and successfully completes such program within one year after enrollment.

"Certified plan reviewer" means an employee or agent of a program authority who (i) holds a certificate of competence from the Board in the area of plan review, (ii) is enrolled in the Board's training program for plan review and successfully completes such program within one year after enrollment, or (iii) is licensed as a professional engineer, architect, ~~certified~~ landscape architect, or land surveyor pursuant to Article 1 (§ 54.1-400 et seq.) of Chapter 4 of Title 54.1.

"Certified program administrator" means an employee or agent of a program authority who (i) holds a certificate of competence from the Board in the area of program administration or (ii) is enrolled in the Board's training program for program administration and successfully completes such program within one year after enrollment.

"Conservation plan," "erosion and sediment control plan," or "plan" means a document containing material for the conservation of soil and water resources of a unit or group of units of land. It may include appropriate maps, an appropriate soil and water plan inventory and management information with needed interpretations, and a record of decisions contributing to conservation treatment. The plan shall contain all major conservation decisions to assure that the entire unit or units of land will be so treated to achieve the conservation objectives.

"District" or "soil and water conservation district" means a political subdivision of the Commonwealth organized in accordance with the provisions of Article 3 (§ 10.1-506 et seq.) of this chapter.

"Erosion impact area" means an area of land not associated with current land-disturbing activity but subject to persistent soil erosion resulting in the delivery of sediment onto neighboring properties or into state waters. This definition shall not apply to any lot or parcel of land of 10,000 square feet or less used for residential purposes or to shorelines where the erosion results from wave action or other coastal processes.

"Land-disturbing activity" means any land change that may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands in the Commonwealth, including, but not limited to, clearing, grading, excavating, transporting and filling of land, except that the term shall not include:

1. Minor land-disturbing activities such as home gardens and individual home landscaping, repairs and maintenance work;
2. Individual service connections;
3. Installation, maintenance, or repair of any underground public utility lines when such activity

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59 occurs on an existing hard surfaced road, street or sidewalk provided the land-disturbing activity is
60 confined to the area of the road, street or sidewalk that is hard surfaced;

61 4. Septic tank lines or drainage fields unless included in an overall plan for land-disturbing activity
62 relating to construction of the building to be served by the septic tank system;

63 5. Surface or deep mining activities authorized under a permit issued by the Department of Mines,
64 Minerals and Energy;

65 6. Exploration or drilling for oil and gas including the well site, roads, feeder lines and off-site
66 disposal areas;

67 7. Tilling, planting, or harvesting of agricultural, horticultural, or forest crops, or livestock feedlot
68 operations; including engineering operations as follows: construction of terraces, terrace outlets, check
69 dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour
70 furrowing, land drainage and land irrigation; however, this exception shall not apply to harvesting of
71 forest crops unless the area on which harvesting occurs is reforested artificially or naturally in
72 accordance with the provisions of Chapter 11 (§ 10.1-1100 et seq.) of this title or is converted to bona
73 fide agricultural or improved pasture use as described in subsection B of § 10.1-1163;

74 8. Repair or rebuilding of the tracks, right-of-way, bridges, communication facilities and other related
75 structures and facilities of a railroad company;

76 9. Agricultural engineering operations including but not limited to the construction of terraces, terrace
77 outlets, check dams, desilting basins, dikes, ponds not required to comply with the provisions of the
78 Dam Safety Act, Article 2 (§ 10.1-604 et seq.) of Chapter 6 of this title, ditches, strip cropping, lister
79 furrowing, contour cultivating, contour furrowing, land drainage and land irrigation;

80 10. Disturbed land areas of less than 10,000 square feet in size; however, the governing body of the
81 program authority may reduce this exception to a smaller area of disturbed land or qualify the conditions
82 under which this exception shall apply;

83 11. Installation of fence and sign posts or telephone and electric poles and other kinds of posts or
84 poles;

85 12. Shoreline erosion control projects on tidal waters when all of the land disturbing activities are
86 within the regulatory authority of and approved by local wetlands boards, the Marine Resources
87 Commission or the United States Army Corps of Engineers; however, any associated land that is
88 disturbed outside of this exempted area shall remain subject to this article and the regulations adopted
89 pursuant thereto; and

90 13. Emergency work to protect life, limb or property, and emergency repairs; however, if the
91 land-disturbing activity would have required an approved erosion and sediment control plan, if the
92 activity were not an emergency, then the land area disturbed shall be shaped and stabilized in
93 accordance with the requirements of the plan-approving authority.

94 "Local erosion and sediment control program" or "local control program" means an outline of the
95 various methods employed by a program authority to regulate land-disturbing activities and thereby
96 minimize erosion and sedimentation in compliance with the state program and may include such items
97 as local ordinances, policies and guidelines, technical materials, inspection, enforcement and evaluation.

98 "Natural channel design concepts" means the utilization of engineering analysis and fluvial
99 geomorphic processes to create, rehabilitate, restore, or stabilize an open conveyance system for the
100 purpose of creating or recreating a stream that conveys its bankfull storm event within its banks and
101 allows larger flows to access its bankfull bench and its floodplain.

102 "Owner" means the owner or owners of the freehold of the premises or lesser estate therein, a
103 mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person,
104 firm or corporation in control of a property.

105 "Peak flow rate" means the maximum instantaneous flow from a given storm condition at a particular
106 location.

107 "Permittee" means the person to whom the permit authorizing land-disturbing activities is issued or
108 the person who certifies that the approved erosion and sediment control plan will be followed.

109 "Person" means any individual, partnership, firm, association, joint venture, public or private
110 corporation, trust, estate, commission, board, public or private institution, utility, cooperative, county,
111 city, town, or other political subdivision of the Commonwealth, any interstate body, or any other legal
112 entity.

113 "Plan-approving authority" means the Board, the program authority, or a department of a program
114 authority, responsible for determining the adequacy of a conservation plan submitted for land-disturbing
115 activities on a unit or units of lands and for approving plans.

116 "Program authority" means a district, county, city, or town that has adopted a soil erosion and
117 sediment control program that has been approved by the Board.

118 "Runoff volume" means the volume of water that runs off the land development project from a
119 prescribed storm event.

