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HOUSE BILL NO. 634

Offered January 13, 2010

Prefiled January 12, 2010

A BILL to amend and reenact § 54.1-402 of the Code of Virginia, relating to the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects; exceptions from licensure.

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Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:**1. That § 54.1-402 of the Code of Virginia is amended and reenacted as follows:**

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

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

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

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

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

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

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

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

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

b. Use Group A-4 except churches;

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

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

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

b. Use Group A-4 except churches;

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

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

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HB634

59 otherwise exempted; or

60 9. Buildings, structures, or electrical and mechanical installations which are not otherwise exempted
61 but which are of standard design, provided they bear the certification of a professional engineer or
62 architect registered or licensed in another state, and provided that the design is adapted for the specific
63 location and for conformity with local codes, ordinances and regulations, and is so certified by a
64 professional engineer or architect licensed in Virginia; or

65 10. Construction by a state agency or political subdivision not exceeding \$75,000 in value keyed to
66 the January 1, 1991, Consumer Price Index (CPI) and not otherwise requiring a licensed architect,
67 engineer, or land surveyor by an adopted code and maintenance by that state agency or political
68 subdivision of water distribution, sewage collection, storm drainage systems, sidewalks, streets, curbs,
69 gutters, culverts, and other facilities normally and customarily constructed and maintained by the public
70 works department of the state agency or political subdivision; ~~or~~

71 11. Conventional and alternative onsite sewage systems receiving residential wastewater, under the
72 authority of Chapter 6 (§ 32.1-163 *et seq.*) of Title 32.1, designed by a licensed onsite soil evaluator,
73 which utilize packaged equipment, such as equipment of catalogued standard design that has been
74 coordinated and tested by the manufacturer, and complies with all applicable codes, provided (i) the
75 flow is less than 1,000 gallons per day; and (ii) if a pump is included, (a) it shall not include multiple
76 downhill runs and must terminate at a positive elevational change; (b) the discharge end is open and not
77 pressurized; (c) the static head does not exceed 50 feet; and (d) the force main length does not exceed
78 500 feet; *or*

79 12. *Notwithstanding the pump restrictions contained in subdivision 11, alternative onsite sewage*
80 *systems receiving residential wastewater, under the authority of Chapter 6 (§ 32.1-163 et seq.) of Title*
81 *32.1, which discharge to a pressurized dispersal network and which utilize packaged equipment of*
82 *catalogued standard design that has been coordinated and tested by the manufacturer, may be designed*
83 *by a licensed onsite evaluator, provided (i) the flow is less than 1,000 gallons per day and (ii) the*
84 *practitioner is not exceeding the authority granted to him by the Board.*

85 B. No person shall be exempt from licensure as an architect or engineer who engages in the
86 preparation of plans, specifications, documents or designs for:

87 1. Any unique design of structural elements for floors, walls, roofs or foundations; or

88 2. Any building or structure classified with respect to its use as high hazard (Use Group H).

89 C. Persons utilizing photogrammetric methods or similar remote sensing technology shall not be
90 required to be licensed as a land surveyor pursuant to subsection B of § 54.1-404 or 54.1-406 to: (i)
91 determine topography or contours, or to depict physical improvements, provided such maps or other
92 documents shall not be used for the design, modification, or construction of improvements to real
93 property or for flood plain determination, or (ii) graphically show existing property lines and boundaries
94 on maps or other documents provided such depicted property lines and boundaries shall only be used for
95 general information.

96 Any determination of topography or contours, or depiction of physical improvements, utilizing
97 photogrammetric methods or similar remote sensing technology by persons not licensed as a land
98 surveyor pursuant to § 54.1-406 shall not show any property monumentation or property metes and
99 bounds, nor provide any measurement showing the relationship of any physical improvements to any
100 property line or boundary.

101 Any person not licensed pursuant to subsection B of § 54.1-404 or 54.1-406 preparing documentation
102 pursuant to subsection C of § 54.1-402 shall note the following on such documentation: "Any
103 determination of topography or contours, or any depiction of physical improvements, property lines or
104 boundaries is for general information only and shall not be used for the design, modification, or
105 construction of improvements to real property or for flood plain determination."

106 D. Terms used in this section, and not otherwise defined in this chapter, shall have the meanings
107 provided in the Uniform Statewide Building Code in effect on July 1, 1982, including any subsequent
108 amendments.