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HOUSE BILL NO. 2101

Offered January 9, 2019

Prefiled January 8, 2019

A *BILL to amend and reenact §§ 13.1-543, 13.1-544, 13.1-545.1, 13.1-549, 13.1-550, 13.1-553, 13.1-1102, 13.1-1103, 13.1-1106, 13.1-1111, 13.1-1115, 15.2-851, 15.2-2263, 54.1-300, 54.1-400, 54.1-401, 54.1-402.2, 54.1-403, 54.1-404.2, 54.1-405, 54.1-407, 54.1-410, 54.1-411, 54.1-2200, 54.1-2200.2, 54.1-2201, 54.1-2206, 54.1-2207, 54.1-2208, 62.1-44.15:51, and 62.1-44.15:53 of the Code of Virginia and to repeal §§ 10.1-1408.2, 54.1-409, and 54.1-2205 and Chapter 22.1 (§§ 54.1-2209 through 54.1-2212) of Title 54.1 of the Code of Virginia, relating to the Department of Professional and Occupational Regulation; deregulation of the practice of landscape architects, soil scientists, and waste management facility operators.*

Patrons—Freitas and Webert

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That §§ 13.1-543, 13.1-544, 13.1-545.1, 13.1-549, 13.1-550, 13.1-553, 13.1-1102, 13.1-1103, 13.1-1106, 13.1-1111, 13.1-1115, 15.2-851, 15.2-2263, 54.1-300, 54.1-400, 54.1-401, 54.1-402.2, 54.1-403, 54.1-404.2, 54.1-405, 54.1-407, 54.1-410, 54.1-411, 54.1-2200, 54.1-2200.2, 54.1-2201, 54.1-2206, 54.1-2207, 54.1-2208, 62.1-44.15:51, and 62.1-44.15:53 of the Code of Virginia are amended and reenacted as follows:

§ 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 percent 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, ~~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 interior designers to participate in such plan, provided such

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59 individuals are employees of the corporation and together hold not more than one-third of the beneficial
60 interests in such plan, and that the total of the shares (i) held by individuals who are employees but not
61 duly licensed to render such services or legally authorized to use a title and (ii) held by the trustees of
62 such employee stock ownership plan for the benefit of individuals who are employees but not duly
63 licensed to render such services or legally authorized to use a title, shall not exceed one-third of the
64 shares of the corporation; and

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

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

76 "Professional corporation" means a corporation whose articles of incorporation set forth a sole and
77 specific purpose permitted by this chapter and that is either (i) organized under this chapter for the sole
78 and specific purpose of rendering professional service other than that of architects, professional
79 engineers, ~~or~~ land surveyors, ~~or landscape architects~~, or using a title other than that of certified interior
80 designers and, except as expressly otherwise permitted by this chapter, that has as its shareholders or
81 members only individuals or professional business entities that are duly licensed or otherwise legally
82 authorized to render the same professional service as the corporation, including the trustees of an
83 eligible employee stock ownership plan or (ii) organized under this chapter for the sole and specific
84 purpose of rendering the professional services of architects, professional engineers, ~~or~~ land surveyors, ~~or~~
85 ~~landscape architects~~, or using the title of certified interior designers, or any combination thereof, and at
86 least two-thirds of whose shares are held by persons duly licensed within the Commonwealth to perform
87 the services of an architect, professional engineer, ~~or~~ land surveyor, ~~or landscape architect~~, including the
88 trustees of an eligible employee stock ownership plan, or by persons legally authorized within the
89 Commonwealth to use the title of certified interior designer; or (iii) organized under this chapter or
90 under Chapter 10 (§ 13.1-801 et seq.) for the sole and specific purpose of rendering the professional
91 services of one or more practitioners of the healing arts, licensed under the provisions of Chapter 29
92 (§ 54.1-2900 et seq.) of Title 54.1, or one or more nurse practitioners, licensed under Chapter 29
93 (§ 54.1-2900 et seq.) of Title 54.1, or one or more optometrists licensed under the provisions of Chapter
94 32 (§ 54.1-3200 et seq.) of Title 54.1, or one or more physical therapists and physical therapist assistants
95 licensed under the provisions of Chapter 34.1 (§ 54.1-3473 et seq.) of Title 54.1, or one or more
96 practitioners of the behavioral science professions, licensed under the provisions of Chapter 35
97 (§ 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
98 practitioners of audiology or speech pathology, licensed under the provisions of Chapter 26 (§ 54.1-2600
99 et seq.) of Title 54.1, or one or more clinical nurse specialists who render mental health services
100 licensed under Chapter 30 (§ 54.1-3000 et seq.) of Title 54.1 and registered with the Board of Nursing,
101 or any combination of practitioners of the healing arts, optometry, physical therapy, the behavioral
102 science professions, and audiology or speech pathology, and all of whose shares are held by or all of
103 whose members are individuals or professional business entities duly licensed or otherwise legally
104 authorized to perform the services of a practitioner of the healing arts, nurse practitioners, optometry,
105 physical therapy, the behavioral science professions, audiology or speech pathology or of a clinical nurse
106 specialist who renders mental health services, including the trustees of an eligible employee stock
107 ownership plan; however, nothing herein shall be construed so as to allow any member of the healing
108 arts, optometry, physical therapy, the behavioral science professions, audiology or speech pathology or a
109 nurse practitioner or clinical nurse specialist to conduct his practice in a manner contrary to the
110 standards of ethics of his branch of the healing arts, optometry, physical therapy, the behavioral science
111 professions, audiology or speech pathology, or nursing, as the case may be.