120 "State erosion and sediment control program" or "state program" means the program administered by

the Board pursuant to this article, including regulations designed to minimize erosion and sedimentation.
 "State waters" means all waters on the surface and under the ground wholly or partially within or bordering the Commonwealth or within its jurisdiction.

"Town" means an incorporated town.

"Water quality volume" means the volume equal to the first one-half inch of runoff multiplied by the impervious surface of the land development project.

§ 13.1-543. Definitions.

A. As used in this chapter:

"Eligible employee stock ownership plan" means an employee stock ownership plan as such term is defined in § 4975(e) (7) of the Internal Revenue Code of 1986, as amended, sponsored by a professional corporation and with respect to which:

1. All of the trustees of the employee stock ownership plan are individuals who are duly licensed or otherwise legally authorized to render the professional services for which the professional corporation is organized under this chapter; however, if a conflict of interest exists for one or more trustees with respect to a specific issue or transaction, such trustees may appoint a special independent trustee or special fiduciary, who is not duly licensed or otherwise legally authorized to render the professional services for which the professional corporation is organized under this chapter, which special independent trustee shall be authorized to make decisions only with respect to the specific issue or transaction that is the subject of the conflict;

2. The employee stock ownership plan provides that no shares, fractional shares, or rights or options to purchase shares of the professional corporation shall at any time be issued, sold, or otherwise transferred directly to anyone other than an individual duly licensed or otherwise legally authorized to render the professional services for which the professional corporation is organized under this chapter, unless such shares are transferred as a plan distribution to a plan beneficiary and subject to immediate repurchase by the professional corporation, the employee stock ownership plan or another person authorized to hold such shares; however:

a. With respect to a professional corporation rendering the professional services of public accounting or certified public accounting:

(1) The employee stock ownership plan may permit individuals who are not duly licensed or otherwise legally authorized to render these services to participate in such plan, provided such individuals are employees of the corporation and hold less than a majority of the beneficial interests in such plan; and

(2) At least 51% of the total of allocated and unallocated equity interests in the corporation sponsoring such employee stock ownership plan are held (i) by the trustees of such employee stock ownership plan for the benefit of persons holding a valid CPA certificate as defined in § 54.1-4400, with unallocated shares allocated for these purposes pursuant to § 409(p) of the Internal Revenue Code of 1986, as amended, or (ii) by individual employees holding a valid CPA certificate separate from any interests held by such employee stock ownership plan; and

b. With respect to a professional corporation rendering the professional services of architects, professional engineers, land surveyors, ~~certified~~ landscape architects, or certified interior designers, the employee stock ownership plan may permit individuals who are not duly licensed to render the services of architects, professional engineers ~~or~~, land surveyors, *or landscape architects*, or individuals legally authorized to use the title of ~~certified landscape architects~~ ~~or~~ certified interior designers to participate in such plan, provided such individuals are employees of the corporation and together hold not more than one-third of the beneficial interests in such plan, and that the total of the shares (i) held by individuals who are employees but not duly licensed to render such services or legally authorized to use a title and (ii) held by the trustees of such employee stock ownership plan for the benefit of individuals who are employees but not duly licensed to render such services or legally authorized to use a title, shall not exceed one-third of the shares of the corporation; and

3. The professional corporation, the trustees of the employee stock ownership plan, and the other shareholders of the professional corporation comply with the foregoing provisions of the plan.

"Professional business entity" means any entity as defined in § 13.1-603 that is duly licensed or otherwise legally authorized under the laws of the Commonwealth or the laws of the jurisdiction under whose laws the entity is formed to render the same professional service as that for which a professional corporation or professional limited liability company may be organized, including, but not limited to, (i) a professional limited liability company as defined in § 13.1-1102, (ii) a professional corporation as defined in this subsection, or (iii) a partnership that is registered as a registered limited liability partnership registered under § 50-73.132, all of the partners of which are duly licensed or otherwise legally authorized to render the same professional services as those for which the partnership was organized.

"Professional corporation" means a corporation whose articles of incorporation set forth a sole and

specific purpose permitted by this chapter and that is either (i) organized under this chapter for the sole and specific purpose of rendering professional service other than that of architects, professional engineers ~~or~~, land surveyors, *or landscape architects*, or using a title other than that of ~~certified landscape architects~~ ~~or~~ certified interior designers and, except as expressly otherwise permitted by this chapter, that has as its shareholders or members only individuals or professional business entities that are duly licensed or otherwise legally authorized to render the same professional service as the corporation, including the trustees of an eligible employee stock ownership plan or (ii) organized under this chapter for the sole and specific purpose of rendering the professional services of architects, professional engineers ~~or~~, land surveyors, *or landscape architects*, or using the title of ~~certified landscape architects~~ ~~or~~ certified interior designers, or any combination thereof, and at least two-thirds of whose shares are held by persons duly licensed within the Commonwealth to perform the services of an architect, professional engineer ~~or~~, land surveyor, *or landscape architect*, including the trustees of an eligible employee stock ownership plan, or by persons legally authorized within the Commonwealth to use the title of ~~certified landscape architect~~ ~~or~~ certified interior designer; or (iii) organized under this chapter or under Chapter 10 (§ 13.1-801 et seq.) of this title for the sole and specific purpose of rendering the professional services of one or more practitioners of the healing arts, licensed under the provisions of Chapter 29 (§ 54.1-2900 et seq.) of Title 54.1, or one or more nurse practitioners, licensed under Chapter 29 (§ 54.1-2900 et seq.) of Title 54.1, or one or more optometrists licensed under the provisions of Chapter 32 (§ 54.1-3200 et seq.) of Title 54.1, or one or more physical therapists and physical therapist assistants licensed under the provisions of Chapter 34.1 (§ 54.1-3473 et seq.) of Title 54.1, or one or more practitioners of the behavioral science professions, licensed under the provisions of Chapter 35 (§ 54.1-3500 et seq.), 36 (§ 54.1-3600 et seq.) or 37 (§ 54.1-3700 et seq.) of Title 54.1, or one or more practitioners of audiology or speech pathology, licensed under the provisions of Chapter 26 (§ 54.1-2600 et seq.) of Title 54.1, or one or more clinical nurse specialists who render mental health services licensed under Chapter 30 (§ 54.1-3000 et seq.) of Title 54.1 and registered with the Board of Nursing, or any combination of practitioners of the healing arts, optometry, physical therapy, the behavioral science professions, and audiology or speech pathology, and all of whose shares are held by or all of whose members are individuals or professional business entities duly licensed or otherwise legally authorized to perform the services of a practitioner of the healing arts, nurse practitioners, optometry, physical therapy, the behavioral science professions, audiology or speech pathology or of a clinical nurse specialist who renders mental health services, including the trustees of an eligible employee stock ownership plan; however, nothing herein shall be construed so as to allow any member of the healing arts, optometry, physical therapy, the behavioral science professions, audiology or speech pathology or a nurse practitioner or clinical nurse specialist to conduct his practice in a manner contrary to the standards of ethics of his branch of the healing arts, optometry, physical therapy, the behavioral science professions, audiology or speech pathology, or nursing, as the case may be.

