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SENATE BILL NO. 385

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on General Laws and Technology
on January 29, 2020)(Patron Prior to Substitute—Senator McPike)
Senate Amendments in [] - February 4, 2020

A BILL to amend and reenact § 54.1-401 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 56-257.2:1, relating to the regulation of professional engineers; scope of exception.

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-401 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 56-257.2:1 as follows:

§ 54.1-401. Exemptions.

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

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

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

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

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

5. Practice of professional engineering, architecture, landscape architecture, or land surveying solely as an employee of the United States. However, the employee shall not be exempt from other provisions of this chapter if he furnishes advisory service for compensation to the public in connection with engineering, architectural, landscape architecture, 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~~ Except as provided by regulations promulgated by the State Corporation Commission pursuant to § 56-257.2:1, the 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.

§ 56-257.2:1. Projects presenting material risk to public safety; licensed professional engineers; regulations.

The Commission shall promulgate regulations requiring that a licensed professional engineer exercise responsible charge, as defined in § 54.1-400, over engineering projects that (i) involve gas pipeline facilities, as defined in the federal regulations promulgated under 49 U.S.C. § 60101 et seq., as amended and adopted by the State Corporation Commission, and the federal pipeline safety laws, and (ii) may present a material risk to public safety.

2. That [in conjunction with prior to] promulgating the regulations required by § 56-257.2:1 of the Code of Virginia, as created by this act, the State Corporation Commission (the Commission) shall convene a stakeholder group that shall include representatives of natural gas utilities in the Commonwealth. The Commission shall direct such stakeholder group to develop and propose to the Commission recommendations concerning such regulations no later than December 1, 2020.

3. That [in conjunction with prior to] promulgating the regulations required by § 56-257.2:1 of the Code of Virginia, as created by this act, the State Corporation Commission (the Commission)

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60 shall determine the extent to which engineering projects involving gas pipeline facilities present a
61 material risk to public safety and thereby require the seal of a professional engineer. In making its
62 determination, the Commission shall consider solutions that other states and the natural gas
63 industry have proposed or used in addressing such risks and any other information it deems
64 relevant. The Commission shall evaluate (i) the installation of new or replacement transmission
65 class pipelines, distribution mains, distribution services, points of delivery, and district regulator
66 stations; (ii) projects that involve a change in system pressure; (iii) any other projects that may
67 present a material risk to public safety; and (iv) alternative procedures for emergency work.
68 [4. That the provisions of the first enactment of this act shall become effective on January 1,
69 2021.]