112 "Professional service" means any type of personal service to the public that requires as a condition
113 precedent to the rendering of such service or use of such title the obtaining of a license, certification, or
114 other legal authorization and shall be limited to the personal services rendered by pharmacists,
115 optometrists, physical therapists and physical therapist assistants, practitioners of the healing arts, nurse
116 practitioners, practitioners of the behavioral science professions, veterinarians, surgeons, dentists,
117 architects, professional engineers, land surveyors, ~~landscape architects~~, certified interior designers, public
118 accountants, certified public accountants, attorneys-at-law, insurance consultants, audiologists or speech
119 pathologists, and clinical nurse specialists. For the purposes of this chapter, the following shall be
120 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 school that is an "institution" as that term is defined in § 23.1-1100.

§ 13.1-544. Who may organize and become shareholder.

A. An individual or group of individuals (i) duly licensed or otherwise legally authorized to render the same professional services other than those of architects, professional engineers or land surveyors, or to use a title other than ~~those of certified landscape architects or that of~~ certified interior designers, of which at least one is duly licensed or otherwise legally authorized to render such professional services within the Commonwealth, or (ii) complying with the provisions of § 13.1-549 and duly licensed to render within the Commonwealth the professional services of architects, professional engineers or land surveyors, or legally authorized to use within the Commonwealth the title of certified landscape architects or certified interior designers, or any combination thereof, may organize a professional corporation for pecuniary profit under the provisions of Chapter 9 (§ 13.1-601 et seq.) of this title or organize a professional corporation as a nonstock corporation under the provisions of Chapter 10 (§ 13.1-801 et seq.) of this title, for the sole and specific purpose of rendering the same and specific professional service, subject to any laws, not inconsistent with the provisions of this chapter, which are applicable to the practice of that profession in the corporate form.

B. An eligible employee stock ownership plan or any individual or group of individuals described in clause (i) or (ii) of subsection A may become a shareholder or shareholders of a professional corporation for pecuniary profit under the provisions of Chapter 9 (§ 13.1-601 et seq.) of this title, for the sole and specific purpose of rendering the same and specific professional service, subject to any laws, not inconsistent with the provisions of this chapter, that are applicable to the practice of that profession in the corporate form.

C. Any individual or group of individuals described in clause (i) or (ii) of subsection A may become a member or members of a professional corporation organized as a nonstock corporation under the provisions of Chapter 10 (§ 13.1-801 et seq.) of this title for the sole and specific purpose of rendering such professional services, subject to any laws, not inconsistent with the provisions of this chapter, that are applicable to the practice of that profession in the corporate form.

§ 13.1-545.1. Merger with foreign professional corporation or foreign professional limited liability company.

Any corporation organized under this chapter may merge with one or more foreign professional corporations that have obtained a certificate of authority to transact business in the Commonwealth pursuant to § 13.1-544.2, or one or more foreign professional limited liability companies that have obtained a certificate of registration to transact business in the Commonwealth pursuant to § 13.1-1105, only if the professional corporations and the professional limited liability companies are organized to render the same professional service, provided that (i) the merger is permitted by the laws of the jurisdiction under which each such foreign professional corporation or foreign professional limited liability company is organized, (ii) if the surviving or new professional business entity is a professional corporation organized and operating under the laws of the Commonwealth, all of its shareholders shall be licensed or otherwise legally authorized to render the same professional service as the corporation, provided that if such service is that of architects, professional engineers, land surveyors or certified landscape architects, or any combination thereof, at least two-thirds of its shares shall be held by individuals who are licensed or otherwise legally authorized within the Commonwealth to render the applicable service, and (iii) if the surviving or new professional business entity is a professional limited liability company organized and operating under the laws of the Commonwealth, all of its members and managers shall be licensed or otherwise legally authorized to render the same professional service as the professional limited liability company, provided that if such service is that of architects, professional engineers, ~~or~~ land surveyors ~~or certified landscape architects~~, or any combination thereof, at least two-thirds of its membership interests shall be held by individuals or professional business entities that are licensed or otherwise legally authorized within the Commonwealth to render the applicable service.

§ 13.1-549. Qualifications of shareholders; special provisions for corporations rendering services of architects, professional engineers, 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 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 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 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, *and* 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.

§ 13.1-550. Transfer of shares.

A. No shareholder of a corporation organized under this chapter may sell or transfer his shares in such corporation except to (i) the corporation, (ii) another individual or professional business entity who is eligible to be a shareholder of such corporation, (iii) a qualified charitable remainder trust as defined in subsection B, or (iv) the trustees of an eligible employee stock ownership plan. In the case of a corporation rendering the services of architects, professional engineers, *and* land surveyors ~~and certified landscape architects~~, or any combination thereof, no person who is not duly licensed or otherwise legally authorized to render one such service shall be eligible unless at least two-thirds of the remaining shares after the sale or transfer shall be held by individuals or professional business entities duly licensed or otherwise legally authorized to perform one such service.

B. As used in this section, "qualified charitable remainder trust" means a trust meeting the requirements of § 664 of the United States Internal Revenue Code of 1986, as amended, and which meets all of the following conditions:

1. Has one or more current income beneficiaries, all of which are eligible to be a shareholder in the corporation under § 13.1-544.

2. Has a trustee or independent special trustee who:

a. Is eligible to be a shareholder in the corporation under § 13.1-544; and

b. Has exclusive authority over the shares of the corporation while the shares are held in the trust.

3. Has one or more irrevocably designated charitable remaindermen, all of which must at all times be domiciled or maintain a local chapter in the Commonwealth of Virginia.

4. When transferring any assets during the term of the trust to charitable organizations, the distributions are made only to charitable organizations described in § 170(c) of the Internal Revenue Code that are domiciled or maintain a local chapter in this Commonwealth.

§ 13.1-553. Board of directors.