"Professional service" means any type of personal service to the public that requires as a condition precedent to the rendering of such service or use of such title the obtaining of a license, certification, or other legal authorization and shall be limited to the personal services rendered by pharmacists, optometrists, physical therapists and physical therapist assistants, practitioners of the healing arts, nurse practitioners, practitioners of the behavioral science professions, veterinarians, surgeons, dentists, architects, professional engineers, land surveyors, ~~certified landscape architects~~, certified interior designers, public accountants, certified public accountants, attorneys-at-law, insurance consultants, audiologists or speech pathologists, and clinical nurse specialists. For the purposes of this chapter, the following shall be deemed to be rendering the same professional service:

1. Architects, professional engineers, and land surveyors; and

2. Practitioners of the healing arts, licensed under the provisions of Chapter 29 (§ 54.1-2900 et seq.) of Title 54.1; nurse practitioners, licensed under the provisions of Chapter 29 (§ 54.1-2900 et seq.) of Title 54.1; optometrists, licensed under the provisions of Chapter 32 (§ 54.1-3200 et seq.) of Title 54.1; physical therapists and physical therapist assistants, licensed under the provisions of Chapter 34.1 (§ 54.1-3473 et seq.) of Title 54.1; practitioners of the behavioral science professions, licensed under the provisions of Chapters 35 (§ 54.1-3500 et seq.), 36 (§ 54.1-3600 et seq.), and 37 (§ 54.1-3700 et seq.) of Title 54.1; and one or more clinical nurse specialists who render mental health services, licensed under Chapter 30 (§ 54.1-3000 et seq.) of Title 54.1 and are registered with the Board of Nursing.

B. Persons who practice the healing art of performing professional clinical laboratory services within a hospital pathology laboratory shall be legally authorized to do so for purposes of this chapter if such persons (i) hold a doctorate degree in the biological sciences or a board certification in the clinical laboratory sciences and (ii) are tenured faculty members of an accredited medical college or university that is an "educational institution" within the meaning of § 23-14.

§ 13.1-549. Qualifications of shareholders; special provisions for corporations rendering services of architects, professional engineers, landscape architect and land surveyors, and using the title of certified interior designers.

A. A corporation rendering the services of architects, professional engineers ~~or~~, land surveyors, *or landscape architects*, or using the title of ~~certified landscape architect~~ ~~or~~ certified interior designers, or any combination thereof, shall issue not less than two-thirds of its shares to individuals or professional business entities duly licensed to render the services of architect, professional engineer ~~or~~, land surveyor, *or landscape architect*, or to individuals legally authorized to use the title of ~~certified landscape architect~~ ~~or~~ certified interior designer, and the remainder of said shares may be issued only to and held by individuals who are employees of the corporation whether or not such employees are licensed to render professional services or authorized to use a title. For a corporation using the title of certified interior designers and providing the services of architects, professional engineers or land surveyors, or any combination thereof, not less than two-thirds of its shares shall be held by individuals or professional business entities who are duly licensed. No other professional corporation, except for a corporation engaged in the practice of accounting as described in § 13.1-549.1, may issue any of its shares to anyone other than an individual or professional business entity who is duly licensed or otherwise legally authorized to render the same specific professional services as those for which the corporation was incorporated, including trustees of an eligible employee stock ownership plan. Notwithstanding the above limitations, a professional corporation may (i) issue its shares to a partnership each of the partners of which is duly licensed or otherwise legally authorized to render the same professional services as those for which the corporation was incorporated or (ii) issue any of its shares to, and have as shareholders, directly or indirectly, whether through shares, fractional shares, or rights or options to purchase shares, the trustees of an eligible employee stock ownership plan.

B. As an additional prerequisite for a corporation engaging in the practice of the professions of architecture, professional engineering ~~or~~, land surveying, *or landscape architecture*, or using the title of ~~certified landscape architect~~ ~~or~~ certified interior designer, or any combination thereof, such corporation shall secure a certificate of authority, which may be renewable and may be either general or limited, from the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects. Such certificate of authority shall be issued or renewed by the Board when in its discretion such corporation is in compliance with rules and regulations which shall be promulgated by the said Board consistent with its jurisdiction to provide adequate safeguards for the public's health, welfare and safety. The fees for a certificate of authority as described above shall be the same fees as provided for in Chapter 4 (§ 54.1-400 et seq.) of Title 54.1.

§ 13.1-553. Board of directors.

Except as provided in an agreement adopted pursuant to § 13.1-671.1 that is not in conflict with § 13.1-544, a professional corporation organized pursuant to the provisions of this chapter shall be governed by a board of directors, which shall have the full management of the business and affairs of the corporation and continuing exclusive authority to make management decisions on its behalf, including the power and authority to delegate to its agents, officers, and employees, and to delegate by a management agreement or another agreement with, or otherwise to, other persons managerial duties and tasks related to the corporation's operations, and no shareholder shall have the power to bind the corporation within the scope of its business or profession merely by virtue of his being a shareholder. To the extent the board of directors is eliminated or its make-up or manner of selection is modified by an agreement adopted pursuant to § 13.1-671.1, only individuals or entities licensed or otherwise legally authorized to render the same professional services within the Commonwealth as the services provided by the professional corporation or its shareholders shall supervise and direct the provision of professional services of that professional corporation or its shareholders within the Commonwealth; however, (i) in the case of a corporation rendering the services of architects, professional engineers, ~~or~~ land surveyors, *or landscape architects*, or any combination thereof, such supervision and direction may be provided by individuals who are employees of the corporation and are not duly licensed to render such professional services so long as at least two-thirds of the individuals providing such supervision and direction are employees of the corporation and duly licensed to render such professional services and (ii) in the case of a corporation rendering the services of ~~certified landscape architects~~, such supervision and direction may be provided by individuals who are employees of the corporation and are not legally authorized to use the title of ~~certified landscape architect~~ so long as at least two-thirds of the individuals providing such supervision and direction are employees of the corporation and legally authorized to use such a title. The articles of incorporation may prescribe the manner in which the board of directors shall be chosen and the number thereof, subject to the following provisions: a corporation rendering the services of architects, professional engineers, land surveyors, and ~~certified landscape architects~~, or any combination thereof, may elect to its board of directors not more than one-third of its members who are employees of the corporation and are not authorized to render the services of an architect, a professional engineer, land surveyor, or ~~certified landscape architect~~. Provided that no person not duly licensed or otherwise duly authorized to render the professional services of the corporation shall be a member of the board of directors, except as provided for corporations rendering the services of

305 architects, professional engineers, land surveyors, or ~~certified~~ landscape architects. The board of
306 directors, including the first board of directors, shall consist of one or more members. The number of
307 directors shall be fixed by the bylaws except as to the number of the first board of directors, which shall
308 be fixed by the articles of incorporation. The number of directors may be increased or decreased from
309 time to time by amendment of the bylaws, unless the articles of incorporation provide that a change in
310 the number of directors shall be made only by amendment of the articles of incorporation. In the
311 absence of a bylaw fixing the number of directors, the number shall be the same as that stated in the
312 articles of incorporation.

313 § 13.1-1102. Definitions.

314 A. As used in this chapter:

315 "Professional business entity" means any entity as defined in § 13.1-603 that is duly licensed or
316 otherwise legally authorized under the laws of the Commonwealth or the laws of the jurisdiction under
317 whose laws the entity is formed to render the same professional service as that for which a professional
318 corporation or professional limited liability company may be organized, including, but not limited to, (i)
319 a professional limited liability company as defined in this subsection, (ii) a professional corporation as
320 defined in subsection A of § 13.1-543, or (iii) a partnership that is registered as a registered limited
321 liability partnership under § 50-73.132, all of the partners of which are duly licensed or otherwise legally
322 authorized to render the same professional services as those for which the partnership was organized.

323 "Professional limited liability company" means a limited liability company whose articles of
324 organization set forth a sole and specific purpose permitted by this chapter and that is either (i)
325 organized under this chapter for the sole and specific purpose of rendering professional service other
326 than that of architects, professional engineers ~~or~~, land surveyors, *or landscape architects*, or using a title
327 other than that of ~~certified landscape architects or~~ certified interior designers and, except as expressly
328 otherwise permitted by this chapter, that has as its members only individuals or professional business
329 entities that are duly licensed or otherwise legally authorized to render the same professional service as
330 the professional limited liability company or (ii) organized under this chapter for the sole and specific
331 purpose of rendering professional service of architects, professional engineers ~~or~~, land surveyors, *or*
332 *landscape architects* or using the title of ~~certified landscape architects or~~ certified interior designers, or
333 any combination thereof, and at least two-thirds of whose membership interests are held by persons duly
334 licensed within the Commonwealth to perform the services of an architect, professional engineer ~~or~~, land
335 surveyor, *or landscape architect*, or by persons legally authorized within the Commonwealth to use the
336 title of ~~certified landscape architect or~~ certified interior designer; or (iii) organized under this chapter for
337 the sole and specific purpose of rendering the professional services of one or more practitioners of the
338 healing arts, licensed under the provisions of Chapter 29 (§ 54.1-2900 et seq.) of Title 54.1, or one or
339 more nurse practitioners, licensed under Chapter 29 (§ 54.1-2900 et seq.) of Title 54.1, or one or more
340 optometrists licensed under the provisions of Chapter 32 (§ 54.1-3200 et seq.) of Title 54.1, or one or
341 more physical therapists and physical therapist assistants licensed under the provisions of Chapter 34.1
342 (§ 54.1-3473 et seq.) of Title 54.1, or one or more practitioners of the behavioral science professions,
343 licensed under the provisions of Chapter 35 (§ 54.1-3500 et seq.), 36 (§ 54.1-3600 et seq.) or 37
344 (§ 54.1-3700 et seq.) of Title 54.1, or one or more practitioners of audiology or speech pathology,
345 licensed under the provisions of Chapter 26 (§ 54.1-2600 et seq.) of Title 54.1, or one or more clinical
346 nurse specialists who render mental health services licensed under Chapter 30 (§ 54.1-3000 et seq.) of
347 Title 54.1 and registered with the Board of Nursing, or any combination of practitioners of the healing
348 arts, of optometry, physical therapy, the behavioral science professions, and audiology or speech
349 pathology and all of whose members are individuals or professional business entities duly licensed or
350 otherwise legally authorized to perform the services of a practitioner of the healing arts, nurse
351 practitioners, optometry, physical therapy, the behavioral science professions, audiology or speech
352 pathology or of a clinical nurse specialist who renders mental health services; however, nothing herein
353 shall be construed so as to allow any member of the healing arts, optometry, physical therapy, the
354 behavioral science professions, audiology or speech pathology or a nurse practitioner or clinical nurse
355 specialist to conduct that person's practice in a manner contrary to the standards of ethics of that
356 person's branch of the healing arts, optometry, physical therapy, the behavioral science professions, or
357 audiology or speech pathology, or nursing as the case may be.