A. Except as provided in an agreement adopted pursuant to § 13.1-671.1 or 13.1-852.1 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 or member shall have the power to bind the corporation within the scope of its business or profession merely by virtue of his being a shareholder or member. 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 or 13.1-852.1, 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 or members shall supervise and direct the provision of professional services of that professional corporation or its shareholders or members within the Commonwealth; however, in the case of a corporation rendering the services of architects, professional engineers, land surveyors, ~~landscape architects~~, or certified interior designers, 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.

B. The articles of incorporation may prescribe the manner in which the board of directors shall be chosen and the number thereof. No individual 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 that the board of directors of a corporation rendering the services of architects, professional engineers, land surveyors, ~~landscape architects~~, or certified interior designers, or any combination thereof, may have as members employees of the corporation who are not authorized to render the professional services of the corporation, provided that such employee-directors do not constitute more than one-third of all of the members of the board of directors.

C. The board of directors, including the first board of directors, shall consist of one or more individuals. The number of directors shall be fixed by the bylaws except as to the number of the first board of directors, which shall be fixed by the articles of incorporation. The number of directors may be increased or decreased from time to time by amendment of the bylaws, unless the articles of incorporation provide that a change in the number of directors shall be made only by amendment of the articles of incorporation. In the absence of a bylaw fixing the number of directors, the number shall be the same as that stated in the articles of incorporation.

§ 13.1-1102. Definitions.

A. As used in this chapter:

"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 this subsection, (ii) a professional corporation as defined in subsection A of § 13.1-543, or (iii) a partnership that is registered as a registered limited liability partnership 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 limited liability company" means a limited liability company whose articles of organization 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 interior designers and, except as expressly otherwise permitted by this chapter, that has as its members only individuals or professional business entities that are duly licensed or otherwise legally authorized to render the same professional service as the professional limited liability company or (ii) organized under this chapter for the sole and specific purpose of rendering professional service of architects, professional engineers, *or* land surveyors, ~~or landscape architects~~ or using the title of certified interior designers, or any combination thereof, and at least two-thirds of whose membership interests are held by persons duly licensed within the Commonwealth to perform the services of an architect, professional engineer, *or* land surveyor, ~~or landscape architect~~, or by persons legally authorized within the Commonwealth to use the title of certified interior designer; or (iii) organized under this chapter 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, of optometry, physical therapy, the behavioral science professions, and audiology or speech pathology and 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; 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 that person's practice in a manner contrary to the standards of ethics of that person's branch of the healing arts, optometry, physical therapy, the behavioral science professions, or audiology or speech pathology, or nursing as the case may be.

"Professional services" means any type of personal service to the public that requires as a condition precedent to the rendering of that service or the use of that 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, ~~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 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 school that is an "institution" as that term is defined in § 23.1-1100.

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

§ 13.1-1103. Who may become a member.

One or more individuals or professional business entities (i) duly licensed or otherwise legally authorized to render the same professional services other than those of architects, professional engineers or land surveyors, or to use a title other than ~~those of certified landscape architects or that of~~ certified interior designers, of which at least one is duly licensed or otherwise legally authorized to render such professional services within the Commonwealth or (ii) complying with the provisions of § 13.1-1111 and duly licensed to render within the Commonwealth the professional services of architects, professional engineers or land surveyors, or legally authorized to use within the Commonwealth the title of ~~certified landscape architects or~~ certified interior designers, or any combination thereof, may become members of a limited liability company for pecuniary profit under the provisions of Chapter 12 (§ 13.1-1000 et seq.) of this title, for the sole and specific purpose of rendering the same and specific professional service, subject to any laws, not inconsistent with the provisions of this chapter, which are applicable to the practice of that profession in the limited liability company form.

§ 13.1-1106. Merger with foreign professional limited liability company or foreign professional corporation.

Any limited liability company organized under this chapter may merge with one or more foreign professional limited liability companies that have obtained a certificate of registration to transact business in the Commonwealth pursuant to § 13.1-1105, or one or more foreign professional corporations that have obtained a certificate of authority to transact business in the Commonwealth pursuant to § 13.1-544.2, only if the professional limited liability companies and the professional corporations are organized to render the same professional services, provided that (i) the merger is permitted by the laws of the jurisdiction under which each such foreign professional limited liability company or foreign professional corporation is organized, (ii) if the surviving or new professional business entity is a professional limited liability company organized and operating under the laws of the Commonwealth, all of its members and managers shall be licensed or otherwise legally authorized to render the same professional service as the limited liability company, provided that if such service is

that of architects, professional engineers, ~~or land surveyors or certified landscape architects~~, or any combination thereof, at least two-thirds of its membership interests shall be held by individuals or professional business entities that are licensed or otherwise legally authorized within the Commonwealth to render the applicable service, and (iii) if the surviving or new professional business entity is a professional corporation organized and operating under the laws of the Commonwealth, all of its shareholders shall be licensed or otherwise legally authorized to render the same professional service as the professional corporation, provided that if such service is that of architects, professional engineers, ~~or land surveyors or certified landscape architects~~, or any combination thereof, at least two-thirds of its shares shall be held by individuals who are licensed or otherwise legally authorized within the Commonwealth to render the applicable service.

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

§ 13.1-1115. Transfer of membership interests.

A. No member of a professional limited liability company organized under this chapter may sell, assign in whole or in part, or otherwise transfer that member's membership interest in the professional limited liability company except to (i) the professional limited liability company, (ii) another individual or professional business entity that is eligible to be a member of that professional limited liability company, or (iii) a qualified charitable remainder trust as described in subsection B. In the case of a professional limited liability company rendering the services of architects, professional engineers, ~~and land surveyors and certified landscape architects~~, or any combination thereof, no person or professional business entity which is not duly licensed or otherwise legally authorized to render one of those services will be eligible unless at least two-thirds of the remaining membership interests after the sale or transfer are held by persons or professional business entities duly licensed or otherwise legally authorized to perform one of those services.