358 "Professional services" means any type of personal service to the public that requires as a condition
359 precedent to the rendering of that service or the use of that title the obtaining of a license, certification,
360 or other legal authorization and shall be limited to the personal services rendered by pharmacists,
361 optometrists, physical therapists and physical therapist assistants, practitioners of the healing arts, nurse
362 practitioners, practitioners of the behavioral science professions, veterinarians, surgeons, dentists,
363 architects, professional engineers, land surveyors, ~~certified~~ landscape architects, certified interior
364 designers, public accountants, certified public accountants, attorneys at law, insurance consultants,
365 audiologists or speech pathologists and clinical nurse specialists. For the purposes of this chapter, the
366 following shall be deemed to be rendering the same professional services:

1. Architects, professional engineers, and land surveyors; and
 2. Practitioners of the healing arts, licensed under the provisions of Chapter 29 (§ 54.1-2900 et seq.) of Title 54.1, nurse practitioners, licensed under Chapter 29 (§ 54.1-2900 et seq.) of Title 54.1, optometrists, licensed under the provisions of Chapter 32 (§ 54.1-3200 et seq.) of Title 54.1, physical therapists, licensed under the provisions of Chapter 34.1 (§ 54.1-3473 et seq.) of Title 54.1, practitioners of the behavioral science professions, licensed under the provisions of Chapters 35 (§ 54.1-3500 et seq.), 36 (§ 54.1-3600 et seq.), and 37 (§ 54.1-3700 et seq.) of Title 54.1, and clinical nurse specialists who render mental health services licensed under Chapter 30 (§ 54.1-3000 et seq.) of Title 54.1 and registered with the Board of Nursing.

B. Persons who practice the healing art of performing professional clinical laboratory services within a hospital pathology laboratory shall be legally authorized to do so for purposes of this chapter if such persons (i) hold a doctorate degree in the biological sciences or a board certification in the clinical laboratory sciences and (ii) are tenured faculty members of an accredited medical college or university that is an "educational institution" within the meaning of § 23-14.

C. Except as expressly otherwise provided, all terms defined in § 13.1-1002 shall have the same meanings for purposes of this chapter.

§ 13.1-1111. Qualifications of members and managers; special provisions for limited liability companies rendering service of architects, professional engineers, land surveyors and landscape architects, and using the title of certified interior designers.

Not less than two-thirds of the membership interests of a professional limited liability company rendering the services of architects, professional engineers ~~or~~, land surveyors, *or landscape architects*, or using the title of ~~certified landscape architects~~ *or* certified interior designers, or any combination thereof, shall be held by individuals duly licensed or professional business entities legally authorized to render the services of architects, professional engineers ~~or~~, land surveyors, *or landscape architects*, or by individuals or professional business entities legally authorized to use the title of ~~certified landscape architects~~ *or* certified interior designers, and the remainder of the membership interests may be held only by individuals who are employees of the professional limited liability company whether or not those employees are licensed to render professional services or authorized to use a title. For those professional limited liability companies using the title of certified interior designers and providing the services of architects, professional engineers or land surveyors, or any combination thereof, not less than two-thirds of the membership interests of the professional limited liability company shall be held by individuals who are duly licensed. No other professional limited liability company, except for a professional limited liability company engaged in the practice of accounting as described in § 13.1-1112, may have as a member anyone other than an individual or a professional business entity that is duly licensed or otherwise legally authorized to render the same professional services as those for which the professional limited liability company was organized.

As an additional prerequisite for a professional limited liability company's engaging in the practice of the professions of architecture, professional engineering ~~or~~, land surveying, *or landscape architect*, or using the title of ~~certified landscape architect~~ *or* certified interior designer, or any combination thereof, that professional limited liability company shall secure a certificate of authority, which may be renewable and may be either general or limited, from the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects. The certificate of authority shall be issued or renewed by the Board when in its discretion the professional limited liability company is in compliance with rules and regulations which shall be promulgated by the Board consistent with its jurisdiction to provide adequate safeguards for the public's health, welfare and safety. The fees for a certificate of authority as described above shall be the same fees as provided for in Chapter 4 (§ 54.1-400 et seq.) of Title 54.1.

§ 15.2-851. Expedited land development review procedure.

A. A county may establish, by ordinance, a separate processing procedure for the review of preliminary and final subdivision and site plans and other development plans certified by licensed professional engineers, architects, ~~certified landscape architects~~ and land surveyors who are also licensed pursuant to § 54.1-408 and recommended for submission by persons who have received special training in such county's land development ordinances and regulations. The purpose of such separate review procedure is to provide a procedure to expedite the county's review of certain qualified land development plans. If a separate procedure is established, the county shall establish within the adopted ordinance the criteria for qualification of persons and whose work is eligible to use the separate procedure as well as a procedure for determining if the qualifications are met by persons applying to use the separate procedure. Persons who satisfy the criteria of subsection B below shall qualify as plans examiners. Plans reviewed and recommended for submission by plans examiners and certified by the appropriately licensed professional engineer, architect, ~~certified landscape architect~~ or land surveyor shall qualify for the separate processing procedure.

428 B. The qualifications of those persons who may participate in this program shall include, but not be
429 limited to, the following:

430 1. A bachelor of science degree in engineering, architecture, landscape architecture or related science
431 or equivalent experience or a land surveyor certified pursuant to § 54.1-408.

432 2. Successful completion of an educational program specified by the county.

433 3. A minimum of two years of land development engineering design experience acceptable to the
434 county.

435 4. Attendance at continuing educational courses specified by the county.

436 5. Consistent preparation and submission of plans which meet all applicable ordinances and
437 regulations.

438 C. If an expedited review procedure is adopted by the board of supervisors pursuant to this section,
439 the board of supervisors shall establish an advisory plans examiner board which shall make
440 recommendations to the board of supervisors on the general operation of the program, on the general
441 qualifications of those who may participate in the expedited processing procedure, on initial and
442 continuing educational programs needed to qualify and maintain qualification for such a program, and
443 on the general administration and operation of such a program. In addition, the plans examiner board
444 shall submit recommendations to the board of supervisors as to those persons who meet the established
445 qualifications for participation in the program and as to whether those persons who have previously
446 qualified to participate in the program should be disqualified, suspended or otherwise disciplined. The
447 plans examiner board shall consist of six members who shall be appointed by the board of supervisors
448 for staggered four-year terms. Initial terms may be less than four years so as to provide for staggered
449 terms. The plans examiner board shall consist of three persons in private practice as licensed
450 professional engineers or land surveyors certified pursuant to § 54.1-408, at least one of whom shall be
451 a certified land surveyor; one person employed by the county government; one person employed by the
452 Virginia Department of Transportation who shall serve as a nonvoting advisory member; and one citizen
453 member. All plans examiner board members who serve as licensed engineers or as certified surveyors
454 must maintain their professional license or certification as a condition of holding office, and all such
455 persons shall have at least two years of experience in land development procedures of the county. The
456 citizen member shall meet the qualifications provided in § 54.1-107. However, such member,
457 notwithstanding the proscription of provision (i) of § 54.1-107, shall have training as an engineer or
458 surveyor and may be currently licensed, certified or practicing his profession.

459 D. The expedited land development program shall include an educational program conducted under
460 the auspices of a state institution of higher education. The instructors in the educational program shall
461 consist of persons in the private and public sectors who are qualified to prepare land development plans.
462 The educational program shall include the comprehensive and detailed study of county ordinances and
463 regulations relating to plans and how they are applied.

464 E. The separate processing system may include a review of selected or random aspects of plans
465 rather than a detailed review of all aspects. However, it shall also include periodic detailed review of
466 plans prepared by persons who qualify for the system.

467 F. In no event shall this section relieve persons who prepare and submit plans of the responsibilities
468 and obligations which they would otherwise have with regard to the preparation of plans, nor shall it
469 relieve the county of its obligation to review other plans in the time periods and manner prescribed by
470 law.

471 § 15.2-2263. Expedited land development review procedure.

472 A. The Counties of Hanover, Loudoun, Montgomery, Prince William, and Roanoke may establish, by
473 ordinance, a separate processing procedure for the review of preliminary and final subdivision and site
474 plans and other development plans certified by licensed professional engineers, architects, ~~certified~~
475 landscape architects and land surveyors who are also licensed pursuant to § 54.1-408 and recommended
476 for submission by persons who have received special training in the county's land development
477 ordinances and regulations. The purpose of the separate review procedure is to provide a procedure to
478 expedite the county's review of certain qualified land development plans. If a separate procedure is
479 established, the county shall establish within the adopted ordinance the criteria for qualification of
480 persons and whose work is eligible to use the separate procedure as well as a procedure for determining
481 if the qualifications are met by persons applying to use the separate procedure. Persons who satisfy the
482 criteria of subsection B below shall qualify as plans examiners. Plans reviewed and recommended for
483 submission by plans examiners and certified by the appropriately licensed professional engineer,
484 architect, ~~certified~~ landscape architect or land surveyor shall qualify for the separate processing
485 procedure.

486 B. The qualifications of those persons who may participate in this program shall include, but not be
487 limited to, the following:

488 1. A bachelor of science degree in engineering, architecture, landscape architecture or related science
489 or equivalent experience or a land surveyor certified pursuant to § 54.1-408.

2. Successful completion of an educational program specified by the county.
 3. A minimum of two years of land development engineering design experience acceptable to the county.

4. Attendance at continuing educational courses specified by the county.

5. Consistent preparation and submission of plans which meet all applicable ordinances and regulations.

C. If an expedited review procedure is adopted by the board of supervisors pursuant to the authority granted by this section, the board of supervisors shall establish an advisory plans examiner board which shall make recommendations to the board of supervisors on the general operation of the program, on the general qualifications of those who may participate in the expedited processing procedure, on initial and continuing educational programs needed to qualify and maintain qualification for such a program and on the general administration and operation of the program. In addition, the plans examiner board shall submit recommendations to the board of supervisors as to those persons who meet the established qualifications for participation in the program, and the plans examiner board shall submit recommendations as to whether those persons who have previously qualified to participate in the program should be disqualified, suspended or otherwise disciplined. The plans examiner board shall consist of six members who shall be appointed by the board of supervisors for staggered four-year terms. Initial terms may be less than four years so as to provide for staggered terms. The plans examiner board shall consist of three persons in private practice as licensed professional engineers or land surveyors certified pursuant to § 54.1-408, at least one of whom shall be a certified land surveyor; one person employed by the county government; one person employed by the Virginia Department of Transportation who shall serve as a nonvoting advisory member; and one citizen member. All members of the board who serve as licensed engineers or as certified surveyors must maintain their professional license or certification as a condition of holding office and shall have at least two years of experience in land development procedures of the county. The citizen member of the board shall meet the qualifications provided in § 54.1-107 and, notwithstanding the proscription of clause (i) of § 54.1-107, shall have training as an engineer or surveyor and may be currently licensed, certified or practicing his profession.

D. The expedited land development program shall include an educational program conducted under the auspices of a state institution of higher education. The instructors in the educational program shall consist of persons in the private and public sectors who are qualified to prepare land development plans. The educational program shall include the comprehensive and detailed study of county ordinances and regulations relating to plans and how they are applied.

E. The separate processing system may include a review of selected or random aspects of plans rather than a detailed review of all aspects; however, it shall also include a periodic detailed review of plans prepared by persons who qualify for the system.

F. In no event shall this section relieve persons who prepare and submit plans of the responsibilities and obligations which they would otherwise have with regard to the preparation of plans, nor shall it relieve the county of its obligation to review other plans in the time periods and manner prescribed by law.

§ 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~~ *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~~ *licensure* as a landscape architect.

The "practice of landscape architecture" by a ~~certified~~ *licensed* landscape architect means any service

551 wherein the principles and methodology of landscape architecture are applied in consultation, evaluation,
552 planning (including the preparation and filing of sketches, drawings, plans and specifications) and
553 responsible supervision or administration of contracts relative to projects principally directed at the
554 functional and aesthetic use of land.

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

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

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

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

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

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

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

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

592 § 54.1-401. Exemptions.

593 The following shall be exempted from the provisions of this chapter:

594 1. Practice of professional engineering and land surveying by a licensed architect when such practice
595 is incidental to what may be properly considered an architectural undertaking.

596 2. Practice of architecture and land surveying by a licensed professional engineer when such practice
597 is incidental to an engineering project.

598 3. Practice as a professional engineer, architect or ~~certified~~ landscape architect in this Commonwealth
599 by any person not a resident of and having no established place of business in this Commonwealth, or
600 by any person resident in this Commonwealth whose arrival is recent, provided that such person is
601 otherwise qualified for such professional service in another state or country and qualifies in Virginia and
602 files prior to commencement of such practice an application, with the required fee, for licensure as a
603 professional engineer or, architect or ~~certification~~ as a landscape architect. The exemption shall continue
604 until the Board has had sufficient time to consider the application and grant or deny licensure or
605 certification.