B. As used in this section, "qualified charitable remainder trust" means a trust meeting the requirements of § 664 of the United States Internal Revenue Code of 1986, as amended, and which meets all of the following conditions:

1. Has one or more current income beneficiaries, all of which are eligible to be members in the professional limited liability company under § 13.1-1103.
2. Has a trustee or independent special trustee who:
 - a. Is eligible to have a membership interest in the professional limited liability company under § 13.1-1103; and
 - b. Has exclusive authority over the membership interests while such interests are held in the trust.
3. Has one or more irrevocably designated charitable remaindermen, all of which must at all times be

428 domiciled or maintain a local chapter in the Commonwealth of Virginia.

429 4. When transferring any assets during the term of the trust to charitable organizations, the
430 distributions are made only to charitable organizations described in § 170(c) of the Internal Revenue
431 Code that are domiciled or maintain a local chapter in this Commonwealth.

432 **§ 15.2-851. Expedited land development review procedure.**

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

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

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

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

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

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

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

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

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

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

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

489 **§ 15.2-2263. Expedited land development review procedure.**

A. The Counties of Hanover, Loudoun, Montgomery, Prince William, and Roanoke, and the Town of Leesburg, 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, licensed architects, *and* licensed land surveyors, ~~and landscape architects~~ who are also licensed pursuant to § 54.1-408 and recommended for submission by persons who have received special training in the locality's land development ordinances and regulations. The purpose of the separate review procedure is to provide a procedure to expedite the locality's review of certain qualified land development plans. If a separate procedure is established, the locality 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, licensed architect, *or* licensed land surveyor, ~~or landscape architect~~ shall qualify for the separate processing procedure.

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

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

2. Successful completion of an educational program specified by the locality.

3. A minimum of two years of land development engineering design experience acceptable to the locality.

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

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 or town council pursuant to the authority granted by this section, the board of supervisors or town council shall establish an advisory plans examiner board, which shall make recommendations to the board of supervisors or town council 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 or town council 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 or town council 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 licensed land surveyors pursuant to § 54.1-408, at least one of whom shall be a licensed land surveyor; one person employed by the government of the locality; 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 licensed surveyors must maintain their professional license as a condition of holding office and shall have at least two years of experience in land development procedures of the locality. 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 or practicing his profession.

D. The expedited land development program shall include an educational program conducted under the auspices of a public 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 local 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 that they would otherwise have with regard to the preparation of plans, nor shall it relieve the locality of its obligation to review other plans in the time periods and manner prescribed by law.

§ 54.1-300. Definitions.

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

"Board" means the Board for Professional and Occupational Regulation.

551 "Certification" means the process whereby the Department or any regulatory board issues a certificate
552 on behalf of the Commonwealth to a person certifying that he possesses the character and minimum
553 skills to engage properly in his profession or occupation.

554 "Department" means the Department of Professional and Occupational Regulation.

555 "Director" means the Director of the Department of Professional and Occupational Regulation.

556 "Inspection" means a method of regulation whereby a state agency periodically examines the
557 activities and premises of practitioners of an occupation or profession to ascertain if the practitioner is
558 carrying out his profession or occupation in a manner consistent with the public health, safety and
559 welfare.

560 "Licensure" means a method of regulation whereby the Commonwealth, through the issuance of a
561 license, authorizes a person possessing the character and minimum skills to engage in the practice of a
562 profession or occupation that is unlawful to practice without a license.

563 "Registration" means a method of regulation whereby any practitioner of a profession or occupation
564 may be required to submit information concerning the location, nature and operation of his practice.

565 "Regulatory board" means the Auctioneers Board, Board for Architects, Professional Engineers, Land
566 Surveyors, *and* Certified Interior Designers *and* ~~Landscape Architects~~, Board for Barbers and
567 Cosmetology, Board for Branch Pilots, Board for Contractors, Board for Hearing Aid Specialists and
568 Opticians, Board for Professional Soil Scientists, Wetland Professionals, and Geologists, Board for
569 Waste Management Facility Operators, Board for Waterworks and Wastewater Works Operators and
570 Onsite Sewage System Professionals, Cemetery Board, Real Estate Appraiser Board, Real Estate Board,
571 Fair Housing Board, Virginia Board for Asbestos, Lead, and Home Inspectors, and Common Interest
572 Community Board.

573 CHAPTER 4. ARCHITECTS, ENGINEERS, LAND SURVEYORS, ~~LANDSCAPE ARCHITECTS~~ AND 574 INTERIOR DESIGNERS.

575 Article 1.

576 Architects, Engineers, *and* Land Surveyors *and* ~~Landscape Architects~~.

577 § 54.1-400. Definitions.

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

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

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

587 "Board" means the Board for Architects, Professional Engineers, Land Surveyors, *and* Certified
588 Interior Designers *and* ~~Landscape Architects~~.

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

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

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

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

607 The "practice of land surveying" includes surveying of areas for a determination or correction, a
608 description, the establishment or reestablishment of internal and external land boundaries, or the
609 determination of topography, contours or location of physical improvements, and also includes the
610 planning of land and subdivisions thereof. The term "planning of land and subdivisions thereof" shall
611 include, but not be limited to, the preparation of incidental plans and profiles for roads, streets and
612 sidewalks, grading, drainage on the surface, culverts and erosion control measures, with reference to

existing state or local standards.

"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 licensure as a landscape architect.