606 4. Engaging in the practice of professional engineering as an employee under a licensed professional
607 engineer, engaging in the practice of architecture as an employee under a licensed architect, or engaging
608 in the practice of land surveying as an employee under a licensed land surveyor; provided, that such
609 practice shall not include responsible charge of design or supervision.

610 5. Practice of professional engineering, architecture or land surveying solely as an employee of the
611 United States. However, the employee shall not be exempt from other provisions of this chapter if he
612 furnishes advisory service for compensation to the public in connection with engineering, architectural or

land surveying matters.

6. Practice of architecture or professional engineering by an individual, firm or corporation on property owned or leased by such individual, firm or corporation, unless the public health or safety is involved.

7. Practice of engineering solely as an employee of a corporation engaged in interstate commerce, or as an employee of a public service corporation, by rendering such corporation engineering service in connection with its facilities which are subject to regulation by the State Corporation Commission; provided, that corporation employees who furnish advisory service to the public in connection with engineering matters other than in connection with such employment shall not be exempt from the provisions of this chapter.

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

A. Notwithstanding § 54.1-111, 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, ~~or landscape architect~~ 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.

D. Nothing contained in this section shall apply to any person engaged in activity exempted from the provisions of this chapter.

§ 54.1-403. Board members and officers; quorum.

A. The Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects shall be composed of thirteen members as follows: three architects, three professional engineers, three land surveyors, two ~~certified~~ landscape architects and two certified interior designers. However, the two certified interior designer members initially appointed to the Board shall be qualified for certification pursuant to this chapter. Each interior designer appointment to the Board may be made from nominations submitted by the Council of Certified Virginia Interior Designers, who shall nominate three persons for each interior designer vacancy. In no case shall the Governor be bound to make any appointment from the nominees.

Board members shall have actively practiced or taught their professions for at least ten years prior to their appointments. The terms of Board members shall be four years unless otherwise provided in subsection B.

The Board shall elect a president and vice-president from its membership.

Eight Board members, consisting of two engineers, two architects, two land surveyors, one ~~certified~~ landscape architect and one interior designer, shall constitute a quorum.

B. 1. Of the 1998 appointments, the terms shall be as follows: the landscape architect shall serve a one-year term, one interior designer shall serve a two-year term and one interior designer shall serve a four-year term. Of the 2000 appointments, the terms shall be as follows: one architect shall serve a three-year term, one architect shall serve a four-year term, one professional engineer shall serve a two-year term, one professional engineer shall serve a four-year term, one land surveyor shall serve a two-year term, and one land surveyor shall serve a three-year term. Of the 2001 appointments, the terms shall be as follows: the architect shall serve a four-year term, the professional engineer shall serve a four-year term, the land surveyor shall serve a three-year term, and the landscape architect shall serve a four-year term.

2. Any appointments to a term of less than four years as specified in subdivision 1 shall not be considered a full term pursuant to § 54.1-107.

§ 54.1-404.2. Continuing education.

A. The Board shall promulgate regulations governing continuing education requirements for architects, professional engineers, ~~and~~ land surveyors, ~~and landscape architects~~ licensed by the Board. Such regulations shall require the completion of the equivalent of 16 hours per biennium of Board-approved continuing education activities as a prerequisite to the renewal or reinstatement of a license issued to an architect, professional engineer, or land surveyor. The Board shall establish criteria for continuing education activities including, but not limited to (i) content and subject matter; (ii)

674 curriculum; (iii) standards and procedures for the approval of activities, courses, sponsors, and
675 instructors; (iv) methods of instruction for continuing education courses; and (v) the computation of
676 course credit.

677 B. The Board may grant exemptions or waive or reduce the number of continuing education hours
678 required in cases of certified illness or undue hardship.

679 § 54.1-405. Examinations and issuance of licenses and certificates.

680 The Board shall hold at least one examination each year at times and locations designated by the
681 Board. A license to practice as a professional engineer, an architect, ~~or a land surveyor, or a certificate~~
682 ~~to practice as a landscape architect~~ shall be issued to every applicant who complies with the
683 requirements of this chapter and the regulations of the Board. A license shall be valid during the life of
684 the holder unless revoked or suspended by the Board. A license holder must register with the Board to
685 practice in the Commonwealth. The licenses ~~or certificates~~ shall be signed by at least four members of
686 the Board.

687 § 54.1-409. Practice of landscape architecture; license required.

688 A. *Beginning July 1, 2010, no person shall engage in the practice of landscape architecture as*
689 *defined in § 54.1-400 unless such person holds a valid license. Resulting site plans, plans of*
690 *development, preliminary plats, drawings, technical reports, and specifications, submitted under the seal,*
691 *stamp or certification of a ~~certified~~ licensed landscape architect, shall be accepted for review by local*
692 *and state authorities, in connection with both public and private projects. However, no landscape*
693 *architect, unless he is also licensed as a land surveyor, shall provide boundary surveys, plats or*
694 *descriptions for any purpose, except in conjunction with or under the supervision of an appropriately*
695 *licensed professional, who shall provide certification, as required. Landscape architects shall only engage*
696 *in projects which they are qualified to undertake based on education, training, and examination and in*
697 *accordance with the practice of landscape architecture as defined in § 54.1-400.*

698 B. Nothing contained herein or in the definition of "practice of landscape architecture" in § 54.1-400
699 shall be construed to restrict or otherwise affect the right of any *licensed architect, licensed professional*
700 *engineer, licensed land surveyor, nurseryman, landscape designer, landscape contractor, land planner,*
701 *community planner, landscape gardener, golf course designer, turf maintenance specialist, irrigation*
702 *designer, or any other similar person professional* from engaging in ~~such~~ *their* occupation; ~~or the~~
703 *practice of their profession* or from rendering any service in connection therewith that is not otherwise
704 proscribed. No person shall hold himself out as, or use the title of, "landscape architect" or "certified
705 landscape architect," unless he has been certified pursuant to the provisions of this chapter.