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

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

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

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

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

§ 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; ~~or 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; ~~or 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 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

674 this chapter or (ii) holding himself out as a certified interior designer when such person is not certified
675 or registered by the Board in accordance with this chapter. The order shall be effective upon its entry
676 and shall become final unless such person files an appeal with the Board in accordance with the
677 Administrative Process Act (§ 2.2-4000 et seq.) within 21 days of the date of entry of the order.

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

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

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

687 **§ 54.1-403. Board members and officers; quorum.**

688 The Board for Architects, Professional Engineers, Land Surveyors, *and* Certified Interior Designers
689 ~~and Landscape Architects~~ shall be composed of ~~15~~ 13 members as follows: three architects, three
690 professional engineers, three land surveyors, ~~two landscape architects~~, two certified interior designers,
691 and two nonlegislative citizen members.

692 Except for the nonlegislative citizen members appointed in accordance with § 54.1-107, Board
693 members shall have actively practiced or taught their professions for at least 10 years prior to their
694 appointments. The terms of Board members shall be four years.

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

696 ~~Nine~~ *Eight* Board members, consisting of two engineers, two architects, two land surveyors, ~~one~~
697 ~~landscape architect~~, one interior designer, and one nonlegislative citizen member, shall constitute a
698 quorum.

699 **§ 54.1-404.2. Continuing education.**

700 A. The Board shall promulgate regulations governing continuing education requirements for
701 architects, professional engineers, *and* land surveyors; ~~and landscape architects~~ licensed by the Board.
702 Such regulations shall require the completion of the equivalent of 16 hours per biennium of
703 Board-approved continuing education activities as a prerequisite to the renewal or reinstatement of a
704 license issued to an architect, professional engineer, *or* land surveyor; ~~or landscape architect~~. The Board
705 shall establish criteria for continuing education activities including, but not limited to (i) content and
706 subject matter; (ii) curriculum; (iii) standards and procedures for the approval of activities, courses,
707 sponsors, and instructors; (iv) methods of instruction for continuing education courses; and (v) the
708 computation of course credit.

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

711 **§ 54.1-405. Examinations and issuance of licenses and certificates.**

712 A. The Board shall hold at least one examination each year at times and locations designated by the
713 Board. A license to practice as a professional engineer, an architect, *or* a land surveyor; ~~or a landscape~~
714 ~~architect~~ shall be issued to every applicant who complies with the requirements of this chapter and the
715 regulations of the Board. A license shall be valid during the life of the holder unless revoked or
716 suspended by the Board. A license holder must register with the Board to practice in the
717 Commonwealth. The licenses shall be signed by at least four members of the Board.

718 B. Notwithstanding the provisions of § 54.1-111, a license holder who has retired from practice may
719 use the designation granted by such license, followed by the word "emeritus," without possessing a
720 current registration from the Board provided (i) the license has not been revoked or suspended by the
721 Board and (ii) the license holder does not practice or offer to practice architecture, engineering, *or* land
722 surveying; ~~or landscape architecture~~.

723 **§ 54.1-410. Other building laws not affected; duties of public officials.**

724 A. Nothing contained in this chapter or in the regulations of the Board shall be construed to limit the
725 authority of any public official authorized by law to approve plans, specifications or calculations in
726 connection with improvements to real property. This shall include, but shall not be limited to, the
727 authority of officials of local building departments as defined in § 36-97, to require pursuant to the
728 Uniform Statewide Building Code, state statutes, local ordinances, or code requirements that such work
729 be prepared by a person licensed or certified pursuant to this chapter.

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

735 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, or land surveyor or landscape architect licensed 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 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 individual practicing architecture, engineering, land surveying, landscape architecture, or offering the title of certified interior designer under the provisions of this section shall be relieved of responsibility that may exist for services performed by reason of his employment or other relationship with such entity. 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, nor any 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; (iii) receiving indemnification as a result of any such liability; or (iv) limiting liability through contract.

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 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, 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.

CHAPTER 22.

SOIL SCIENTISTS, WETLAND PROFESSIONALS, AND GEOLOGISTS.

Article I.

Soil Scientists and Wetland Professionals.

§ 54.1-2200. Definitions.

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

"Board" means the Board for Professional Soil Scientists, Wetland Professionals, and Geologists.

"Department" means the Department of Professional and Occupational Regulation.

"Eligible soil scientist" means a person who possesses the qualifications specified in this chapter to become licensed.

"Eligible wetland professional" means a person who possesses the qualifications specified in this chapter to become certified.

"Geologist" means a person engaged in the public practice of geology.

"Geology" means the science dealing with (i) the earth and its history in general; (ii) the investigation, prediction, evaluation, and location of materials and structures which compose the earth; (iii) the natural processes that cause changes in the earth; and (iv) the application of knowledge of the earth, its processes, and its constituent rocks, minerals, liquids, gases, and other natural materials.

"Practice of geology" means the performance of any service or work for the general public wherein the principles and methods of geology are applied.

"Practice of soil evaluation" means the evaluation of soil by accepted principles and methods including, but not limited to, observation, investigation, and consultation on measured, observed and inferred soils and their properties; analysis of the effects of these properties on the use and management of various kinds of soil; and preparation of soil descriptions, maps, reports and interpretive drawings.

"Practice of wetland delineation" means the delineation of wetlands by accepted principles and methods including, but not limited to, observation, investigation, and consultation on soil, vegetation, and hydrologic parameters; and preparation of wetland delineations, descriptions, reports and interpretive drawings.

"Qualified geologist" means an uncertified person who possesses all the qualifications specified in this chapter for certification.

"Soil" means the groups of natural bodies occupying the unconsolidated portion of the earth's surface

797 which are capable of supporting plant life and have properties caused by the combined effects, as
798 modified by topography and time, of climate and living organisms upon parent materials.

799 "Soil evaluation" means plotting soil boundaries, describing and evaluating the kinds of soil and
800 predicting their suitability for and response to various uses.

801 "Soil science" means the science dealing with the physical, chemical, mineralogical, and biological
802 properties of soils as natural bodies.

803 "Soil scientist" means a person having special knowledge of soil science and the methods and
804 principles of soil evaluation as acquired by education and experience in the formation, description and
805 mapping of soils.

806 "Virginia certified professional geologist" means a person who possesses all qualifications specified
807 in this chapter for certification and whose competence has been attested by the Board through
808 certification.

809 "Virginia certified professional wetland delineator" means a person who possesses the qualifications
810 required for certification by the provisions of this chapter and the regulations of the Board and who is
811 granted certification by the Board.

812 "Virginia licensed professional soil scientist" means a person who possesses the qualifications
813 required for licensure by the provisions of this chapter and the regulations of the Board and who has
814 been granted a license by the Board.

815 "Wetland delineation" means delineating wetland limits in accordance with prevailing state and
816 federal regulatory guidance and describing wetland types.

817 "Wetland professional" means a person having special knowledge of wetland science and the
818 methods and principles of wetland delineation as acquired by education and experience in the formation,
819 description and mapping of wetlands.

820 "Wetland science" means the science dealing with the physical, chemical, and biological properties of
821 wetland systems integrated through ecological and morphological relationships.

822 "Wetlands" means the same as that term is defined in §§ 28.2-1300 and 62.1-44.3.

823 **§ 54.1-2200.2. Board for Wetland Professionals and Geologists; membership; quorum.**

824 A. Notwithstanding the provisions of § 54.1-200, the Board for Professional Soil Scientists, Wetland
825 Professionals, and Geologists shall be composed of ~~13~~ 10 members as follows: ~~three licensed~~
826 ~~professional soil scientists~~, three certified professional wetland delineators, three geologists, and three
827 citizen members. The State Geologist shall serve as an ex officio member of the Board. The geologist
828 members shall be of varied backgrounds. ~~The professional soil scientist members shall have experience~~
829 ~~in at least one of the following areas: (i) soil mapping and classification, (ii) soil suitability and land~~
830 ~~use, (iii) teaching and research in soil science, and (iv) environmental protection regulations.~~ Of the
831 wetland professional members, one shall have experience in wetland delineation and description, one
832 shall have experience in teaching and research in wetland science, and one shall have experience with
833 natural resource regulations. Terms of the members shall be for four years.

834 B. The Board shall annually elect a chairman from its membership. ~~Seven~~ Five board members,
835 consisting of at least ~~two~~ soil scientists, two professional wetland delineators, two geologists, and one
836 citizen member, shall constitute a quorum.

837 C. ~~The Governor may select the professional soil scientist members from a list of at least three~~
838 ~~names for each vacancy submitted by the Virginia Association of Professional Soil Scientists. The~~
839 ~~Governor may notify the Virginia Association of Professional Soil Scientists of any professional vacancy~~
840 ~~other than by expiration among the professional soil scientist members of the Board and nominations~~
841 ~~may be made for the filling of the vacancy.~~

842 D. ~~The Governor may select the wetland professionals from a list of at least three names for each~~
843 ~~vacancy submitted by the Virginia Association of Wetland Professionals. The Governor may notify and~~
844 ~~request nominations from the Virginia Association of Wetland Professionals of any professional vacancy~~
845 ~~other than by expiration among the wetland professional members.~~

846 **§ 54.1-2201. Exceptions.**

847 A. The certification program for wetland delineation set forth in this chapter shall be voluntary and
848 shall not be construed to prohibit:

849 1. The practice of wetland delineation by individuals who are not certified professional wetland
850 delineators as defined in this chapter;

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

853 3. The work of any professional engineer, ~~landscape architect~~, or land surveyor as defined by
854 § 54.1-400 in rendering any of the services that constitute the practice of wetland delineation or the
855 practice of soil evaluation; or

856 4. The practice of any profession or occupation that is regulated by another regulatory board within
857 the Department.

858 B. ~~The licensing program for professional soil scientists shall not be construed to prohibit:~~

1. The work of an employee or a subordinate of a licensed soil scientist;
 2. The work of any professional engineer, landscape architect, or land surveyor as defined in § 54.1-400 in rendering any services that constitute the practice of soil evaluation; or
 3. The practice of any profession or occupation that is regulated by another regulatory board within the Department.

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

§ 54.1-2206. Waiver of examination.

A. The Board may waive the requirement for examination pursuant to § 54.1-2205 upon written application from an individual who holds an unexpired certificate or license, or its equivalent, issued by a regulatory body of another state, territory or possession of the United States and is not the subject of any disciplinary proceeding before such regulatory body which could result in the suspension or revocation of his certificate or license, if such other state, territory or possession recognizes the license issued by the Board.

B. The Board shall waive the requirement for examination pursuant to § 54.1-2206.2 upon the written application from an individual who holds an unexpired certificate or its equivalent issued by a regulatory body of another state, territory or possession of the United States or has been provisionally certified under the U.S. Army Corps of Engineers Wetland Delineator Certification Program of 1993 and is not the subject of any disciplinary proceeding before such regulatory body, which could result in the suspension or revocation of his certificate.

§ 54.1-2207. Unprofessional conduct.

Any professional soil scientist who is licensed or any wetland delineator who is certified, as provided in this chapter, shall be considered guilty of unprofessional conduct and subject to disciplinary action by the Board, if he:

1. Obtains his certification or license through fraud or deceit;
2. Violates or cooperates with others in violating any provision of this chapter, the Code of Professional Ethics and Conduct or any regulation of the Board;
3. Performs any act likely to deceive, defraud or harm the public;
4. Demonstrates gross negligence, incompetence or misconduct in the practice of soil evaluation or wetland delineation; or
5. Is convicted of a felony.

§ 54.1-2208. Unlawful representation as a certified wetland delineator; penalty.

A. No person shall represent himself as a licensed professional soil scientist unless he has been so licensed by the Board. Any person practicing or offering to practice soil evaluation within the meaning of this chapter who, through verbal claim, sign, advertisement, or letterhead, represents himself as a licensed professional soil scientist without holding a license from the Board shall be guilty of a Class 1 misdemeanor.

B. No person shall represent himself as a certified professional wetland delineator unless he has been so certified by the Board. Any person practicing or offering to practice wetland delineation within the meaning of this chapter who, through verbal claim, sign, advertisement, or letterhead, represents himself as a certified professional wetland delineator without holding such a certificate from the Board shall be guilty of a Class 1 misdemeanor.

§ 62.1-44.15:51. (For contingent expiration date, see Acts 2016, cc. 68 and 758, as amended by Acts 2017, c. 345) 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 VESCP 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 VESCP 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, landscape architect, or land surveyor pursuant to Article 1 (§ 54.1-400 et seq.) of Chapter 4 of Title 54.1; or professional soil scientist as defined in § 54.1-2200.

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

924 "Department" means the Department of Environmental Quality.

925 "Director" means the Director of the Department of Environmental Quality.

926 "District" or "soil and water conservation district" means a political subdivision of the
927 Commonwealth organized in accordance with the provisions of Article 3 (§ 10.1-506 et seq.) of Chapter
928 5 of Title 10.1.

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

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

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

944 1. Minor land-disturbing activities such as home gardens and individual home landscaping, repairs,
945 and maintenance work;

946 2. Individual service connections;

947 3. Installation, maintenance, or repair of any underground public utility lines when such activity
948 occurs on an existing hard surfaced road, street, or sidewalk, provided the land-disturbing activity is
949 confined to the area of the road, street, or sidewalk that is hard surfaced;

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

952 5. Permitted surface or deep mining operations and projects, or oil and gas operations and projects
953 conducted pursuant to Title 45.1;

954 6. Tilling, planting, or harvesting of agricultural, horticultural, or forest crops, livestock feedlot
955 operations, or as additionally set forth by the Board in regulation, including engineering operations as
956 follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip
957 cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation;
958 however, this exception shall not apply to harvesting of forest crops unless the area on which harvesting
959 occurs is reforested artificially or naturally in accordance with the provisions of Chapter 11 (§ 10.1-1100
960 et seq.) of Title 10.1 or is converted to bona fide agricultural or improved pasture use as described in
961 subsection B of § 10.1-1163;

962 7. Repair or rebuilding of the tracks, rights-of-way, bridges, communication facilities, and other
963 related structures and facilities of a railroad company;

964 8. Agricultural engineering operations, including but not limited to the construction of terraces,
965 terrace outlets, check dams, desilting basins, dikes, ponds not required to comply with the provisions of
966 the Dam Safety Act (§ 10.1-604 et seq.), ditches, strip cropping, lister furrowing, contour cultivating,
967 contour furrowing, land drainage, and land irrigation;

968 9. Disturbed land areas of less than 10,000 square feet in size or 2,500 square feet in all areas of the
969 jurisdictions designated as subject to the Chesapeake Bay Preservation Area Designation and
970 Management Regulations; however, the governing body of the program authority may reduce this
971 exception to a smaller area of disturbed land or qualify the conditions under which this exception shall
972 apply;

973 10. Installation of fence and sign posts or telephone and electric poles and other kinds of posts or
974 poles;

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

980 12. Emergency work to protect life, limb, or property, and emergency repairs; however, if the
981 land-disturbing activity would have required an approved erosion and sediment control plan, if the

activity were not an emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirements of the VESCP authority.

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

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

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

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

"Person" means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, county, city, town, or other political subdivision of the Commonwealth, governmental body, including a federal or state entity as applicable, any interstate body, or any other legal entity.

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

"Town" means an incorporated town.

"Virginia Erosion and Sediment Control Program" or "VESCP" means a program approved by the Board that has been established by a VESCP authority for the effective control of soil erosion, sediment deposition, and nonagricultural runoff associated with a land-disturbing activity to prevent the unreasonable degradation of properties, stream channels, waters, and other natural resources and shall include such items where applicable as local ordinances, rules, permit requirements, annual standards and specifications, policies and guidelines, technical materials, and requirements for plan review, inspection, enforcement where authorized in this article, and evaluation consistent with the requirements of this article and its associated regulations.

"Virginia Erosion and Sediment Control Program authority" or "VESCP authority" means an authority approved by the Board to operate a Virginia Erosion and Sediment Control Program. An authority may include a state entity, including the Department; a federal entity; a district, county, city, or town; or for linear projects subject to annual standards and specifications, electric, natural gas, and telephone utility companies, interstate and intrastate natural gas pipeline companies, railroad companies, or authorities created pursuant to § 15.2-5102.

"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.

§ 62.1-44.15:51. (For contingent effective date, see Acts 2016, cc. 68 and 758, as amended by Acts 2017, c. 345) Definitions.

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

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

"Applicant" means any person submitting an erosion and sediment control plan for approval in order to obtain authorization for land-disturbing activities to commence.

"Certified inspector" means an employee or agent of a VESCP authority who (i) holds a certification 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 VESCP authority who (i) holds a certification 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, landscape architect, or land surveyor pursuant to Article 1 (§ 54.1-400 et seq.) of Chapter 4 of Title 54.1, or professional soil scientist as defined in § 54.1-2200.

"Certified program administrator" means an employee or agent of a VESCP authority who (i) holds a certification 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.

"Department" means the Department of Environmental Quality.

"Director" means the Director of the Department of Environmental Quality.

"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 Chapter

1043 5 of Title 10.1.

1044 "Erosion and sediment control plan" or "plan" means a document containing material for the
1045 conservation of soil and water resources of a unit or group of units of land. It may include appropriate
1046 maps, an appropriate soil and water plan inventory and management information with needed
1047 interpretations, and a record of decisions contributing to conservation treatment. The plan shall contain
1048 all major conservation decisions to ensure that the entire unit or units of land will be so treated to
1049 achieve the conservation objectives.

1050 "Erosion impact area" means an area of land that is not associated with a current land-disturbing
1051 activity but is subject to persistent soil erosion resulting in the delivery of sediment onto neighboring
1052 properties or into state waters. This definition shall not apply to any lot or parcel of land of 10,000
1053 square feet or less used for residential purposes or to shorelines where the erosion results from wave
1054 action or other coastal processes.

1055 "Land disturbance" or "land-disturbing activity" means any man-made change to the land surface that
1056 may result in soil erosion or has the potential to change its runoff characteristics, including the clearing,
1057 grading, excavating, transporting, and filling of land.

1058 "Natural channel design concepts" means the utilization of engineering analysis and fluvial
1059 geomorphic processes to create, rehabilitate, restore, or stabilize an open conveyance system for the
1060 purpose of creating or recreating a stream that conveys its bankfull storm event within its banks and
1061 allows larger flows to access its bankfull bench and its floodplain.

1062 "Owner" means the same as provided in § 62.1-44.3. For a land-disturbing activity that is regulated
1063 under this article, "owner" also includes the owner or owners of the freehold of the premises or lesser
1064 estate therein, mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, or
1065 other person, firm, or corporation in control of a property.

1066 "Peak flow rate" means the maximum instantaneous flow from a given storm condition at a particular
1067 location.

1068 "Person" means any individual, partnership, firm, association, joint venture, public or private
1069 corporation, trust, estate, commission, board, public or private institution, utility, cooperative, county,
1070 city, town, or other political subdivision of the Commonwealth, governmental body, including a federal
1071 or state entity as applicable, any interstate body, or any other legal entity.

1072 "Runoff volume" means the volume of water that runs off the land development project from a
1073 prescribed storm event.

1074 "Soil erosion" means the movement of soil by wind or water into state waters or onto lands in the
1075 Commonwealth.

1076 "Town" means an incorporated town.

1077 "Virginia Erosion and Sediment Control Program" or "VESCP" means a program approved by the
1078 Board that has been established by a VESCP authority for the effective control of soil erosion, sediment
1079 deposition, and nonagricultural runoff associated with a land-disturbing activity to prevent the
1080 unreasonable degradation of properties, stream channels, waters, and other natural resources and shall
1081 include such items where applicable as local ordinances, rules, policies and guidelines, technical
1082 materials, and requirements for plan review, inspection, and evaluation consistent with the requirements
1083 of this article.

1084 "Virginia Erosion and Sediment Control Program authority" or "VESCP authority" means a locality
1085 approved by the Board to operate a Virginia Erosion and Sediment Control Program. A locality that has
1086 chosen not to establish a Virginia Erosion and Stormwater Management Program pursuant to subdivision
1087 B 3 of § 62.1-44.15:27 is required to become a VESCP authority in accordance with this article.

1088 "Virginia Stormwater Management Program" or "VSMP" means a program established by the Board
1089 pursuant to § 62.1-44.15:27.1 on behalf of a locality on or after July 1, 2014, to manage the quality and
1090 quantity of runoff resulting from any land-disturbing activity that (i) disturbs one acre or more of land
1091 or (ii) disturbs less than one acre of land and is part of a larger common plan of development or sale
1092 that results in one acre or greater of land disturbance.

1093 **§ 62.1-44.15:53. Certification of program personnel.**

1094 A. The minimum standards of VESCP effectiveness established by the Board pursuant to subsection
1095 C of § 62.1-44.15:52 shall provide that (i) an erosion and sediment control plan shall not be approved
1096 until it is reviewed by a certified plan reviewer; (ii) inspections of land-disturbing activities shall be
1097 conducted by a certified inspector; and (iii) a VESCP shall contain a certified program administrator, a
1098 certified plan reviewer, and a certified project inspector, who may be the same person.

1099 B. Any person who holds a certificate of competence from the Board in the area of plan review,
1100 project inspection, or program administration that was attained prior to the adoption of the mandatory
1101 certification provisions of subsection A shall be deemed to satisfy the requirements of that area of
1102 certification.

1103 C. (For expiration date — see note) Professionals registered in the Commonwealth pursuant to
1104 Article 1 (§ 54.1-400 et seq.) of Chapter 4 of Title 54.1 or a professional soil scientist as defined in

1105 § 54.1-2200 shall be deemed to satisfy the certification requirements for the purposes of renewals.
1106 C. (For effective date — see notes) Professionals registered in the Commonwealth pursuant to Article
1107 1 (§ 54.1-400 et seq.) of Chapter 4 of Title 54.1 or a professional soil scientist as defined in § 54.1-2200
1108 shall be deemed to have met the provisions of this section for the purposes of renewals of certifications.
1109 2. That §§ 10.1-1408.2, 54.1-409, and 54.1-2205 and Chapter 22.1 (§§ 54.1-2209 through 54.1-2212)
1110 of Title 54.1 of the Code of Virginia are repealed.