706 Any person who (i) used and was identified by the title "landscape architect" for ten years prior to
707 July 1, 2000; (ii) holds an accredited undergraduate or graduate degree in landscape architecture; and
708 (iii) can demonstrate to the Board satisfactory evidence of ten years of professional practice experience
709 representing the full range of landscape architectural knowledge, skills, and abilities represented on the
710 examination used by the Board to certify landscape architects, shall be entitled to apply to and secure
711 from the Board, without written examination, a certificate pursuant to the provisions of this chapter;
712 provided all other requirements of this chapter relating to landscape architecture are complied with and
713 application is or has been made on or before July 1, 2001.

714 C. *No person shall hold himself out as, or use the title of "landscape architect" unless he has been*
715 *licensed as a landscape architect pursuant to the provisions of this chapter.*

716 D. *Any person, partnership, corporation, or other entity that is not licensed to practice landscape*
717 *architecture in accordance with the provisions of this chapter and that advertises or promotes through*
718 *the use of the words "landscape architecture" or any modification or derivation thereof in its name or*
719 *description of its business activity in a manner that indicates or implies that it practices or offers to*
720 *practice landscape architecture as defined in this chapter shall be subject to the provisions of*
721 *§ 54.1-111.*

722 E. *Any person, partnership, corporation, or other entity offering to practice landscape architecture*
723 *without being registered or licensed to practice landscape architecture in accordance with the provisions*
724 *of this chapter, shall be subject to the provisions of § 54.1-111.*

725 F. *Notwithstanding the provisions of this section, any state agency or political subdivision of the*
726 *Commonwealth that is unable to employ a qualified landscape architect to fill a responsible charge*
727 *position after a reasonable and unsuccessful search, may fill the position with an unlicensed person*
728 *upon the determination by the chief administrative officer of the agency or political subdivision that the*
729 *person, by virtue of education, experience, and expertise, can perform the work required of the position.*

730 § 54.1-410. Other building laws not affected; duties of public officials.

731 A. Nothing contained in this chapter or in the regulations of the Board shall be construed to limit the
732 authority of any public official authorized by law to approve plans, specifications or calculations in
733 connection with improvements to real property. This shall include, but shall not be limited to, the
734 authority of officials of local building departments as defined in § 36-97, to require pursuant to the
735 Uniform Statewide Building Code, state statutes, local ordinances, or code requirements that such work

be prepared by a person licensed or certified pursuant to this chapter.

B. Any public body authorized by law to require that plans, specifications or calculations be prepared in connection with improvements to real property shall establish a procedure to ensure that such plans, specifications or calculations be prepared by an architect, professional engineer, land surveyor or landscape architect licensed, ~~certified~~ or authorized pursuant to this chapter in any case in which the exemptions contained in §§ 54.1-401, 54.1-402 or § 54.1-402.1 are not applicable.

Drafting of permits, reviewing of plans or inspection of facilities for compliance with an adopted code or standard by any public body or its designated agent shall not require the services of an architect, professional engineer, land surveyor or landscape architect licensed ~~or certified~~ pursuant to this chapter.

§ 54.1-411. Organization for practice; registration.

A. Nothing contained in this chapter or in the regulations of the Board shall prohibit the practice of architecture, engineering, land surveying, *landscape architecture* or the offering of the title of ~~certified landscape architect~~ or certified interior designer by any corporation, partnership, sole proprietorship, limited liability company, or other entity provided such practice or certification is rendered through its officers, principals or employees who are correspondingly licensed or certified. No such organization shall limit the liability of any licensee or certificate holder for damages arising from his acts or limit such corporation, partnership, sole proprietorship, limited liability company, or other entity from liability for acts of its employees or agents. No such corporation, partnership, sole proprietorship, limited liability company, or other entity, or any affiliate thereof, shall, on its behalf or on behalf of any such licensee or certificate holder, be prohibited from (i) purchasing or maintaining insurance against any such liability; (ii) entering into any indemnification agreement with respect to any such liability; or (iii) receiving indemnification as a result of any such liability.

B. Except for professional corporations holding a certificate of authority issued in accordance with § 13.1-549, professional limited liability companies holding a certificate of authority issued in accordance with § 13.1-1111, and sole proprietorships that do not employ other individuals for which licensing is required, any person, corporation, partnership, limited liability company, or other entity offering or rendering the practice of architecture, engineering, land surveying, *landscape architecture* or offering the title of certified ~~landscape architect~~ or ~~certified~~ interior designer shall register with the Board. As a condition of registration, the entity shall name at least one licensed architect, professional engineer, land surveyor, ~~certified~~ landscape architect or certified interior designer for such profession offered or rendered. The person or persons named shall be responsible and have control of the regulated services rendered by the entity.

C. The Board shall adopt regulations governing the registration of persons, corporations, partnerships, limited liability companies, sole proprietors and other entities as required in subsections A and B which:

1. Provide for procedural requirements to obtain and renew registration on a periodic basis;
2. Establish fees for the application and renewal of registration sufficient to cover costs;
3. Assure that regulated services are rendered and controlled by persons authorized to do so; and
4. Ensure that conflicts of interests are disclosed.

§ 54.1-2201. Exceptions.

A. The certification programs set forth in this chapter are voluntary and shall not be construed to prohibit:

1. The practice of soil evaluation or wetland delineation by individuals who are not certified soil scientists or certified professional wetland delineators as defined in this chapter;

2. The work of an employee or a subordinate of a certified soil scientist or of an individual who is practicing soil evaluation without being certified;

3. The work of an employee or a subordinate of a certified professional wetland delineator or of an individual who is practicing wetland delineation without being certified;

4. The work of any professional engineer, ~~certified~~ landscape architect, or land surveyor as defined by § 54.1-400 in rendering any of the services that constitute the practice of wetland delineation or the practice of soil evaluation; or

5. The practice of any profession or occupation which is regulated by another regulatory board within the Department of Professional and Occupational Regulation.

B. Nothing in this chapter shall authorize an individual to engage in the practice of engineering, the practice of land surveying or ~~to use the title the practice of~~ landscape ~~architect~~ *architecture*, unless such individual is licensed or certified pursuant to Chapter 4 (§ 54.1-400 et seq.) of this title.

2. That the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment.