



# Virginia– Laws, Rules, and Ethics for Professional Engineers

Three (3) Continuing Education Hours  
Course #VA101

Approved Continuing Education for Licensed Professional Engineers

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## Course Description:

The Virginia Laws, Rules and Ethics course satisfies 3 of the 16 hours of continuing education required for Virginia licensed professional engineers.

The course is designed as a distance learning interactive course that enables the practicing professional engineer to examine the canons of ethics as well as keep up to date on the legal aspects that govern the practice of engineering in the state of Virginia.

## Objectives:

The primary objective of this course is to familiarize the student with the canons of ethics and familiarize the student with the laws and rules regulating the practice of engineering in the state of Virginia.

Upon successful completion of the course, the student will have increased understanding of ethical practices and be well versed with the VA state laws and board rules.

## Grading:

Students must achieve a minimum score of 70% on the online quiz to pass this course. The quiz may be taken as many times as necessary to successfully pass and complete the course.

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# VIRGINIA ADMINISTRATIVE CODE

## TITLE 18, CH. 20

### BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE ARCHITECTS

#### PART I GENERAL

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#### **18VAC10-20-10. Definitions.**

Section 54.1-400 of the Code of Virginia provides definitions of the following terms and phrases as used in this chapter:

- Architect
- Board
- Certified interior designer
- Interior design. When used in this chapter, interior design shall only be applicable to interior design performed by a certified interior designer.
- Land surveyor. When used in this chapter, land surveyor shall include surveyor photogrammetrist unless stated otherwise or the context requires a different meaning.
- Landscape architect
- Practice of architecture
- Practice of engineering
- Practice of land surveying
- Practice of landscape architecture
- Professional engineer

The following words, terms, and phrases when used in this chapter shall have the meanings ascribed to them except where the context clearly indicates or requires different meanings:

"Application" means a completed application with the appropriate fee and any other required documentation including references, experience verification, degree verification, and verification of examination and licensure or certification.

"Comity" means the recognition of licenses or certificates issued by other states or other jurisdictions of the United States as permitted by § 54.1-103 C of the Code of Virginia.

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

"Direct control and personal supervision" means supervision by a professional who oversees and is responsible for the work of another individual.

"Good moral character" may be established if the applicant or regulant:

1. Has not been convicted of a misdemeanor in the last 10 years or has ever been convicted of a felony that would render the applicant unfit or unsuited to engage in the occupation or profession applied for in accordance with § 54.1-204 of the Code of Virginia;
2. Has not committed any act involving dishonesty, fraud, misrepresentation, breach of fiduciary duty, negligence, or incompetence reasonably related to:
  - a. The proposed area of practice within 10 years prior to application for licensure, certification, or registration; or
  - b. The area of practice related to licensure, certification, or registration by the board while under the authority of the board;
3. Has not engaged in fraud or misrepresentation in connection with the application for licensure, certification, or registration, or related exam;
4. Has not had a license, certification, or registration revoked or suspended for cause or been disciplined by the Commonwealth or by any other jurisdiction, or surrendered or has surrendered a license, certificate, or registration in lieu of disciplinary action; or
5. Has not practiced without the required license, registration, or certification in the Commonwealth or in another jurisdiction within the five years immediately

preceding the filing of the application for licensure, certification, or registration by the Commonwealth.

"Good standing" means that the regulant holds a current or active license, certificate, or registration issued by any regulatory body that is not subject to a current sanction. The regulant shall be in good standing in every jurisdiction where licensed, certified, or registered.

"Place of business" means any location that, through professionals, offers or provides the services of architecture, engineering, land surveying, landscape architecture, interior design, or any combination thereof. A temporary field office established and utilized for the duration of a specific project shall not qualify as a place of business under this chapter.

"Profession" means the practice of architecture, engineering, land surveying, landscape architecture, or interior design.

"Professional" means an architect, professional engineer, land surveyor, landscape architect, or certified interior designer who holds a license or certificate issued by the board pursuant to the provisions of this chapter and is in good standing with the board to practice his profession in the Commonwealth.

"Registrant" means a business holding a registration issued by the board and in good standing to offer or provide one or more of the professions regulated by the board.

"Regulant" means an architect, professional engineer, land surveyor, or landscape architect holding a license issued by the board and is in good standing; a certified interior designer holding a valid certification issued by the board and is in good standing; or a registrant.

"Resident" means physically present at the place of business a majority of its operating hours.

"Responsible person" means the professional named by the registrant to be responsible and have control of the registrant's regulated services offered, rendered, or both. A professional can only be the responsible person for the profession indicated on his licenses or certifications.

"Surveyor photogrammetrist" means a person who by reason of specialized knowledge in the area of photogrammetry has been granted a license by the board to survey land in accordance with Chapter 4 (§ 54.1-400 et seq.) of Title 54.1 of the Code of Virginia for the determination of topography, contours, or location of planimetric features using photogrammetric methods or similar remote sensing technology.

**18VAC10-20-15. Board organization.**

The board's organization shall be consistent with applicable provisions of the Code of Virginia. The board may have the following sections: Architects, Professional Engineers, Land Surveyors, Certified Interior Designers, and Landscape Architects. Each section may meet as necessary.

**18VAC10-20-17. Replacement of wall certificate.**

Any professional may obtain a replacement for a lost, destroyed, or damaged wall certificate upon submission of a department fee accompanied by a written request indicating that the certificate was lost, destroyed, or damaged. Multiple copies may be available at the discretion of the board or its agent.

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## PART II GENERAL ENTRY REQUIREMENTS

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**18VAC10-20-20. General application requirements.**

- A. Applicants must be of good moral character.
- B. Applications shall be completed in accordance with instructions contained in this chapter and on the application.
- C. Applications for licensure requiring an exam shall be received in the board's office by the application deadline established in Part III (18VAC10-20-90 et seq.) of this chapter for each profession's exam. The date the application is received in the board's office shall determine if the application has been received on time. Applications, accompanying materials, and references become the property of the board upon receipt by the board.
- D. Applicants shall meet all entry requirements at the time application is made.
- E. Applicants shall provide the board with all required documentation and fees to complete the application for licensure or certification no later than three years from the date of the board's receipt of the initial application fee. Applications that remain incomplete after that time will no longer be processed by the board and the applicant shall submit a new application.
- F. The board may make further inquiries and investigations with respect to an applicant's qualifications and documentation to confirm or amplify information supplied.
- G. Failure of an applicant to comply with a written request from the board for additional evidence or information within 60 days of receiving such notice, except in such instances where the board has determined ineligibility for a clearly specified period of time, may be sufficient and just cause for disapproving the application.
- H. Applicants who do not meet the requirements of 18VAC10-20-20 or 18VAC10-20-40 may be approved following consideration by the board in accordance with the

provisions of the Virginia Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia)

### **18VAC10-20-25. References.**

In addition to the requirements found in 18VAC10-20-130, 18VAC10-20-220, 18VAC10-20-345, and 18VAC10-20-425, as applicable, references that are submitted as part of an application must comply with the following:

1. Written references shall be on the board-approved form and shall be no more than one year old at the time the application is received in the board's office; and
2. The individual providing this reference must have known the applicant within the last five years from the date of this application and for at least one year.

### **18VAC10-20-35. Experience.**

All experience or training requirements contained in this chapter shall be on the board-approved form and will be evaluated based on the applicant working a minimum of 30 hours per week. Any experience gained at less than 30 hours per week may be prorated at the sole discretion of the board.

### **18VAC10-20-40. Good standing of applicants.**

A. Applicants currently licensed, certified, or registered to practice architecture, engineering, land surveying, landscape architecture, or interior design in another jurisdiction shall be in good standing in every jurisdiction where licensed, certified, or registered.

B. Applicants shall not have had a license, certificate, or registration to practice architecture, engineering, land surveying, landscape architecture, or interior design that was suspended, revoked, or surrendered in connection with a disciplinary action or have been the subject of a disciplinary action in any jurisdiction.

### **18VAC10-20-50. Transfer of scores to other boards.**

The board, at its discretion and upon proper application, may forward the scores achieved by an applicant in the various exams given under the board's jurisdiction to any other duly constituted registration board for use in evaluating the applicant's eligibility for registration within another board's jurisdiction or evaluation of the applicant's national certification. An applicant requesting that his score be transferred to another registration board shall state his reason for the request in writing.

### **18VAC10-20-55. Language and comprehension.**

Applicants for licensure or certification shall be able to speak and write English to the satisfaction of the board. Applicants whose primary language has not always been English, or who have not graduated from a college or university in which English is the language of instruction, shall submit to the board a Test of English as a Foreign Language Internet-based Test (TOEFL iBT) score report. Score reports shall not be over two years old at the time of application and must reflect a score acceptable to the board. In lieu of the TOEFL,



other evidence such as significant academic or work experience in English may be acceptable as determined by the board.

### **18VAC10-20-70. Modifications to examination administration.**

The board and the department support and comply with the provisions of the Americans with Disabilities Act (ADA), 42 USC § 12101 et seq. Contracts between the board, department, and vendors for exams contain provisions for compliance with the ADA. Requests for accommodations must be in writing and received in the board's office within a reasonable time before the exam. The board may require a report from a medical professional along with supporting data confirming the nature and extent of the disability. The applicant is responsible for providing the required information in a timely manner including the costs for providing the information. The board or its designee will determine, consistent with applicable law, any accommodations to be made.

### **18VAC10-20-75. Conduct at examination.**

Applicants approved for an exam will be given specific instructions as to the conduct of each division of the exam at the exam site. Applicants are required to follow these instructions to ensure fair and equal treatment to all applicants during the course of the exam. Misconduct may result in removal from the exam site, voided exam scores, and restriction from future exam access.

### **18VAC10-20-85. Examination on Regulations**

The board shall provide applicants with an exam on its regulations and statutes. All applicants for licensure or certification must achieve a passing score on this exam.

### **18VAC10-20-87. Expiration of Initial Licenses, Certificates, and Registrations**

A. Initial licenses, certificates, and registrations shall expire as follows:

1. Individual licenses and certificates shall be valid for two years from the last day of the month in which they are issued.
2. Registrations for professional corporations, professional limited liability companies, and business entities shall expire on December 31 of the odd-numbered year following issuance.
3. Registrations for branch offices shall expire the last day of February of the even-numbered year following issuance.

B. Licenses, certificates, and registrations shall expire in accordance with this section unless renewed pursuant to 18VAC10-20-670 or reinstated pursuant to 18VAC10-20-680.

## PART III QUALIFICATIONS FOR LICENSING OF ARCHITECTS

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### **18VAC10-20-90. Fee schedule.**

All fees are nonrefundable and shall not be prorated.

Application for Initial Architect License	\$75
Application for Architect License by Comity	\$75
Renewal	\$55

### **18VAC10-20-110. Education.**

A. Applicants for original licensure shall hold a professional degree in architecture from a program accredited by the National Architectural Accrediting Board (NAAB). The degree program must have been accredited by NAAB no later than two years after the date of the applicant's graduation from the program.

B. Applicants seeking credit for a degree or coursework that is not NAAB-accredited, whether foreign or domestic, shall establish an National Council of Architectural Registration Boards record and have that degree or coursework evaluated for equivalency to a NAAB-accredited professional degree in architecture through NAAB's evaluation service. The board reserves the right to reject any evaluation submitted. Any costs attributable to evaluation shall be borne by the applicant.

### **18VAC10-20-120. Experience.**

A. Applicants for original licensure shall successfully complete the National Council of Architectural Registration Boards (NCARB) administered architectural experience program, which satisfies the experience requirement outlined in 18VAC10-20-35.

B. Applicants with a National Architectural Accrediting Board-accredited degree or who are actively participating in or who have completed the NCARB-accepted integrated path to architectural licensure option are required to document their experience or training in architecture before licensure.

### **18VAC10-20-130. References.**

Applicants shall submit three references with the application, all of which shall be from currently licensed architects in a state or other jurisdiction of the United States or a country in which a mutual recognition agreement has been executed between itself and National Council of Architectural Registration Boards and accepted by the board. In addition to the requirements found in 18VAC10-20-25, the applicant shall only submit references from licensed architects who have personal knowledge of the applicant's architectural experience that demonstrates the applicant's competence and integrity.

**18VAC10-20-140. Examination.**

A. The board is a member board of National Council of Architectural Registration Boards (NCARB) and is authorized to make available the NCARB-prepared exam. Applicants for original licensure are required to pass this exam.

B. Applications for original licensure shall be approved by the board before applicants will be allowed to sit for the exam. Applicants who have satisfied the requirements of 18VAC10-20-110 and 18VAC10-20-130 and who are currently enrolled in or have completed the NCARB-administered architectural experience program or are actively participating in an integrated path accepted by NCARB to architectural licensure option with a National Architectural Accrediting Board-accredited professional degree program in architecture option shall be admitted to the exam.

C. Applicants approved by the board to sit for the exam shall register and submit the required exam fee and follow NCARB procedures when taking the exam. Applicants not properly registered will not be allowed to sit for the exam.

D. Applicants approved to sit for the exam shall be eligible for a period of three years from the date of their initial approval. Applicants who do not pass all sections of the exam during their eligibility period are no longer eligible to sit for the exam. To become exam-eligible again, applicants shall reapply to the board as follows:

1. Applicants who have taken at least one section of the exam and who reapply to the board no later than six months after the end of their eligibility may be approved to sit for the exam for an additional three years. The original application requirements shall apply.

2. Applicants who do not meet the criteria of subdivision 1 of this subsection shall reapply to the board and meet all entry requirements current at the time of reapplication.

E. Applicants will be notified of whether they passed or failed the exam. The exam shall not be reviewed by applicants. Unless authorized by NCARB rules and procedures, exam scores are final and not subject to change.

F. Scoring of the exam shall be in accordance with the national grading procedure administered by NCARB.

G. The board may approve transfer credits for parts of the exam taken and passed in accordance with national standards.

H. Applicants who have been approved for and subsequently pass the exam and who have satisfied 18VAC10-20-110, 18VAC10-20-120, and 18VAC10-20-130 shall be issued an architect license.

**18VAC10-20-150. Licensure by comity.**

A. Applicants who hold a valid active license in another state or other jurisdiction of the United States or a country in which a mutual recognition agreement has been executed between itself and National Council of Architectural Registration Boards (NCARB) and accepted by the board may be granted a license provided that they meet the requirements of 18VAC10-20-25 and:

1. They possess an NCARB certificate; or
2. They met the requirements for licensure that were substantially equivalent to those in effect in Virginia at the time they were originally licensed.

B. Applicants who do not satisfy the requirements of subsection A of this section shall meet the entry requirements for initial licensure pursuant to this chapter.

## PART IV QUALIFICATIONS FOR LICENSING OF PROFESSIONAL ENGINEERS

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**18VAC10-20-160. Definitions.**

The following words, terms, and phrases when used in this part shall have the meanings ascribed to them except where the context clearly indicates or requires different meanings:

"ABET" means the Accreditation Board for Engineering and Technology.

"Approved engineering program" means an undergraduate engineering program of four years or more or a graduate engineering program approved by the board. ABET-approved EAC programs are approved by the board. Programs that are accredited by ABET not later than two years after an applicant's graduation shall be deemed as ABET-approved.

"Approved engineering technology program" means an undergraduate engineering technology program of four years or more approved by the board. ABET-approved ETAC programs of four years or more are approved by the board. Programs that are accredited by ABET not later than two years after an applicant's graduation shall be deemed as ABET-approved.

"EAC" means Engineering Accreditation Commission.

"Engineer-in-training" or "EIT" means an applicant who has completed any one of several combinations of education, or education and experience, and has passed the Fundamentals of Engineering exam.

"ETAC" means Engineering Technology Accreditation Commission.

"Related science program" means a four-year program in biology, chemistry, geology, geophysics, mathematics, physics, or other programs approved by the board. Programs must have a minimum of six semester hours of mathematics courses beyond algebra and trigonometry and a minimum of six semester hours of science courses in calculus-based physics in order to be considered a related science program.

"Qualifying engineering experience" means a record of progressive experience on engineering work during which the applicant has made a practical utilization of acquired knowledge and has demonstrated progressive improvement, growth, and development through the utilization of that knowledge as revealed in the complexity and technical detail of the applicant's work product or work record. The applicant must show progressive assumption of greater individual responsibility for the work product over the relevant period. The progressive experience on engineering work shall be of a type and quality that indicates to the board that the applicant is minimally competent to practice engineering. Qualifying engineering experience shall be progressive in complexity and based on a knowledge of engineering mathematics, physical and applied sciences, properties of materials, and fundamental principles of engineering design.

### **18VAC10-20-170. Fee schedule.**

All fees are nonrefundable and shall not be prorated.

Application for Engineer-in-Training Designation	\$30
Application for Initial Professional Engineer License	\$60
Application for Professional Engineer License by Comity	\$60
Renewal	\$80

### **18VAC10-20-200. Requirements for engineer-in-training (EIT) designation.**

In order to receive the EIT designation, applicants shall:

1. Graduate from an engineering program of four years or more accredited by the Engineering Accreditation Commission of ABET (EAC/ABET), graduate from an engineering master's program accredited by EAC/ABET, or meet the requirements of the NCEES Engineering Education Standard;
2. Pass the NCEES Fundamentals of Engineering (FE) exam; and
3. Apply to the board.

## **18VAC10-20-210. Requirements for the Principles of Engineering (PE) examination.**

A. In order to be licensed as a professional engineer, applicants shall:

1. Satisfy one requirement of subdivisions B 1 through B 4 of this section;
2. Pass the Principles and Practice of Engineering (PE) exam;
3. Meet all the requirements of this chapter; and
4. Apply to and be approved by the board.

B. In general, the required education shall be applied as follows:

EDUCATIONAL REQUIREMENTS	EIT REQUIRED?	NUMBER OF REQUIRED YEARS OF QUALIFYING ENGINEERING EXPERIENCE
1. Have graduated from an approved engineering curriculum.	YES	4
2. Dual degree holders. a. Have graduated from an ABET-accredited undergraduate engineering curriculum; and b. Have graduated from a doctorate engineering curriculum that is ABET accredited at the undergraduate level.	NO	4
3. Have graduated from a nonapproved engineering curriculum of four years or more, a related science curriculum, or an approved engineering technology curriculum.	YES	6
4. Have graduated from a nonapproved engineering technology curriculum of four years or more.	YES	10

**18VAC10-20-220. References.**

In addition to the requirements found in 18VAC10-20-25, applicants shall satisfy one of the following:

1. An applicant for the engineer-in-training designation shall provide one reference that indicates the applicant's personal integrity from one of the following:
  - a. A professional engineer;
  - b. The dean, or the dean's designee, of the engineering school attended by the applicant; or
  - c. An immediate work supervisor.
2. An applicant for licensure as a professional engineer shall submit three references from professional engineers currently licensed in a state or other jurisdiction of the United States. The applicant shall only submit references given by professional engineers who have personal knowledge of the applicant's competence and integrity relative to his engineering experience.

**18VAC10-20-230. Education.**

A. An applicant who is seeking credit for a degree that is not ABET accredited as ETAC or EAC and was earned from an institution outside the United States shall have the degree authenticated and evaluated by an educational credential evaluation service. The board may consider the degree as an approved engineering program or approved engineering technology program. The board reserves the right to reject any evaluation submitted by the applicant.

B. Degrees earned within the United States for any nonapproved engineering program, related science program, or nonapproved engineering technology program of four years or more shall be from an accredited college or university that is approved or accredited by the Commission on Colleges, a regional or national accreditation association, or by an accrediting agency that is recognized by the U.S. Secretary of Education.

**18VAC10-20-240. Experience.**

A. Each applicant shall complete the board's Professional Engineer and Engineer-in-Training Experience Verification Form, documenting all of his engineering experience. The information provided on the form shall clearly describe the engineering work or research that the applicant personally performed; delineate his role in any group engineering activity; provide an overall description of the nature and scope of his work; and include a detailed description of the engineering work personally performed by him. The experience must be obtained in an organization with an engineering practice and must be verified on the board's experience verification form by a licensed professional engineer in the organization's engineering practice.

B. In general, the required experience shall be applied as follows:

Type of Experience	Qualifying	Nonqualifying
1. Construction experience.	A demonstrated use of engineering computation and problem-solving skills.	The mere execution as a contractor of work designed by others, the supervision of construction, and similar nonengineering tasks.
2. Military experience.	Engineering of a character substantially equivalent to that required in the civilian sector for similar work.	Nonengineering military training and supervision.
3. Sales experience.	A demonstrated use of engineering computational and problem-solving skills.	The mere selection of data or equipment from a company catalogue, similar publication, or database.
4. Industrial experience.	Work directed toward the identification and solution of practice problems in the applicant's area of engineering specialization including engineering analysis of existing systems or the design of new ones.	The mere performance of maintenance of existing systems, replacement of parts or components, and other nonengineering tasks.
5. Graduate or doctorate's degree.	The successful completion of a graduate or doctorate degree in an engineering curriculum may be accepted as one year of equivalent engineering experience credit.	Research conducted as part of a graduate or doctorate degree shall not count as additional experience if credit for the degree is granted pursuant to 18VAC10-20-190 or 18VAC10-20-210.
6. Teaching.	For teaching experience to be considered qualifying by the board, the applicant shall have taught in an engineering curriculum approved by the board and shall have been employed in	



	the grade of instructor or higher.	
7. Co-op program.	Engineering experience gained during a board-approved co-op program may be deemed qualifying engineering experience to a maximum of one year of credit.	
8. General.		Experience in claims consulting, drafting, estimating, and field surveying.

C. The board, in its sole discretion, may permit partial credit for approved qualifying engineering experience obtained prior to graduation from an engineering program. Partial credit shall not exceed one-half of that required for any method of initial licensure.

### **18VAC10-20-260. Examinations.**

A. Applicants who do not complete their application and receive their designation within the three years from the date that they apply must reapply to the board as follows:

1. Applicants who reapply to the board no later than six months after the end of their eligibility may be approved to sit for the exam for an additional three years. The original application requirements shall apply.
2. Applicants who do not meet the criteria of subdivision 1 of this subsection shall reapply to the board and meet all entry requirements current at the time of reapplication.
3. All professional engineer applications shall be received in the board's office no later than 130 days prior to the scheduled exam.

B. The board is a member board of the National Council of Examiners for Engineering and Surveying (NCEES) and is authorized to administer the NCEES exams including the Fundamentals of Engineering exam and the Principles and Practice of Engineering exam.

C. The exam may not be reviewed by applicants. Unless authorized by NCEES rules and procedures, exam scores are final and are not subject to change.

**18VAC10-20-270. Licensure by comity.**

A. Applicants holding a valid license to practice engineering in other states or jurisdictions of the United States may be licensed provided they satisfy the provisions of this subsection. Applicants shall:

1. Submit to the board verifiable documentation that the education, experience, and exam requirements by which they were first licensed in the original jurisdiction were substantially equivalent to the requirements in Virginia at the same time;
2. Have passed an exam in another jurisdiction that was substantially equivalent to that approved by the board at the time of their original licensure;
3. Be in good standing in all jurisdictions where they are currently licensed;
4. Submit three references from professional engineers currently licensed in a state or other jurisdiction of the United States. The applicant shall only submit references given by professional engineers who have personal knowledge of the applicant's competence and integrity relative to his engineering experience; and
5. Satisfy all other applicable requirements of this chapter.

B. Applicants who do not meet the requirements for licensure in Virginia that were in effect at the time of their original licensure shall be required to meet the entry requirements current at the time the completed application for comity is received in the board's office.

## PART V QUALIFICATIONS FOR LICENSING AND STANDARDS OF PROCEDURE FOR LAND SURVEYORS

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**18VAC10-20-280. Fee schedule.**

All fees are nonrefundable and shall not be prorated.

Application for Surveyor-in-Training Designation	\$60
Application for Initial Land Surveyor License	\$90
Application for Initial Surveyor Photogrammetrist License	\$90
Application for Initial Land Surveyor B License	\$90
Application for License by Comity	\$90
Renewal	\$90

**18VAC10-20-295. Definitions.**

"Absolute horizontal positional accuracy" means the value expressed in feet or meters that represents the uncertainty due to systematic and random errors in measurements in the location of any point on a survey relative to the defined datum at the 95% confidence level.

"Approved land surveying experience" means progressive and diversified office and field training and experience under the direct control and personal supervision of a licensed land surveyor. This experience shall have been acquired in positions requiring the exercise of independent judgment, initiative, and professional skill. Written verification of such work experience shall be on forms provided by the board. Experience may be gained either prior to or after education is obtained. Notwithstanding the definition of "approved land surveying experience," the requirements set forth in 18VAC10-20-310 shall not be waived.

"Approved photogrammetric surveying or similar remote sensing technology experience" means progressive and diversified office and field training and experience in photogrammetric surveying or similar remote sensing technology under the direct control and personal supervision of a licensed land surveyor or licensed surveyor photogrammetrist. This experience shall have been acquired in positions requiring the exercise of independent judgment, initiative, and professional skill. Written verification of such work experience shall be on forms provided by the board. Experience may be gained either prior to or after education is obtained. Notwithstanding the definition of "approved photogrammetric surveying or similar remote sensing technology experience," the requirements set forth in 18VAC10-20-310 shall not be waived.

"Relative horizontal positional accuracy" means the value expressed in feet or meters that represents the uncertainty due to random errors in measurements in the location of any point on a survey relative to any other point on the same survey at the 95% confidence level.

### **18VAC10-20-300. Requirements for surveyor-in-training (SIT) designation.**

A. Applicants who do not complete their applications and receive their designations within the three years from the date that they apply must reapply and satisfy one of the following:

1. Be enrolled in an EAC/ABET-accredited surveying or surveying technology program acceptable to the board, have 12 months or less remaining before completion of degree requirements, and provide a certificate of good standing from the dean of the school or the dean's designee;
2. Have earned an undergraduate degree from an EAC/ABET-accredited surveying or surveying technology program acceptable to the board;
3. Have earned an undergraduate degree related to surveying acceptable to the board and possess a minimum of one year of approved land surveying experience;
4. Have earned an undergraduate degree in a field unrelated to surveying in conjunction with an additional 30 credit hours in an approved surveying program

acceptable to the board and possess a minimum of two years of approved land surveying experience;

5. Have earned a board-approved undergraduate degree in a field unrelated to surveying and possess a minimum of two years of approved land surveying experience;

6. Have earned a board-approved associate's degree related to surveying and possess a minimum of four years of approved land surveying experience;

7. Have successfully completed a board-approved survey apprenticeship program. The apprenticeship program shall include a minimum of 480 hours of surveying-related classroom instruction with a minimum of six years of approved land surveying experience; or

8. Have graduated from high school with evidence of successful completion of courses in algebra, geometry, and trigonometry and possess a minimum of eight years of approved land surveying experience.

B. Applicants seeking approval to sit for the Fundamentals of Surveying (FS) exam pursuant to subdivisions A 3 through A 8 of this section may apply board-approved college credits to help meet the experience requirement. The maximum rate of college credit substitution for experience shall be one year of experience credit for each 40 credit hours of board-approved college credits completed. College credits applicable toward the completion of any degree used to satisfy a requirement of subsection A of this section shall not be eligible for experience substitution.

C. All applicants shall receive the SIT designation upon passing the FS exam, receiving approval from a board reviewed application, and meeting all other board requirements.

### **18VAC10-20-310. Requirements for a licensed land surveyor or surveyor photogrammetrist.**

A. Land surveyor license.

1. A surveyor-in-training (SIT) who has met the requirements of 18VAC10-20-300 and has a minimum of four years of approved land surveying experience shall be approved to sit for:

- a. The Principles and Practice of Land Surveying exam;
- b. The Virginia-specific land surveying exam; and
- c. The board supplied exam on regulations.

2. A qualified applicant shall be granted a license to practice land surveying upon passing all three exams and meeting all other board requirements.

**B. Surveyor photogrammetrist license.**

1. An SIT who has met the requirements of 18VAC10-20-300 and has a minimum of four years of approved photogrammetric surveying or similar remote sensing technology experience shall be approved to sit for the following board-approved exams:

- a. The Principles and Practice of Land Surveying;
- b. The Virginia-specific land surveying exam; and
- c. The board supplied exam on regulations.

2. A qualified applicant shall be granted a license to practice photogrammetric surveying upon passing all three exams and meeting all other board requirements.

**18VAC10-20-320. Requirements for a licensed land surveyor B.****A. An applicant shall:**

1. Hold a valid Virginia license as a land surveyor;
2. Present satisfactory evidence of a minimum of two years of land surveying experience that is progressive in complexity in land surveyor B land surveying, as provided in § 54.1-408 of the Code of Virginia, under the direct control and personal supervision of a licensed land surveyor B or professional engineer;
3. Present satisfactory evidence of having passed college-level courses in hydrology and hydraulics that are acceptable to the board; and
4. Pass an exam developed by the board.

B. A qualified applicant shall be issued a land surveyor B license upon passing the board-developed exam.

**18VAC10-20-330. Education.**

An applicant who is seeking credit for a degree earned from an institution outside of the United States shall have his degree authenticated and evaluated by an education evaluation service approved by the board. The board reserves the right to reject any evaluation submitted by the applicant. Any cost of evaluation shall be borne by the applicant.

**18VAC10-20-340. Experience standards.**

In order to demonstrate meeting the experience requirements of 18VAC10-20-300, 18VAC-10-20-310, and 18VAC10-20-320, applicants shall document experience that has been gained under the direct control and personal supervision of a licensed land surveyor or licensed surveyor photogrammetrist on the appropriate board-provided forms. Experience shall be verified by a licensed land surveyor or licensed surveyor

photogrammetrist in an organization with a surveying practice and will be evaluated by the board in accordance with 18VAC10-20-35.

### **18VAC10-20-345. References.**

Applicants shall submit three references on a board-approved form with the application, all of which shall be from currently licensed land surveyors in a state or other jurisdiction of the United States. In addition to the requirements found in 18VAC10-20-25, the applicant shall only submit references from licensed land surveyors who have personal knowledge of the applicant's surveying experience that demonstrates the applicant's competence and integrity.

### **18VAC10-20-350. Examinations.**

A. Applications for initial licensure shall be received by the board in accordance with the following deadlines:

1. Applicants for the surveyor-in-training designation submitted pursuant to 18VAC10-20-300 A are eligible to sit for the Fundamentals of Surveying (FS) exam.
2. Upon successful completion of the FS exam, applicants who qualify may apply to sit for the other surveying exams.
3. All applications for the Virginia-specific exam shall be received in the board's office no later than 130 days prior to the scheduled exam.

B. The board is a member board of the National Council of Examiners for Engineering and Surveying (NCEES) and authorizes NCEES to administer the national surveying related exam. Applicants sitting for the exam shall follow NCEES procedures.

C. The exams for Virginia board regulations, the Virginia-specific, the surveyor photogrammetrist, and the land surveyor B shall be given at times designated by the board.

D. Unless otherwise stated, applicants approved to sit for an exam must register and submit the required exam fee to be received by the board or the board's designee at a time designated by the board. Applicants not properly registered will not be allowed to sit for the exam.

E. The exam shall not be reviewed by applicants. Unless authorized by NCEES rules and procedures, exam scores are final and are not subject to change.

F. Applicants approved to sit for the exam shall be eligible for a period of three years from the date of their initial approval. Applicants who do not pass the exam during their eligibility period are no longer eligible to sit for the exam. To become exam-eligible again, applicants shall reapply to the board, meet all current entry requirements, and demonstrate successful completion of 16 hours of educational activities that meet the requirements of 18VAC10-20-683 E and F.

**18VAC10-20-360. Licensure by comity.**

A. Applicants holding a valid license to practice land surveying in another state or other jurisdiction of the United States may be licensed as a land surveyor in Virginia. To become licensed, applicants shall:

1. Submit to the board verifiable documentation that the education, experience, and exam requirements by which they were first licensed in the original jurisdiction were substantially equivalent to the requirements in Virginia at the same time;
2. Have passed an exam in another jurisdiction that was substantially equivalent to that approved by the board at the time of the original licensure;
3. Be in good standing in all jurisdictions where licensed;
4. Pass the Virginia-specific exam; and
5. Satisfy all other applicable requirements of this chapter.

B. Applicants who do not meet the requirements for licensure in Virginia that were in effect at the time of their original licensure shall be required to meet the entry requirements current at the time the completed application for comity is received in the board's office;

C. Applicants holding a current license to practice land surveying or photogrammetric surveying issued by another state or other jurisdiction of the United States may be licensed in Virginia as a surveyor photogrammetrist provided they meet one of the following criteria:

1. Applicants who were originally licensed prior to December 1, 2009, shall meet the requirements of the board's regulations effective December 1, 2008, and pass the Virginia-specific exam; or
2. Applicants who were originally licensed on or after December 1, 2009, shall meet the requirements of the board's regulations effective at the time of original licensure and pass the Virginia-specific exam.

**18VAC10-20-370. Minimum standards and procedures for land boundary surveying practice.**

A. The minimum standards and procedures set forth in this section are to be used for land boundary surveys performed in the Commonwealth of Virginia. The application of the professional's seal, signature, and date as required by these regulations shall be evidence that the land boundary survey is correct to the best of the professional's knowledge, information, and belief and complies with the minimum standards and procedures set forth in this chapter.

B. Research procedure. The professional shall search the land records for the proper description of the land to be surveyed and obtain the description of adjoining land as it pertains to the common boundaries. The professional shall have the additional responsibility to utilize such other available data pertinent to the survey being performed from any other known sources. Evidence found from all known sources, including evidence found in the field, shall be carefully compared in order to aid in the establishment of the correct boundaries of the land being surveyed. The professional shall clearly identify on the plats, maps, and reports inconsistencies found in the research of common boundaries between the land being surveyed and the adjoining land. It is not the intent of this regulation to require the professional to research the question of title or encumbrances on the land involved.

C. Minimum field procedures.

1. Angular measurement. Angle measurements made for traverse or land boundary survey lines will be made by using a properly adjusted transit-type instrument that allows a direct reading to a minimum accuracy of 20 seconds of arc or equivalent. The number of angles turned at a given station or corner will be the number that, in the judgment of the professional, can be used to substantiate the average true angle considering the condition of the instrument being used and the existing field conditions.

2. Linear measurement. Distance measurement for the lines of traverse or lines of the land boundary survey shall be made (i) with metal tapes that have been checked and are properly calibrated as to incremental distances or (ii) with properly calibrated electronic distance measuring equipment following instructions and procedures established by the manufacturer of such equipment. All linear measurements shall be reduced to the horizontal plane, and other necessary corrections shall be performed before using such linear measurements for computing purposes.

3. Field traverse and land boundary closure and accuracy standards. For a land boundary survey located in a rural area, the maximum permissible error of closure for a field traverse shall be one part in 10,000 (1/10,000). The attendant angular closure shall be that which will sustain the one part in 10,000 (1/10,000) maximum error of closure. For a land boundary survey located in an urban area, the maximum permissible error of closure for a traverse shall be one part in 20,000 (1/20,000). The attendant angular closure shall be that which will sustain the one part in 20,000 (1/20,000) maximum error of closure.

The maximum permissible positional uncertainty based on the 95% confidence level of any independent boundary corner or independent point located on a boundary that has been established by utilizing global positioning systems shall not exceed the positional tolerance of 0.07 feet (or 20 mm ± 50 ppm).



4. Monumentation. As a requisite for completion of the work product, each land boundary survey of a tract or parcel of land shall be monumented with objects made of permanent material at all corners and changes of direction on the land boundary with the exceptions of meanders, such as meanders of streams, tidelands, lakes, swamps and prescriptive rights-of-way, and each such monument, other than a natural monument, shall, when physically feasible, be identified by a temporary witness marker. Where it is not physically feasible to set actual corners, appropriate reference monuments shall be set, preferably on line, and the location of each shall be shown on the plat or map of the land boundary.

All boundaries, both exterior and interior, of the original survey for any division or partition of land shall be monumented in accordance with the provisions of this subdivision, when such monumentation is not otherwise regulated by the provisions of a local subdivision ordinance.

5. For land boundary surveys providing for a division when only the division, in lieu of the entire parcel, is being surveyed, any new corners established along existing property lines shall require that those existing property lines be established through their entire length. This shall include the recovery or reestablishment of the existing corners for each end of the existing property lines.

#### D. Office procedures.

1. Computations. The computation of field work data shall be accomplished by using the mathematical routines that produce closures and mathematical results that can be compared with descriptions and data of record. Such computations shall be used to determine the final land boundary of the land involved.

2. Plats and maps. The following information shall be shown on all plats and maps used to depict the results of the land boundary survey:

- a. The title of the land boundary plat identifying the land surveyed and showing the district, town, and county or city in which the land is located and scale of drawing.
- b. The name of the owner of record and recording references.
- c. Names of all adjoining owners of record with recording references, or with subdivision name and lot designations and recording references.
- d. Inconsistencies found in the research of common boundaries between the land being surveyed and the adjoining land. The inconsistencies shall be clearly noted by the professional.

- e. Names of highways and roads with route number and widths of right-of-way or distance to the center of the physical pavement and pavement width, name of railroads, streams adjoining, crossing, or in close proximity to the boundary and other prominent or well-known objects that are informative as to the location of the land boundary.
- f. A distance to the nearest road intersection or prominent or well-known object. In cases of remote areas, a scaled position with the latitude and longitude must be provided.
- g. Items crossing any property lines such as, but not limited to, physical encroachments and evidence of easements such as utilities and other physical features pertinent to the boundary of the property.
- h. Bearings of all property lines and meanders to nearest one second of arc or equivalent.
- i. Adequate curve data to accomplish mathematical closures.
- j. Distances of all property lines and meanders to the nearest one hundredth (.01) of a foot or equivalent.
- k. Pursuant to subdivision C 5 of this section, the bearing and distances from the new corners to the existing corners on each end of the existing property lines.
- l. For property located in rural areas, area to the nearest hundredth (.01) of an acre or equivalent.
- m. For property located in urban areas, area to the nearest square foot or thousandth (0.001) of an acre or equivalent.
- n. North arrow and source of meridian used for the survey.
- o. For interior surveys, a reference bearing and distance to a property corner of an adjoining owner or other prominent object, including intersecting streets or roads.
- p. Tax map designation or geographic parcel identification number if available, for surveyed parcel and adjoining parcels.
- q. Description of each monument found and each monument set by the professional.
- r. A statement that the land boundary survey shown is based on a current field survey or a compilation from deeds, plats, surveys by others, or combination thereof. If the land boundary shown is a compilation from

deeds or plats, or a survey by others, the title of the plat shall clearly depict that the plat does not represent a current land boundary survey.

s. A statement as to whether a current title report has been furnished to the professional.

t. A statement as to whether any or all easements, encroachments, and improvements are shown on the plat.

u. Name , address, and contact information for the land surveyor or the registered business.

v. The professional's seal, signature and date.

3. Metes and bounds description. The professional shall prepare a metes and bounds description in narrative form, if requested by the client or the client's agent, for completion of any newly performed land boundary survey. The description shall reflect all metes and bounds, the area of the property described, all pertinent monumentation, names of record owners or other appropriate identification of all adjoining, and any other data or information deemed as warranted to properly describe the property. Customarily, the metes and bounds shall be recited in a clockwise direction around the property. The professional shall clearly identify in the metes and bounds description any inconsistencies found in the research of common boundaries between land being surveyed and the adjoining land. For subdivisions, the professional shall prepare a metes and bounds description in narrative form for only the exterior boundaries of the property.

No metes and bounds description shall be required for the verification or resetting of the corners of a lot or other parcel of land in accordance with a previously performed land boundary survey, such as a lot in a subdivision where it is unnecessary to revise the record boundaries of the lot.

### **18VAC10-20-380. Minimum standards and procedures for surveys determining the location of physical improvements; field procedures; office procedures.**

A. The following minimum standards and procedures are to be used for surveys determining the location of physical improvements on any parcel of land or lot containing less than two acres or equivalent (sometimes also known as "building location survey," "house location surveys," "physical surveys," etc.) in the Commonwealth of Virginia. The application of the professional's seal, signature, and date as required by this chapter shall be evidence that the survey determining the location of physical improvements is correct to the best of the professional's knowledge, information, and belief and complies with the minimum standards and procedures set forth in this chapter.

B. The professional shall determine the position of the lot or parcel of land in accordance with the intent of the original survey and shall set or verify permanent monumentation at each corner of the property, consistent with the monumentation provisions of subdivision C 4 of 18VAC10-20-370. All such monumentation, other than natural monumentation shall, when physically feasible, be identified by temporary witness markers.

When the professional finds discrepancies of sufficient magnitude to warrant, in his opinion, the performance of a land boundary survey (pursuant to the provisions of 18VAC10-20-370), he shall so inform the client or the client's agent that such land boundary survey is deemed warranted as a requisite to completion of the physical improvements survey.

The location of the following shall be determined in the field:

1. Fences in near proximity to the land boundary lines and other fences that may reflect lines of occupancy or possession.
2. Other physical improvements on the property and all man-made or installed structures, including buildings, stoops, porches, chimneys, visible evidence of underground features (such as manholes, catch basins, telephone pedestals, power transformers, etc.), utility lines, and poles.
3. Cemeteries, if known or disclosed in the process of performing the survey; roads or traveled ways crossing the property that serve other properties; and streams, creeks, and other defined drainage ways.
4. Other visible evidence of physical encroachment on the property.

C. The plat reflecting the work product shall be drawn to scale and shall show the following, unless requested otherwise by the client and so noted on the plat:

1. The bearings and distances for the boundaries and the area of the lot or parcel of land shall be shown in accordance with record data, unless a current, new land boundary survey has been performed in conjunction with the physical improvements survey. If needed to produce a closed polygon, the meander lines necessary to verify locations of streams, tidelands, lakes, and swamps shall be shown. All bearings shall be shown in a clockwise direction, unless otherwise indicated.
2. North arrow, in accordance with record data.
3. Fences in the near proximity to the land boundary lines and other fences that may reflect lines of occupancy or possession.
4. Improvements and other pertinent features on the property as located in the field pursuant to subsection B of this section.

5. Physical encroachment, including fences, across a property line shall be identified and dimensioned with respect to the property line.
6. The closest dimension (to the nearest 0.1 foot or equivalent) from the front property line, side property line, and if pertinent, rear property line to the principal walls of each building. Also, all principal building dimensions (to the nearest 0.1 foot or equivalent).
7. Building street address numbers, as displayed on the premises, or so noted if no numbers are displayed.
8. Stoops, decks, porches, chimneys, balconies, floor projections, and other similar type features.
9. Street names, as posted or currently identified and as per record data if different from posted name.
10. Distance to nearest intersection from a property corner, based upon record data. If not available from record data, distance to nearest intersection may be determined from best available data, and so qualified.
11. Building restriction or setback lines per restrictive covenants if shown or noted on the record subdivision plat.
12. The caption or title of the plat shall include the type of survey performed; lot number, block number, section number, and name of subdivision, as appropriate, or if not in a subdivision, the names of the record owner; town, county, or city; date of survey; and scale of drawing.
13. Adjoining property identification.
14. Easements and other encumbrances set forth on the record subdivision plat, and those otherwise known to the professional.
15. A statement as to whether or not a current title report has been furnished to the professional.
16. Inconsistencies found in the research or field work of common boundaries between the land being surveyed and the adjoining land shall be clearly noted.
17. Name, address, and contact information for the individual or entity for whom the survey is being performed.
18. Professional's seal, signature, and date.
19. Name, address, and contact information for the land surveyor or registered business.

D. In performing a physical improvements survey, a professional shall not be required to set corner monumentation on any property when:

1. It is otherwise required to be set pursuant to the provisions of a local subdivision ordinance as mandated by § 15.2-2240 of the Code of Virginia or by subdivision A 7 of § 15.2-2241 of the Code of Virginia;
2. Eventual placement is covered by a surety bond, cash escrow, set-aside letter, letter of credit, or other performance guaranty; or
3. Exempt by § 54.1-407 of the Code of Virginia.

E. A professional performing a physical improvements survey when monumentation is not required as stated in subsection D of this section shall clearly note on the plat "no corner markers set," the reason why it is not required, and the name of guarantors.

### **18VAC10-20-382. Minimum standards and procedures for surveys determining topography; field procedures; office procedures.**

A. The minimum standards and procedures set forth in this section are to be used for topographic surveys performed in the Commonwealth of Virginia pursuant to Chapter 4 (§ 54.1-400 et seq.) of Title 54.1 of the Code of Virginia. The application of the professional's seal, signature, and date as required by this chapter shall be evidence that the topographic survey is correct to the best of the professional's knowledge and belief and complies with the minimum standards and procedures.

B. Minimum field and office procedures. The following information shall be shown on, or contained in, all plats, maps, or digital geospatial data including metadata used to depict the results of the topographic survey:

1. Physical improvements on the property, all man-made or installed structures, as well as visible evidence of underground features (such as manholes, catch basins, telephone pedestals, power transformers, etc.), and utility lines and poles shall be shown or depicted when they are visible based on the methodology and scale. If the methodology or scale prevents depiction of the improvements as described in this subdivision, then notice shall be clearly stated on or contained in the map, plat, or digital geospatial data including metadata indicating the improvements that are not depicted.
2. Elevations shall be provided as spot elevations, contours, or digital terrain models.
3. Onsite, or in close proximity, benchmarks shall be established with reference to vertical datum, preferably North American Vertical Datum (NAVD), and shown in the correct location.
4. The title of the topographic survey identifying the land surveyed and showing the state, county, or city in which property is located.

5. Name, address, and contact information of the individual or entity for whom the survey is being performed.
6. Name, address, and contact information for the land surveyor or registered business.
7. Date, graphic scale, numerical scale, and contour interval of plat, map, or digital geospatial data including metadata.
8. North arrow and source of meridian used for the survey.
9. Names or route numbers of highways, streets and named waterways shall be shown.
10. The horizontal and vertical unit of measurement, coordinate system, and data, including adjustments if applicable.
11. A statement, in the following form, shall be shown on or contained in plats, maps, or digital geospatial data including metadata:

This \_\_\_\_\_ (provide description of the project) was completed under the direct and responsible charge of \_\_\_\_\_ (Name of Professional) from an actual  Ground or  Remote Sensing (check the one that is applicable) survey made under my supervision; that the imagery and/or original data was obtained on \_\_\_\_\_ (Date); and that this plat, map, or digital geospatial data including metadata meets minimum accuracy standards unless otherwise noted.

C. Minimum positional accuracies shall be met in accordance with the tables in subdivisions 1, 2, and 3 of this subsection. These tables are not intended to be acceptable in all situations, and the professional shall be responsible to perform the work to the appropriate quality and extent that is prudent or warranted under the existing field conditions and circumstances. Metric or other unit of measurements shall meet an equivalent positional accuracy. Map or plat scales, or contour intervals, other than those defined in these tables shall meet an equivalent positional accuracy. The minimum positional accuracy tables are as follows:

1. Scale and contour interval combinations.

<b>Map or Plat</b>	<b>Contour Interval</b>
1" = 20'	1 or 2 feet
1" = 30'	1 or 2 feet
1" = 40'	1 or 2 feet
1" = 50'	1 or 2 feet
1" = 100'	1 or 2 feet
1" = 200'	2, 4 or 5 feet
1" = 400'	4, 5 or 10 feet

## 2. Vertical accuracy standards:

	<b>Contours - Vertical</b>	<b>Spot Elevations - Vertical Positional</b>
Contour line 1' interval	± 0.60 feet	± 0.30 feet
Contour line 2' interval	± 1.19 feet	± 0.60 feet
Contour line 4' interval	± 2.38 feet	± 1.19 feet
Contour line 5' interval	± 2.98 feet	± 1.49 feet
Contour line 10' interval	± 5.96 feet	± 2.98 feet
Positional Accuracy is given at the 95% confidence level.		

## 3. Horizontal accuracy standards:

<b>Well defined ground points - Horizontal (Radial) Positional Accuracy</b>		
Map or Plat Scale	Absolute Horizontal	Relative Horizontal
1" = 20'	± 0.8 feet	± 0.20 feet
1" = 30'	± 1.1 feet	± 0.30 feet
1" = 40'	± 1.5 feet	± 0.40 feet
1" = 50'	± 1.9 feet	± 0.50 feet
1" = 100'	± 3.8 feet	± 1.00 feet
1" = 200'	± 7.6 feet	± 2.00 feet
1" = 400'	± 15.2 feet	± 4.00 feet
Positional Accuracy is given at the 95% confidence level.		

**18VAC10-20-390. Geodetic surveys.**

All geodetic surveys including, but not limited to, the determination and publication of horizontal and vertical values utilizing Global Positioning Systems (GPS), which relate to the practice of land surveying as defined in § 54.1-400 of the Code of Virginia, shall be performed under the direct control and personal supervision of a professional as defined in Part I (18VAC10-20-10 et seq.) of this chapter.

**18VAC10-20-392. Photogrammetric surveys.**

The use of photogrammetric methods or similar remote sensing technology to perform any part of the practice of land surveying as defined in Chapter 4 (§ 54.1-400 et seq.) of Title 54.1 of the Code of Virginia shall be performed under the direct control and supervision of a licensed land surveyor or a licensed surveyor photogrammetrist.

**18VAC10-20-395. Standard of care.**

In no event may the requirements contained in 18VAC10-20-370 through 18VAC10-20-392 be interpreted or construed to require the professional to perform work of a lesser



quality or quantity than that which is prudent or warranted under the existing field conditions and circumstances.

## PART VI QUALIFICATIONS FOR LICENSURE OF LANDSCAPE ARCHITECTS

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### **18VAC10-20-400. Fee schedule.**

All fees are nonrefundable and shall not be prorated.

Application for Initial Landscape Architect License \$125

Application for Landscape Architect License by Comity \$125

Renewal \$110

### **18VAC10-20-420. Requirements for licensure.**

Applicants for licensure as a landscape architect shall satisfy the requirements of subdivision 1 or 2 of this section.

1. An applicant who has graduated from a landscape architecture program accredited by the Landscape Architectural Accreditation Board (LAAB) shall have:

a. Obtained a minimum of 36 months of experience as follows:

(1) A minimum of 12 months of experience under the direct control and personal supervision of a licensed or certified landscape architect;

(2) The remaining 24 months of experience under the direct control and personal supervision of a licensed or certified landscape architect or a licensed architect, professional engineer, or land surveyor in accordance with the Landscape Architects Experience Credit Table; or

(3) In lieu of the provision in subdivisions 1 a (1) and 1 a (2) of this section, a minimum of 48 months of experience under the direct control and personal supervision of a licensed architect, professional engineer, or land surveyor; and

b. Passed all sections of the Council of Landscape Architectural Registration Board (CLARB)-prepared exam.

2. Applicants who have not graduated from a LAAB-accredited landscape architecture program shall have obtained a minimum of eight years of combined education and work experience in accordance with this subsection.

a. Only semester and quarter hours with passing scores shall be accepted. Credit shall be calculated as follows:

(1) 32 semester credit hours or 48 quarter credit hours shall be worth one year.

(2) Fractions greater than or equal to one half-year, but less than one year, will be counted as one-half year.

(3) Fractions smaller than one half-year will not be counted.

b. The maximum years indicated in subdivisions a through d of the Landscape Architects Education Credit Table shall apply regardless of the length of the degree program.

c. All applicants shall have a minimum of two years of experience under the direct control and personal supervision of a licensed or certified landscape architect.

d. Education and experience shall be evaluated against the Landscape Architects Education Credit Table and the Landscape Architects Experience Credit Table to determine if an applicant has met the minimum eight years required in this subsection.

LANDSCAPE ARCHITECTS EDUCATION CREDIT TABLE		
Categories	Values	Examples
a. Credits completed applicable toward a LAAB-accredited degree.	Credit shall be given at the rate of 100% with a maximum of four years allowable.	An applicant has 86 semester hours of credit.  Calculation: ♦ $86/32 = 2.6875$ years  ♦ 100% credit for a maximum of four years ( $2.6875 \times 100\% = 2.6875$ years).  ♦ 0.6875 is $\geq 0.5$ years, which is worth 0.5 years.  Final result: 86 semester hours equals 2.5 years.
b. A degree in landscape architecture, or credits completed applicable toward a degree in landscape architecture, from a non-LAAB-accredited curriculum.		
c. A degree, or credits completed applicable toward a degree, in an allied professional discipline approved by the board (i.e., architecture, civil	Credit shall be given at the rate of 75% for the first two years and 100% for succeeding years with a maximum of	An applicant has 101 semester hours of credit.  Calculation: ♦ $101/32 = 3.15625$ years

<p>engineering, environmental science).</p>	<p>three years allowable.</p>	<ul style="list-style-type: none"> <li>◆ 75% credit for the first two years (<math>2 \times 75\% = 1.5</math> years).</li> <li>◆ 100% credit for succeeding years (<math>1.15625 \times 100\% = 1.15625</math> years).</li> <li>◆ <math>1.5 + 1.15625 = 2.65625</math> years.</li> <li>◆ 0.65625 is <math>\geq 0.5</math> years, which is worth 0.5 years.</li> </ul> <p>Final result: 101 semester hours equals 2.5 years.</p>
<p>d. Any other undergraduate degree or credits completed applicable toward that degree.</p>	<p>Credit shall be given at the rate of 50% for the first two years and 75% for succeeding years with a maximum of two years allowable.</p>	<p>An applicant has 95 semester hours of credit.</p> <p>Calculation:</p> <ul style="list-style-type: none"> <li>◆ <math>95/32 = 2.96875</math> years</li> <li>◆ 50% credit for the first two years (<math>2 \times 50\% = 1</math> year).</li> <li>◆ 75% credit for succeeding years (<math>.96875 \times 75\% = .72656</math> years).</li> <li>◆ <math>1 + .72656 = 1.72656</math> years.</li> <li>◆ 0.72656 is <math>\geq 0.5</math> years, which is worth 0.5 years.</li> </ul> <p>Final result: 95 semester hours equals 1.5 years.</p>

LANDSCAPE ARCHITECTS EXPERIENCE CREDIT TABLE

Categories	Values	Examples
<p>e. Experience gained under the direct control and personal supervision of a licensed or certified landscape architect.</p>	<p>Credit shall be given at the rate of 100% of work experience gained with no maximum.</p>	<p>An applicant worked under a landscape architect for 3.7 years.</p> <p>Calculation:</p>

		<p>3.7 years x 100% = 3.7 years (no maximum).</p> <p>Final result: An applicant with 3.7 years of work experience will be credited for the entire 3.7 years.</p>
f. Experience gained under the direct control and personal supervision of a licensed architect, professional engineer, or land surveyor.	Credit shall be given at the rate of 50% of work experience gained with a maximum of four years allowable.	<p>An applicant has worked under a land surveyor for eight years or more.</p> <p>Calculation:</p> <p>8 years x 50% = 4 years.</p> <p>Final result: eight years or more of experience is worth only four years based on the maximum allowable.</p>

### **18VAC10-20-425. References.**

In addition to the requirements found in 18VAC10-20-25, applicants shall submit three references with the application, one of which shall be from a currently licensed, certified, or registered landscape architect in a state or other jurisdiction of the United States. An applicant shall only submit references from a licensed professional engineer, architect, land surveyor, or a landscape architect who has personal knowledge of the applicant's competence and integrity relative to his landscape architectural experience.

### **18VAC10-20-430. Experience standard.**

Qualifying landscape architectural training and experience shall be progressive in complexity and based on knowledge of natural, physical and mathematical sciences, and the principles and methodology of landscape architecture.

The experience must be obtained in an organization with a landscape architecture practice and must be verified on the board experience verification form by a licensed landscape architect, professional engineer, architect, or land surveyor in the organization's practice.

### **18VAC10-20-440. Examination.**

A. Applicants with a LAAB-accredited degree may be approved to sit for the exam prior to completing the 36-month experience requirement contained in subdivision 1 a of 18VAC10-20-420.

B. The Virginia board is a member of the Council of Landscape Architectural Registration Boards (CLARB) and is authorized to make available the CLARB prepared

exams. All applicants for original licensure in Virginia are required to pass the CLARB-prepared exam.

C. Applicants approved to sit for the exam shall register and submit the required exam fee to be received in the board office, or by the board's designee. Applicants not properly registered will not be allowed to sit for the exam.

D. Grading of the exam shall be in accordance with the national grading procedures administered by CLARB. The board shall utilize the scoring procedures recommended by CLARB.

E. Applicants shall be advised only of their passing or failing score and the CLARB minimum passing score.

F. The board may approve transfer credits for parts of the exam taken and passed in accordance with national standards.

G. Applicants approved to sit for the exam shall be eligible for a period of three years from the date of their initial approval. Applicants who do not pass all sections of the exam during their eligibility period are no longer eligible to sit for the exam. To become exam-eligible again, applicants shall reapply to the board as follows:

1. Applicants who have taken at least one section of the exam and who reapply to the board no later than six months after the end of their eligibility may be approved to sit for the exam for an additional three years. The original application requirements shall apply.
2. Applicants who do not meet the criteria of subdivision 1 of this subsection shall reapply to the board and meet all entry requirements current at the time of reapplication.

### **18VAC10-20-450. Licensure by comity.**

A. Applicants with a valid license in good standing to practice landscape architecture issued by another state or other jurisdiction of the United States may be licensed by the board without further examination provided they:

1. Were issued the original license based on requirements that do not conflict with and that are substantially equivalent to the board's regulations that were in effect at the time of original licensure;
2. Passed an exam in another jurisdiction that was substantially equivalent to that approved by the board at that time or met the regulations in effect at that time; and
3. Possess a CLARB certificate.

B. Applicants who do not qualify under subsection A of this section shall be required to meet current entry requirements at the time the application for comity is received in the board's office.

## PART VII QUALIFICATIONS FOR CERTIFICATION OF INTERIOR DESIGNERS

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### **18VAC10-20-460. Definitions.**

The following words, terms, and phrases when used in this part shall have the meanings ascribed to them except where the context clearly indicates or requires different meanings.

"CIDA" means the Council for Interior Design Accreditation, formerly known as the Foundation of Interior Design Education Research (FIDER).

"Diversified experience" includes the identification, research, and creative solution of problems pertaining to the function and quality of the interior environment including code analysis, fire safety consideration, and barrier free evaluations that relate to the health, safety, and welfare of the public.

"Monitored experience" means diversified experience in interior design under the direct control and personal supervision of a certified or licensed interior designer, architect, or professional engineer.

"Professional program approved by the board" means an evaluated degree or combination of evaluated degrees as follows:

1. A minimum of an undergraduate degree in an interior design program that is deemed by the board to be substantially equivalent to an undergraduate degree in interior design from a CIDA-accredited program;
2. A graduate degree from a CIDA-accredited program; or
3. A graduate degree in interior design plus an undergraduate degree that in combination are deemed by the board to be substantially equivalent to an undergraduate degree program from a CIDA-accredited program at the time of the applicant's graduation.

For the purposes of this definition, a degree program that met CIDA accreditation requirements not later than two years after the date of the applicant's graduation shall be determined to be CIDA accredited.

### **18VAC10-20-470. Fee schedule.**

All fees are nonrefundable and shall not be prorated.

Application for Initial Interior Designer Certification	\$45
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Application for Interior Designer Certification by Comity \$45

Renewal \$45

### **18VAC10-20-490. Requirements for certification.**

A. Applicants shall possess a degree from a professional program approved by the board.

B. The board reserves the right to reject any evaluation submitted. Any costs attributable to evaluation shall be borne by the applicant.

C. Applicants shall possess a minimum of two years of monitored experience. Any monitored experience gained under the direct control and personal supervision of a professional engineer shall be reduced by 50% and shall not account for more than six months of the two years required by this subsection.

D. Applicants shall have passed the board-approved exam and provide documentation acceptable to the board verifying that the exam has been passed.

### **18VAC10-20-495. Examination.**

A. The National Council of Interior Design Qualification exam is approved by the board.

B. Applicants shall apply directly to the Council for Interior Design Qualifications for the exam.

### **18VAC10-20-505. Certification by comity.**

Applicants who hold a license or certificate in good standing in another jurisdiction of the United States or province of Canada may be issued a certificate if the board is provided with satisfactory evidence that the license or certificate was issued based on qualifications equal to those required by this chapter as of the date the application is received by the board.

## **PART X QUALIFICATIONS FOR REGISTRATION AS A BUSINESS ENTITY OTHER THAN A PROFESSIONAL CORPORATION AND PROFESSIONAL LIMITED LIABILITY COMPANY**

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### **18VAC10-20-627. Registration required.**

Any business entity offering or rendering professional services in the Commonwealth of Virginia shall register with the board. Professional services shall include architecture, engineering, land surveying, landscape architecture, or interior design.

**18VAC10-20-630. Fee schedule.**

All fees are nonrefundable and shall not be prorated.

Application for business entity registration	\$100
Application for business entity branch office registration	\$50
Renewal of business entity registration	\$50
Renewal of business entity branch office registration	\$50

**18VAC10-20-640. Application requirements.**

A. All applicants shall be appropriately credentialed to do business in the Commonwealth of Virginia by the State Corporation Commission in accordance with the Code of Virginia. The business entity shall be in good standing with the State Corporation Commission at the time of application to the board office, at the time of board approval, and at all times when the board registration is in effect.

B. The name of the business and any assumed, fictitious, trading as, or doing business as names of the firm shall be disclosed on the application.

C. Any branch office offering or rendering professional services shall complete a branch office registration application from the board. Each branch office shall have a responsible person resident at the branch office for each professional offered or rendered.

**18VAC10-20-650. Registration certification.**

The application shall contain an affidavit by an authorized official in the business entity that the practice of architecture, engineering, land surveying, landscape architecture, or interior design to be done by that entity shall be under the direct control and personal supervision of the licensed or certified full-time employees or licensed or certified resident principals identified in the application as responsible persons for the practice. In addition, the licensed or certified employees or principals responsible for the practice shall sign their names indicating that they are responsible persons who are resident, and that they understand and shall comply with all statutes and regulations of the board.

**18VAC10-20-660. Change of status.**

A. Any changes of status including, but not limited to, change in entity, name (including assumed names), address, place of business or responsible persons at each place of business shall be reported to the board by the registered entity within 30 days of the occurrence. In addition, any licensed or certified employee responsible for such practice shall notify the board in writing of any changes of his employment status within 30 days of the change.

B. In the event there is a change in the responsible person, whether the change is temporary or permanent and whether it may be caused by death, resignation or



otherwise, the registration shall be automatically modified to be limited to that professional practice permitted by the remaining licensed or certified employees, or shall be automatically suspended until such time as the entity comes into compliance with these regulations

## PART XI RENEWAL AND REINSTATEMENT

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### **18VAC10-20-670. Expiration and renewal.**

A. Regulants shall not practice with an expired license, certificate, or registration. The following timeframes shall determine the required fees for renewal based on the date the fee is received in the board's office:

1. If the renewal fee is received by the board by the expiration date of the license, certificate, or registration, no additional fee shall be required to renew.
2. If the renewal fee is not received by the board within 30 days following the expiration date of the branch office registration, the registration shall be subject to the requirements of 18VAC10-20-680.
3. If the renewal fee is not received by the board within 30 days following the expiration date of the license, certificate, or nonbranch office registration, a \$25 late fee shall be required in addition to the renewal fee.
4. If the renewal fee and applicable late fee are not received by the board within six months following the expiration date of the license, certificate, or nonbranch office registration, the reinstatement fee shall be required pursuant to 18VAC10-20-680.

B. Upon receipt of the required fee, licenses, certificates, and registrations not currently sanctioned by the board shall be renewed for a two-year period from their previous expiration date.

C. Branch offices shall not renew or reinstate until the main office registration is properly renewed or reinstated.

D. The board may deny renewal of a license, certificate, or registration for the same reasons as it may refuse initial licensure, certification, or registration or for the same reasons that it may discipline a regulant for noncompliance with the standards of practice and conduct as well as the continuing education requirements contained in this chapter. The regulant has the right to request further review of any such action by the board under the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

E. By submitting the renewal fee, the regulant is certifying continued compliance with the standards of practice and conduct as established by the board. In addition, by

submitting the renewal fee, licensees are certifying their compliance with the continuing education requirements as contained in this chapter.

F. Failure to receive a renewal notice shall not relieve the regulant of the responsibility to renew. In the absence of a renewal notice, the regulant may submit a copy of the license, certificate, or registration with the required fee for renewal.

G. A license, certificate, or registration that is renewed shall be regarded as having been current without interruption and under the authority of the board.

H. Failure to pay any monetary penalty, reimbursement of cost, or other fee assessed by consent order or final order shall result in a delay or withholding of services provided by the department such as, but not limited to, renewal, reinstatement, processing a new application, or exam administration.

### **18VAC10-20-680. Reinstatement.**

A. Applicants whose license, certificate, or main office registration has expired for more than six months, and applicants whose branch office registration has expired for more than 30 days, shall be required to submit a reinstatement application, which shall be evaluated by the board to determine if the applicant remains qualified to be a regulant of the board.

B. Applicants whose license or certificate has expired for more than five years shall be required to reapply for licensure or certification on the initial application and document experience from the date of expiration of the license or certificate to the present.

C. The board may require an exam, additional continuing education, or experience for architects, professional engineers, land surveyors, landscape architects, and interior designers whose license or certificate has expired for more than five years.

D. The board may deny reinstatement of a license, certificate, or registration for the same reasons as it may refuse initial licensure, certification, or registration or for the same reasons that it may discipline a regulant for noncompliance with the standards of practice and conduct, as well as the continuing education requirements, contained in this chapter. The applicant has the right to request further review of any such action by the board under the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

E. The date the reinstatement fee is received in the board's office shall determine the amount to be paid pursuant to the following requirements:

1. Branch office registrations that have expired for more than 30 days shall require a reinstatement fee that shall equal the renewal fee plus \$30.
2. Licenses, certificates, and main office registrations that have expired for more than six months, but less than five years, shall require a reinstatement fee that shall equal the renewal fee plus \$100.

3. Licenses, certificates, and main office registrations that have expired for more than five years shall require a reinstatement fee that shall equal the renewal fee plus \$250.

F. Licensees shall remain under the disciplinary authority of the board at all times, regardless of whether the license is reinstated, pursuant to § 54.1-405 of the Code of Virginia.

G. A certificate or registration holder who reinstates shall be regarded as having been current and without interruption and under the authority of the board.

H. Failure to pay any monetary penalty, reimbursement of cost, or other fee assessed by consent order or final order shall result in a delay or withholding of services provided by the department such as, but not limited to, renewal, reinstatement, processing a new application, or exam administration.

### **18VAC10-20-683. Continuing education requirements for renewal or reinstatement.**

A. Licensees are required to complete continuing education (CE) pursuant to the provisions of § 54.1-404.2 of the Code of Virginia for any renewal or reinstatement.

B. CE for renewal shall be completed during the two-year license period immediately prior to the expiration date of the license and shall be valid for that renewal only; additional hours shall not be valid for subsequent renewal.

C. CE for reinstatement shall be completed during the two years immediately prior to the date of the board's receipt of a reinstatement application and shall be valid for that reinstatement only; additional hours shall not be valid for subsequent renewal.

D. Licensees shall maintain records of completion of CE used to renew a license for three years from the date of expiration of the license. Licensees shall provide those records to the board or its authorized agents upon request.

E. CE activities completed by licensees may be accepted by the board provided the activity:

1. Consists of content and subject matter related to the practice of the profession;
2. Has a clear purpose and objective that will maintain, improve, or expand the skills and knowledge relevant to the licensee's area of practice and may be in areas related to business practices, including project management, risk management, ethics, and public health, safety, and welfare that have demonstrated relevance to the licensee's area of practice as defined in § 54.1-400 of the Code of Virginia;

3. Is taught by instructors who are competent in the subject matter, either by education or experience, for those activities involving an interaction with an instructor;
4. If self-directed, contains an assessment by the sponsor at the conclusion of the activity that verifies that the licensee has successfully achieved the purpose and objective of the activity; and
5. Results in documentation that verifies the licensee's successful completion of the activity.

F. Computation of credit.

1. Fifty contact minutes shall equal one hour of CE. For activities that consist of segments that are less than 50 minutes, those segments shall be totaled for computation of CE for that activity.
2. One semester hour of college credit shall equal 15 hours of CE and one-quarter hour of college credit shall equal 10 hours of CE.
3. The number of hours required to successfully complete any CE activity must have been determined by the sponsor. A licensee shall not claim more credit for any CE activity than the number of hours that was predetermined by the sponsor at the time the activity was completed.
4. CE may be granted for the initial development, substantial updating, or the initial teaching of a CE activity that meets the requirements of this chapter at twice the amount of credit that participants receive. CE claimed pursuant to this subdivision shall not be claimed for subsequent offerings of the same activity.
5. A licensee applying for renewal shall not receive credit for completing a CE activity with the same content more than once during the two years prior to license expiration.
6. A licensee applying for reinstatement shall not receive credit more than once for completing a CE activity with the same content during the two years immediately prior to the date of the board's receipt of his reinstatement application.

G. The board may periodically conduct a random audit of its licensees who have applied for renewal to determine compliance. Licensees who are selected for audit shall provide all documentation of all CE activities utilized to renew their license within 21 calendar days of the date of the board's notification of audit.

H. If the board determines that CE was not obtained properly to renew or reinstate a license, the licensee shall be required to make up the deficiency to satisfy the CE requirement for that license renewal or reinstatement. Any CE activity used to satisfy

the deficiency shall not be applied to his current license CE requirement or any subsequent renewal or reinstatement.

### **18VAC10-20-687. Exemptions and waivers.**

Pursuant to § 54.1-404.2 of the Code of Virginia, the board may grant exemptions to, waive, or reduce the number of continuing education activities required in cases of certified illness or undue hardship. However, such exemptions, waivers, or reductions shall not relieve the individual of his obligation to comply with any other requirements of this chapter including, but not limited to, the provisions of 18VAC10-20-670 or 18VAC10-20-680.

## **PART XII STANDARDS OF PRACTICE AND CONDUCT**

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### **18VAC10-20-690. Responsibility to the public.**

The primary obligation of the regulant is to the public. The regulant shall recognize that the health, safety, and welfare of the general public are dependent upon professional judgments, decisions, and practices. If the judgment of the regulant is overruled resulting in circumstances when the health, safety, or welfare of the public is endangered, the regulant shall inform the employer, client, and appropriate authorities in writing of the possible consequences.

### **18VAC10-20-700. Public statements.**

- A. The regulant shall be truthful in all professional matters and shall include all relevant information in professional reports, statements, or testimony, which shall include the date indicating when such information was current.
- B. When serving as an expert or technical witness, the regulant shall express an opinion only when it is based on an adequate knowledge of the facts in the issue and a background of competence in the subject matter.
- C. Except when appearing as an expert witness in court or in an administrative proceeding when the parties are represented by counsel, the regulant shall issue no statements, reports, criticisms, or arguments on matters relating to professional practice that are inspired by or paid for by interested persons, unless the regulant has prefaced the comment by disclosing any self-interest and the identities of all persons on whose behalf the regulant is speaking.
- D. A regulant shall not knowingly make a materially false statement or deliberately withhold a material fact requested in connection with his application for licensure, certification, registration, renewal, or reinstatement.

**18VAC10-20-710. Conflicts of interest.**

- A. The regulant shall promptly and fully inform an employer or client of any business association, interest, or circumstance which may influence the regulant's judgment or the quality of service.
- B. The regulant shall not accept compensation, financial or otherwise, from more than one party for services on or pertaining to the same project unless the circumstances are fully disclosed and agreed to in writing by all interested parties.
- C. The regulant shall not solicit or accept financial or other valuable consideration from material or equipment suppliers for specifying their products or services.
- D. The regulant shall not solicit or accept gratuities, directly or indirectly, from contractors, their agents, or other parties dealing with a client or employer in connection with work for which the regulant is responsible.

**18VAC10-20-720. Solicitation of work or employment.**

- A. In the course of soliciting work from, or employment by, a public authority the regulant shall not directly or indirectly:
1. Give, solicit, or receive any gratuity, contribution, or consideration to unlawfully influence the award of a contract;
  2. Give, solicit, or receive any gratuity, contribution, or consideration that may reasonably be construed as an intention to influence the awarding of a contract; or
  3. Offer or provide any gift or other valuable consideration in order to secure work.
- B. The regulant shall not pay, directly or indirectly, a commission, percentage, or brokerage fee to a potential or existing client in order to secure work.
- C. The regulant shall not falsify or knowingly allow misrepresentation of his or an associate's:
1. Academic or professional qualifications or work; or
  2. Degree of responsibility for prior assignments.
- D. Materials used in the solicitation of employment shall not misrepresent facts concerning employers, employees, associates, joint ventures, or past accomplishments of any kind.

**18VAC10-20-730. Competency for assignments.**

- A. The professional shall undertake to perform professional assignments only when qualified by education or experience, or both, and licensed or certified in the profession involved. Licensed professionals may perform assignments related to interior design

provided they do not hold themselves out as certified in this profession unless they are so certified by this board. The professional may accept an assignment requiring education or experience outside of the field of the professional's competence, but only to the extent that services are restricted to those phases of the project in which the professional is qualified. All other phases of such project shall be the responsibility of licensed or certified associates, consultants or employees.

B. A professional shall not misrepresent to a prospective or existing client or employer his qualifications and the scope of his responsibility in connection with work for which he is claiming credit.

C. The professional shall adhere to the minimum standards and requirements pertaining to the practice of his own profession, as well as other professions if incidental work is performed.

### **18VAC10-20-740. Professional responsibility.**

A. Unless exempt by statute, all architectural, engineering, land surveying, landscape architectural, and interior design work must be completed by a professional or a person performing the work who is under the direct control and personal supervision of a professional.

B. A professional shall be able to clearly define his scope and degree of direct control and personal supervision, clearly define how it was exercised, and demonstrate that he was responsible within that capacity for the work that he has sealed, signed, and dated. For the work prepared under his supervision, a professional shall:

1. Have detailed professional knowledge of the work;
2. Exercise the degree of direct control over work that includes:
  - a. Having control over decisions on technical matters of policy and design;
  - b. Personally making professional decisions or the review and approval of proposed decisions prior to implementation, including the consideration of alternatives to be investigated and compared for designed work, whenever professional decisions are made that could affect the health, safety, and welfare of the public involving permanent or temporary work;
  - c. The selection or development of design standards and materials to be used; and
  - d. Determining the validity and applicability of recommendations prior to incorporation into the work, including the qualifications of those making the recommendations;

3. Have exercised his professional judgment in professional matters that are embodied in the work and the drawings, specifications, or other documents involved in the work; and

4. Have exercised critical examination and evaluation of an employee's, consultant's, subcontractor's, or project team member's work product, during and after preparation, for purposes of compliance with applicable laws, codes, ordinances, regulations, and usual and customary standards of care pertaining to professional practice.

C. The regulant shall not knowingly associate in a business venture with or permit the use of his name by any person or firm when there is reason to believe that person or firm is engaging in activity of a fraudulent or dishonest nature or is violating statutes or any of these regulations.

D. A regulant who has knowledge that any person may have violated or may currently be violating any of these provisions, or the provisions of Chapters 7 (§ 13.1-542.1 et seq.) and 13 (§ 13.1-1100 et seq.) of Title 13.1 or Chapters 1 (§ 54.1-100 et seq.) through 4 (§ 54.1-400 et seq.) of Title 54.1 of the Code of Virginia, shall inform the board in writing and shall cooperate in furnishing any further information or assistance that may be required by the board or any of its agents.

E. Upon request by the board or any of its agents, the regulant shall produce any plan, plat, document, sketch, book, record, or copy thereof concerning a transaction covered by this chapter and shall cooperate in the investigation of a complaint filed with the board against a regulant.

F. Except as authorized by 18VAC10-20-760 A 2, a regulant shall not utilize the design, drawings, specifications, or work of another regulant to complete or to replicate any work without the written consent of the person or organization that owns the design, drawings, specifications, or work.

G. Utilization and modification of work.

1. A regulant who utilizes the designs, drawings, specifications, or work of another regulant pursuant to subsection F of this section or 18VAC10-20-760 A 2, or who modifies any plats or surveys, shall conduct a thorough review of the work to verify that it has been accomplished to the same extent that would have been done under the direct control and personal supervision of the regulant affixing the professional seal, signature, and date. The regulant shall assume full responsibility for the utilization of any unsealed work or any changes or modifications to previously sealed work.



2. Information from recorded plats or surveys may be utilized without permission. However, the modification of the actual recorded plat or survey is prohibited without written permission of the regulant.

### **18VAC10-20-760. Use of seal.**

A. Affixing of a professional seal, signature, and date shall indicate that the professional has exercised direct control and personal supervision over the work to which it is affixed. Affixing of the seal, signature, and date also indicates the professional's acceptance of responsibility for the work shown thereon.

1. No professional shall affix a seal, signature, and date or certification to plans, plats, documents, drawings, or other works constituting the practice of the professions regulated that has been prepared by an unlicensed or uncertified person unless such works were performed under the direct control and personal supervision of the professional while the unlicensed or uncertified person was an employee of the same firm as the professional or was under written contract to the same firm that employs the professional.

2. If the original professional of record is no longer able to seal, sign, and date completed professional work, such work may be sealed, signed, and dated by another qualified professional pursuant to the standards established in 18VAC10-20-740 G 1.

B. Documents to be sealed.

1. All final documents, including cover sheet of plans, plats, documents, drawings, technical reports, and specifications, and each sheet of plans or plats, or drawings prepared by the professional, or someone under his direct control and personal supervision, shall be sealed, signed, and dated by the professional. All final documents shall also bear the professional's name or firm name, address, and project name.

2. For projects involving multiple professional services in the same project, each professional shall seal, sign, and date the final documents for the work component that he completed or that was completed under his direct control and personal supervision. The professional responsible for the compilation of the project shall seal, sign, and date the cover sheet of the aggregate collection of final documents for the project.

C. An electronic seal, signature, and date are permitted to be used in lieu of an original seal, signature, and date when the following criteria, and all other requirements of this section, are met:

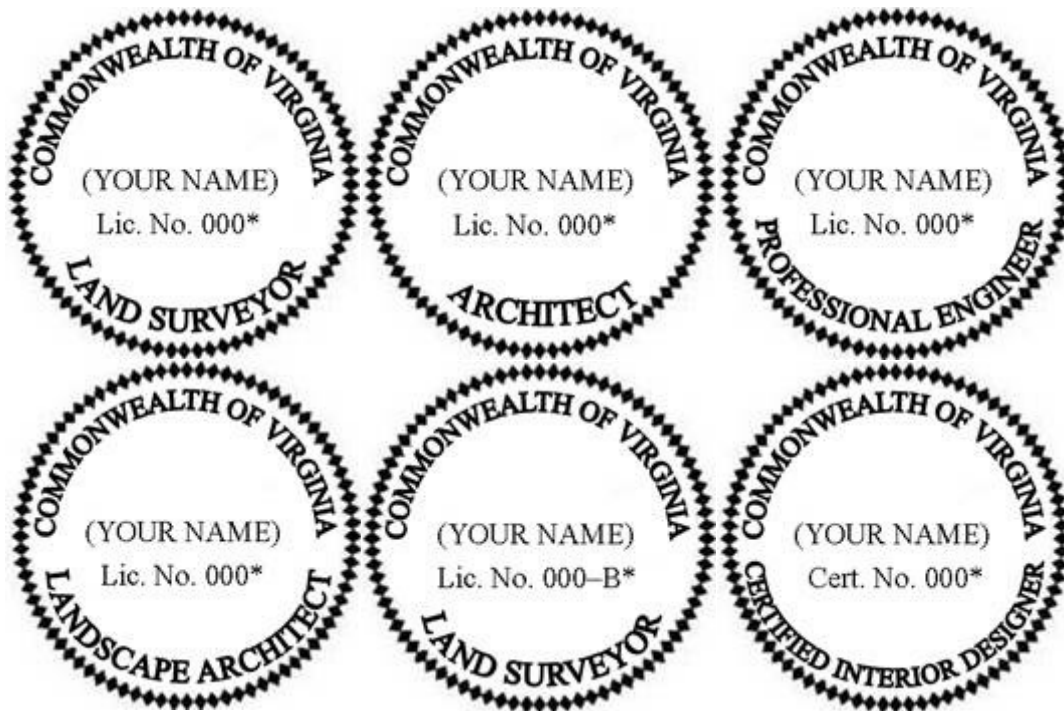
1. It is a unique identification of the professional;
2. It is verifiable; and

3. It is under the professional's direct control.

D. Incomplete plans, plats, documents, and drawings, whether advance or preliminary copies, shall be so identified on the plans, plats, documents, or drawings and need not be sealed, signed, or dated. Advance or preliminary copies of incomplete plans, plats, documents, and drawings, must be clearly identified as not complete but need not be sealed, signed, or dated.

E. All work performed by a professional who is licensed or certified by this board, including work that is exempt from licensure pursuant to § 54.1-402 of the Code of Virginia, shall be sealed, signed, and dated pursuant to subsection B of this section.

F. The original seal shall conform in detail and size to the design illustrated in this subsection and shall be two inches in diameter. The designs illustrated may not be shown to scale:





\* The number referred to is the last six-digit number as shown on the license or certificate. The number is permanent. Leading zeros contained in the six-digit number may be omitted from the seal.

### **18VAC10-20-770. Organization and styling of practice.**

A. A firm shall offer or practice only the professions shown on its board-issued registration.

B. Nothing shall be contained in the name, letterhead or other styling of a professional practice implying a relationship, ability or condition which does not exist. Professional services that the firm is not properly registered to provide shall not be included in the name.

C. An assumed, fictitious or corporate name shall not be misleading as to the identity, responsibility or status of those practicing professionals employed or contracted by the registrant. Any advertisement, sign, letterhead, business card, directory, or any other form of representation shall avoid reference to any service that cannot be provided for under a resident responsible person.

### **18VAC10-20-780. Professional required at each place of business.**

A. Any regulant maintaining a place of business that offers or practices architectural, engineering, land surveying, landscape architectural, or certified interior design services in Virginia, shall name at least one responsible person for each profession offered or practiced at each place of business.

B. Each resident responsible person designated by the firm shall exercise direct control and personal supervision of the work being offered or practiced at each place of business. Each resident responsible person may be responsible for more than one location provided that he is resident at each place of business during a majority of its operating hours.

### **18VAC10-20-790. Sanctions.**

A license, certificate, or registration shall not be sanctioned unless a majority of the eligible voting members of the entire board vote for the action. The board may discipline or sanction any regulant if the board finds that:

1. The regulant failed to maintain good moral character pursuant to the definition in 18VAC10-20-10;
2. The license, certification, or registration was obtained or renewed through fraud or misrepresentation;
3. The regulant has been found guilty by a court of competent jurisdiction of any material misrepresentation in the course of professional practice or has been convicted, pleaded guilty, or has been found guilty, regardless of adjudication or deferred adjudication, of any felony or misdemeanor that, in the judgment of the board, adversely affects the regulant's ability to perform satisfactorily within the regulated discipline. The board shall review the conviction pursuant to the provisions of § 54.1-204 of the Code of Virginia;
4. The regulant has committed acts constituting professional incompetence, negligence, or gross negligence;
5. The regulant has abused drugs or alcohol to the extent that professional competence is adversely affected;
6. The regulant fails to comply, or misrepresents any information pertaining to their compliance, with any of the continuing education requirements as contained in this chapter;
7. The regulant violates any standard of practice and conduct as defined in this chapter;
8. The regulant violates or induces others to violate any provision of Chapters 7 (§ 13.1-542.1 et seq.) and 13 (§ 13.1-1100 et seq.) of Title 13.1 or Chapters 1 (§ 54.1-100 et seq.) through 4 (§ 54.1-400 et seq.) of Title 54.1 of the Code of Virginia, or any other statute applicable to the practice of the professions regulated by this chapter;
9. The regulant has been disciplined by any county, city, town, state, or federal governing body. For purposes of this section "discipline" means reprimand; civil or monetary penalty; probation, suspension, or revocation of a license; or cease and desist order. The board will review such discipline before taking any disciplinary action of its own; or
10. The regulant fails to notify the board within 30 days of having been disciplined by any county, city, town, state, or federal governing body as stipulated in subdivision 9 of this section.

### **18VAC10-20-795. Change of address.**

All regulants shall notify the board of a change of mailing address on the designated address change form within 30 days of making the change. When submitting a change of address, regulants holding more than one license, certificate, or registration shall

inform the board of each affected by the change. A post office box will not be accepted in lieu of a physical address.

# VIRGINIA STATUTES

## CODE OF VIRGINIA, TITLE 54.1.CHAPTER 4.

### **Article 1. Architects, Engineers, Surveyors and Landscape Architects.**

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#### **§ 54.1-400. Definitions.**

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

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

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

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

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

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

"Interior design" by a certified interior designer means any service rendered wherein the principles and methodology of interior design are applied in connection with the identification, research, and creative solution of problems pertaining to the function and quality of the interior environment. Such services relative to interior spaces shall include

the preparation of documents for nonload-bearing interior construction, furnishings, fixtures, and equipment in order to enhance and protect the health, safety, and welfare of the public.

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

The "practice of land surveying" includes surveying of areas for a determination or correction, a description, the establishment or reestablishment of internal and external land boundaries, or the determination of topography, contours or location of physical improvements, and also includes the planning of land and subdivisions thereof.

The term "planning of land and subdivisions thereof" shall include, but not be limited to, the preparation of incidental plans and profiles for roads, streets and 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, architect or landscape architect in this Commonwealth by any person not a resident of and having no established place of business in this Commonwealth, or by any person resident in this Commonwealth whose arrival is recent, provided that such person is otherwise qualified for such professional service in another state or country and qualifies in Virginia and files prior to commencement of such practice an application, with the required fee, for licensure as a professional engineer, architect or landscape architect. The exemption shall continue until the Board has had sufficient time to consider the application and grant or deny licensure or certification.
4. Engaging in the practice of professional engineering as an employee under a licensed professional engineer, engaging in the practice of architecture as an employee under a licensed architect, engaging in the practice of landscape architecture as an employee under a licensed landscape architect, or engaging in the practice of land surveying as an employee under a licensed land surveyor; provided, that such practice shall not include responsible charge of design or supervision.
5. Practice of professional engineering, architecture, landscape architecture, or land surveying solely as an employee of the United States. However, the employee shall not be exempt from other provisions of this chapter if he furnishes advisory service for



compensation to the public in connection with engineering, architectural, landscape architecture, or land surveying matters.

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

7. Except as provided by regulations promulgated by the State Corporation Commission pursuant to § 56-257.2:1, the practice of engineering solely as an employee of a corporation engaged in interstate commerce, or as an employee of a public service corporation, by rendering such corporation engineering service in connection with its facilities which are subject to regulation by the State Corporation Commission, provided that corporation employees who furnish advisory service to the public in connection with engineering matters other than in connection with such employment shall not be exempt from the provisions of this chapter.

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

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

1. Single- and two-family homes, townhouses and multifamily dwellings, excluding electrical and mechanical systems, not exceeding three stories; or
2. All farm structures used primarily in the production, handling or storage of agricultural products or implements, including, but not limited to, structures used for the handling, processing, housing or storage of crops, feeds, supplies, equipment, animals or poultry; or
3. Buildings and structures classified with respect to use as business (Use Group B) and mercantile (Use Group M), as provided in the Uniform Statewide Building Code and churches with an occupant load of 100 or less, excluding electrical and mechanical systems, where such building or structure does not exceed 5,000 square feet in total net floor area, or three stories; or
4. Buildings and structures classified with respect to use as factory and industrial (Use Group F) and storage (Use Group S) as provided in the Uniform Statewide Building Code, excluding electrical and mechanical systems, where such building or structure does not exceed 15,000 square feet in total net floor area, or three stories; or

5. Additions, remodeling or interior design without a change in occupancy or occupancy load and without modification to the structural system or a change in access or exit patterns or increase in fire hazard; or
6. Electric installations which comply with all applicable codes and which do not exceed 600 volts and 800 amps, where work is designed and performed under the direct supervision of a person licensed as a master's level electrician or Class A electrical contractor by written examination, and where such installation is not contained in any structure exceeding three stories or located in any of the following categories:
  - a. Use Group A-1 theaters which exceed assembly of 100 persons;
  - b. Use Group A-4 except churches;
  - c. Use Group I, institutional buildings, except day care nurseries and clinics without life-support systems; or
7. Plumbing and mechanical systems using packaged mechanical equipment, such as equipment of catalogued standard design which has been coordinated and tested by the manufacturer, which comply with all applicable codes. These mechanical systems shall not exceed gauge pressures of 125 pounds per square inch, other than refrigeration, or temperatures other than flue gas of 300° F (150 degrees C) where such work is designed and performed under the direct supervision of a person licensed as a master's level plumber, master's level heating, air conditioning and ventilating worker, or Class A contractor in those specialties by written examination. In addition, such installation may not be contained in any structure exceeding three stories or located in any structure which is defined as to its use in any of the following categories:
  - a. Use Group A-1 theaters which exceed assembly of 100 persons;
  - b. Use Group A-4 except churches;
  - c. Use Group I, institutional buildings, except day care nurseries and clinics without life-support systems; or
8. The preparation of shop drawings, field drawings and specifications for components by a contractor who will supervise the installation and where the shop drawings and specifications (i) will be reviewed by the licensed professional engineer or architect responsible for the project or (ii) are otherwise exempted; or

9. Buildings, structures, or electrical and mechanical installations which are not otherwise exempted but which are of standard design, provided they bear the certification of a professional engineer or architect registered or licensed in another state, and provided that the design is adapted for the specific location and for conformity with local codes, ordinances and regulations, and is so certified by a professional engineer or architect licensed in Virginia; or
  10. Construction by a state agency or political subdivision not exceeding \$75,000 in value keyed to the January 1, 1991, Consumer Price Index (CPI) and not otherwise requiring a licensed architect, engineer, or land surveyor by an adopted code and maintenance by that state agency or political subdivision of water distribution, sewage collection, storm drainage systems, sidewalks, streets, curbs, gutters, culverts, and other facilities normally and customarily constructed and maintained by the public works department of the state agency or political subdivision.
  11. Conventional and alternative onsite sewage systems receiving residential wastewater, under the authority of Chapter 6 of Title 32.1, designed by a licensed onsite soil evaluator, which utilize packaged equipment, such as equipment of catalogued standard design that has been coordinated and tested by the manufacturer, and complies with all applicable codes, provided (i) the flow is less than 1,000 gallons per day; and (ii) if a pump is included, (a) it shall not include multiple downhill runs and must terminate at a positive elevational change; (b) the discharge end is open and not pressurized; (c) the static head does not exceed 50 feet; and (d) the force main length does not exceed 500 feet.
- B. No person shall be exempt from licensure as an architect or engineer who engages in the preparation of plans, specifications, documents or designs for:
1. Any unique design of structural elements for floors, walls, roofs or foundations; or
  2. Any building or structure classified with respect to its use as high hazard (Use Group H).
- C. Persons utilizing photogrammetric methods or similar remote sensing technology shall not be required to be licensed as a land surveyor pursuant to subsection B of § 54.1-404 or 54.1-406 to:
- (i) determine topography or contours, or to depict physical improvements, provided such maps or other documents shall not be used for the design, modification, or construction of improvements to real property or for flood plain determination, or (ii) graphically show existing property lines and boundaries on maps or other documents provided such depicted property lines and boundaries shall only be used for general information.

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

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

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

### **§ 54.1-402.1. State and local government employees; license exemptions for persons employed prior to March 8, 1992.**

Any person engaged in the practice of engineering, architecture, or land surveying as those terms are defined in § 54.1-400 as a regular, full-time, salaried employee of the Commonwealth or any political subdivision of the Commonwealth on March 8, 1992, who remains employed by any state agency or political subdivision shall be exempt until June 30, 2010, from the licensure requirements of § 54.1-406 provided the employee does not furnish advisory service for compensation to the public or as an independent contracting party in this Commonwealth or any political subdivision thereof in connection with engineering, architectural, or land surveying matters.

The chief administrative officer of any agency of the Commonwealth or political subdivision thereof employing persons engaged in the practice of engineering, architecture, or land surveying as regular, full-time, salaried employees shall have the authority and responsibility to determine the engineering, architecture, and land surveying positions which have responsible charge of engineering, architectural, or land surveying decisions.

### **§ 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, land surveyor, or landscape architect when such person is not licensed or registered by the Board in accordance with this chapter or (ii) holding himself out as a certified interior designer when such person is not certified or registered by the Board in

accordance with this chapter. The order shall be effective upon its entry and shall become final unless such person files an appeal with the Board in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) within 21 days of the date of entry of the order.

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

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

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

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

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

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

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

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

### **§ 54.1-404. Regulations; code of professional practice and conduct.**

A. The Board shall promulgate regulations not inconsistent with this chapter governing its own organization, the professional qualifications of applicants, the requirements necessary for passing examinations in whole or in part, the proper conduct of its examinations, the implementation of exemptions from license requirements, and the proper discharge of its duties.

B. The Board may impose different licensure requirements for a limited area of the practice of land surveying for persons who determine topography, contours, or depiction of physical improvements utilizing photogrammetric methods or similar remote sensing technology who are not otherwise exempt pursuant to subsection C of § 54.1-402. Any such requirements shall include reasonable provisions for licensure without examination of persons deemed by the Board to be qualified to provide photogrammetric and remote sensing surveying services.

Any license issued pursuant to this subsection shall be distinctive, reflecting the limited area of the practice of land surveying so authorized, and considered as a land surveyor and the practice of land surveying for the purposes of §§ 13.1-549, 13.1-1111, 54.1-402, 54.1-405, 54.1-406 and 54.1-411. Nothing herein shall be construed to authorize a person issued a limited license pursuant to this subsection to practice beyond such limited area of practice. The establishment of any such limited license shall not prohibit any duly qualified land surveyor licensed pursuant to § 54.1-400 from engaging in any such limited area of practice.

C. The regulations may include a code of professional practice and conduct, the provisions of which shall serve any or all of the following purposes:

1. The protection of the public health, safety and welfare;
2. The maintenance of standards of objectivity, truthfulness and reliability in public statements by professionals;
3. The avoidance by professionals of conflicts of interests;
4. The prohibition of solicitation or acceptance of work by professionals on any basis other than their qualifications for the work offered;
5. The restriction by the professional in the conduct of his professional activity from association with any person engaging in illegal or dishonest activities; or
6. The limitation of professional service to the area of competence of each professional.

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

A. The Board shall promulgate regulations governing continuing education requirements for architects, professional engineers, land surveyors, and landscape architects licensed by the Board. Such regulations shall require the completion of the equivalent of 16 hours per biennium of Board-approved continuing education activities as a prerequisite to the renewal or reinstatement of a license issued to an architect,

professional engineer, land surveyor, or landscape architect. The Board shall establish criteria for continuing education activities including, but not limited to (i) content and subject matter; (ii) curriculum; (iii) standards and procedures for the approval of activities, courses, sponsors, and instructors; (iv) methods of instruction for continuing education courses; and (v) the computation of course credit.

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

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

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

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

### **§ 54.1-406. License required.**

A. Unless exempted by § 54.1-401, 54.1-402, or 54.1-402.1, a person shall hold a valid license prior to engaging in the practice of architecture or engineering which includes design, consultation, evaluation or analysis and involves proposed or existing improvements to real property.

Unless exempted by § 54.1-401, 54.1-402, or 54.1-402.1, a person shall hold a valid license prior to engaging in the practice of land surveying.

B. Unless exempted by § 54.1-402, any person, partnership, corporation or other entity offering to practice architecture, engineering, or land surveying without being registered or licensed in accordance with the provisions of this chapter, shall be subject to the provisions of § 54.1-111 of this title.

C. Any person, partnership, corporation or other entity which is not licensed or registered to practice in accordance with this chapter and which advertises or promotes through the use of the words "architecture," "engineering" or "land surveying" or any

modification or derivative thereof in its name or description of its business activity in a manner that indicates or implies that it practices or offers to practice architecture, engineering or land surveying as defined in this chapter shall be subject to the provisions of § 54.1-111.

D. Notwithstanding these provisions, any state agency or political subdivision of the Commonwealth unable to employ a qualified licensed engineer, architect, or land surveyor to fill a responsible charge position, after reasonable and unsuccessful search, may fill the position with an unlicensed person upon the determination by the chief administrative officer of the agency or political subdivision that the person, by virtue of education, experience, and expertise, can perform the work required of the position.

E. Notwithstanding the provisions of this section, a contractor who is licensed pursuant to the provisions of Chapter 11 (§ 54.1-1100 et seq.) of this title shall not be required to be licensed or registered to practice in accordance with this chapter when bidding upon or negotiating design- build contracts or performing services other than architectural, engineering or land surveying services under a design-build contract. The architectural, engineering or land surveying services offered or rendered in connection with such contracts shall only be rendered by an architect, professional engineer or land surveyor licensed in accordance with this chapter.

### **§ 54.1-407. Land surveying.**

Notwithstanding the provisions of any regulation promulgated by the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, a land surveyor shall not be required by Board regulations to set corner monumentation or perform a boundary survey on any property when (i) corner monumentation has been set or is otherwise required to be set pursuant to the provisions of a local subdivision ordinance as mandated by § 15.2-2240 or subdivision 7 of § 15.2-2241, or where the placing of such monumentation is covered by a surety bond, cash escrow, set-aside letter, letter of credit, or other performance guaranty, or (ii) the purpose of the survey is to determine the location of the physical improvements on the said property only, if the prospective mortgagor or legal agent ordering the survey agrees in writing that such corner monumentation shall not be provided in connection with any such physical improvements survey. The provisions of this section shall apply only to property located within the Counties of Arlington, Fairfax, King George, Loudoun, Prince William, Spotsylvania and Stafford; and the Cities of Alexandria, Fairfax, Falls Church, Fredericksburg, Manassas and Manassas Park.

### **§ 54.1-408. Practice of land surveying; subdivisions.**

In addition to the work defined in § 54.1-400, a land surveyor may, for subdivisions, site plans and plans of development only, prepare plats, plans and profiles for roads, storm drainage systems, sanitary sewer extensions, and water line extensions, and may perform



other engineering incidental to such work, but excluding the design of pressure hydraulic, structural, mechanical, and electrical systems.

The work included in this section shall involve the use and application of standards prescribed by local or state authorities. The land surveyor shall pass an examination given by the Board in addition to that required for the licensing of land surveyors as defined in § 54.1-400. Any land surveyor previously licensed pursuant to subdivision (3) (b) of former § 54-17.1 may continue to do the work herein described without further examination. Except as provided, nothing contained herein or in the definition of "practice of land surveying" in § 54.1-400 shall be construed to include engineering design and the preparation of plans and specifications for construction.

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

A. Beginning July 1, 2010, a person who engages in the practice of landscape architecture as defined in § 54.1-400 and who holds himself out as a landscape architect shall hold a valid license prior to engaging in such practice. Resulting site plans, plans of development, preliminary plats, drawings, technical reports, and specifications, submitted under the seal, stamp or certification of a licensed landscape architect, shall be accepted for review by local and state authorities, in connection with both public and private projects. However, no landscape architect, unless he is also licensed as a land surveyor, shall provide boundary surveys, plats or descriptions for any purpose, except in conjunction with or under the supervision of an appropriately licensed professional, who shall provide certification, as required. Landscape architects shall only engage in projects which they are qualified to undertake based on education, training, and examination and in accordance with the practice of landscape architecture as defined in § 54.1-400. Any person who (i) holds a valid certification as a landscape architect issued by the Board on June 30, 2010, and (ii) is a Virginia-certified landscape architect in good standing with the Board, shall be licensed to practice landscape architecture as of July 1, 2010.

B. Nothing contained herein or in the definition of "practice of landscape architecture" or in the definition of "landscape architect" in § 54.1-400 shall be construed to restrict or otherwise affect the right of any architect, professional engineer, land surveyor, nurseryman, landscape designer, landscape contractor, land planner, community planner, landscape gardener, golf course designer, turf maintenance specialist, irrigation designer, horticulturist, arborist, or any other similar person from engaging in their occupation or the practice of their profession or from rendering any service in connection therewith that is not otherwise proscribed.

C. Any person, partnership, corporation, or other entity that is not licensed to practice landscape architecture in accordance with the provisions of this chapter and that advertises or promotes through the use of the words "landscape architecture" or any modification or derivation thereof in its name or description of its business activity in a manner that indicates or implies that it practices or offers to practice landscape

architecture as defined in this chapter shall be subject to the provisions of § 54.1-111. Nothing contained herein or in the definitions of "landscape architect" or "practice of landscape architecture" in § 54.1-400 shall be construed to restrict or otherwise affect the right of any person undertaking the occupations or professions referred in subsection B of this section to engage in their occupation, or the practice of their profession, or from rendering any service in connection therewith that is not otherwise proscribed.

D. Any person, partnership, corporation, or other entity offering to practice landscape architecture without being registered or licensed to practice landscape architecture in accordance with the provisions of this chapter, shall be subject to the provisions of § 54.1-111. Nothing contained herein or in the definitions of "landscape architect" and "practice of landscape architecture" in § 54.1-400 shall be construed to restrict or otherwise affect the right of any person undertaking the occupations or professions referenced in subsection B of this section to engage in their occupation, or the practice of their profession, or from rendering any service in connection therewith that is not otherwise proscribed.

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

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

B. Any public body authorized by law to require that plans, specifications or calculations be prepared in connection with improvements to real property shall establish a procedure to ensure that such plans, specifications or calculations be prepared by an architect, professional engineer, land surveyor or landscape architect licensed or authorized pursuant to this chapter in any case in which the exemptions contained in §§ 54.1-401, 54.1-402 or § 54.1-402.1 are not applicable. Drafting of permits, reviewing of plans or inspection of facilities for compliance with an adopted code or standard by any public body or its designated agent shall not require the services of an architect, professional engineer, land surveyor or landscape architect licensed pursuant to this chapter.

#### **§ 54.1-410.1. Prerequisites for obtaining business license.**

Any architect or professional engineer applying for or renewing a business license in any locality in accordance with Chapter 37 (§ 58.1-3700 et seq.) of Title 58.1 shall furnish prior to the issuance or renewal of such license either (i) satisfactory proof that he is duly

licensed under the terms of this chapter or (ii) a written statement, supported by an affidavit, that he is not subject to licensure as an architect or professional engineer pursuant to this chapter.

No locality shall issue or renew or allow the issuance or renewal of such license unless the architect or professional engineer has furnished his license number issued pursuant to this chapter or evidence of being exempt from the provisions of 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.

## Article 2. Interior Designers.

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### **§ 54.1-412. Applicability.**

This chapter shall not be construed to restrict or otherwise affect the right of any uncertified interior designer, architect, engineer, or any other person from rendering any of the services which constitute the practice of interior design; however, no person may hold himself out as, or use the title of, "certified interior designer" unless he has been so certified pursuant to the provisions of this chapter.

### **§ 54.1-413. Examination.**

At least once each year the Board shall arrange for the National Council for Interior Design Qualification examination or an equivalent examination approved by the Board to be given to qualified applicants for certification as interior designers.

### **§ 54.1-414. Issuance of certification; waiver of examination.**

The Board shall issue a certification to practice as a certified interior designer in the Commonwealth to every applicant who shall have complied with the requirements of this chapter and the regulations of the Board. The certificates shall be signed by at least three members of the Board.

The Board shall certify any person who is a graduate of a minimum four-year professional degree program accredited by the Foundation for Interior Design Education Research, an equivalent accrediting organization or a professional program approved by the Board and who has two years of monitored experience in the performance of interior design services and who has taken and passed the examination for certification as a certified interior designer.

The Board, in its discretion, shall determine whether an applicant's professional education and professional experience in the field of interior design are sufficient to establish eligibility for the examination.

The Board, in lieu of all examinations, may accept satisfactory evidence of licensing or certification in another state or country or the District of Columbia where (i) the

qualifications for such licensure or certification are equal, in the opinion of the Board, to the qualifications required by the provisions of this chapter as of the date of application and (ii) the applicant is the holder of a license or certificate in good standing. Upon receipt of such satisfactory evidence and provided all other such requirements of this chapter are complied with, a certificate shall be issued to such applicant.

# VIRGINIA STATUTES

## CODE OF VIRGINIA, TITLE 13.1.CHAPTER 7.

### PROFESSIONAL CORPORATIONS

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

A. A corporation rendering the services of architects, professional engineers, 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, 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, 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, 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.

# VIRGINIA STATUTES

## CODE OF VIRGINIA, TITLE 13.1.CHAPTER 13.

### **VIRGINIA PROFESSIONAL LIMITED LIABILITY COMPANY ACT**

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

Not less than two-thirds of the membership interests of a professional limited liability company rendering the services of architects, professional engineers, 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, 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, land surveying, or landscape architect, 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, 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.

# CODE OF ETHICS

## Preamble

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Engineering is an important and learned profession. As members of this profession, engineers are expected to exhibit the highest standards of honesty and integrity. Engineering has a direct and vital impact on the quality of life for all people. Accordingly, the services provided by engineers require honesty, impartiality, fairness, and equity, and must be dedicated to the protection of the public health, safety, and welfare. Engineers must perform under a standard of professional behavior that requires adherence to the highest principles of ethical conduct.

## I. Fundamental Canons

Engineers, in the fulfillment of their professional duties, shall:

- 1) Hold paramount the safety, health, and welfare of the public.
- 2) Perform services only in areas of their competence.
- 3) Issue public statements only in an objective and truthful manner.
- 4) Act for each employer or client as faithful agents or trustees.
- 5) Avoid deceptive acts.
- 6) Conduct themselves honorably, responsibly, ethically, and lawfully so as to enhance the honor, reputation, and usefulness of the profession.

## II. Rules of Practice

1. Engineers shall hold paramount the safety, health, and welfare of the public.
  - 1) If engineers' judgment is overruled under circumstances that endanger life or property, they shall notify their employer or client and such other authority as may be appropriate.
  - 2) Engineers shall approve only those engineering documents that are in conformity with applicable standards.
  - 3) Engineers shall not reveal facts, data, or information without the prior consent of the client or employer except as authorized or required by law or this Code.
  - 4) Engineers shall not permit the use of their name or associate in business ventures with any person or firm that they believe is engaged in fraudulent or dishonest enterprise.

- 5) Engineers shall not aid or abet the unlawful practice of engineering by a person or firm.
  - 6) Engineers having knowledge of any alleged violation of this Code shall report thereon to appropriate professional bodies and, when relevant, also to public authorities, and cooperate with the proper authorities in furnishing such information or assistance as may be required.
2. Engineers shall perform services only in the areas of their competence.
    - 1) Engineers shall undertake assignments only when qualified by education or experience in the specific technical fields involved.
    - 2) Engineers shall not affix their signatures to any plans or documents dealing with subject matter in which they lack competence, nor to any plan or document not prepared under their direction and control.
    - 3) Engineers may accept assignments and assume responsibility for coordination of an entire project and sign and seal the engineering documents for the entire project, provided that each technical segment is signed and sealed only by the qualified engineers who prepared the segment.
  3. Engineers shall issue public statements only in an objective and truthful manner.
    - 1) Engineers shall be objective and truthful in professional reports, statements, or testimony. They shall include all relevant and pertinent information in such reports, statements, or testimony, which should bear the date indicating when it was current.
    - 2) Engineers may express publicly technical opinions that are founded upon knowledge of the facts and competence in the subject matter.
    - 3) Engineers shall issue no statements, criticisms, or arguments on technical matters that are inspired or paid for by interested parties, unless they have prefaced their comments by explicitly identifying the interested parties on whose behalf they are speaking, and by revealing the existence of any interest the engineers may have in the matters.
  4. Engineers shall act for each employer or client as faithful agents or trustees.
    - 1) Engineers shall disclose all known or potential conflicts of interest that could influence or appear to influence their judgment or the quality of their services.
    - 2) Engineers shall not accept compensation, financial or otherwise, from more than one party for services on the same project, or for services

pertaining to the same project, unless the circumstances are fully disclosed and agreed to by all interested parties.

3) Engineers shall not solicit or accept financial or other valuable consideration, directly or indirectly, from outside agents in connection with the work for which they are responsible.

4) Engineers in public service as members, advisors, or employees of a governmental or quasi-governmental body or department shall not participate in decisions with respect to services solicited or provided by them or their organizations in private or public engineering practice.

5) Engineers shall not solicit or accept a contract from a governmental body on which a principal or officer of their organization serves as a member.

5. Engineers shall avoid deceptive acts.

1) Engineers shall not falsify their qualifications or permit misrepresentation of their or their associates' qualifications. They shall not misrepresent or exaggerate their responsibility in or for the subject matter of prior assignments. Brochures or other presentations incident to the solicitation of employment shall not misrepresent pertinent facts concerning employers, employees, associates, joint venturers, or past accomplishments.

2) Engineers shall not offer, give, solicit, or receive, either directly or indirectly, any contribution to influence the award of a contract by public authority, or which may be reasonably construed by the public as having the effect or intent of influencing the awarding of a contract. They shall not offer any gift or other valuable consideration in order to secure work. They shall not pay a commission, percentage, or brokerage fee in order to secure work, except to a bona fide employee or bona fide established commercial or marketing agencies retained by them.

### **III. Professional Obligations**

1. Engineers shall be guided in all their relations by the highest standards of honesty and integrity.

1) Engineers shall acknowledge their errors and shall not distort or alter the facts.

- 2) Engineers shall advise their clients or employers when they believe a project will not be successful.
  - 3) Engineers shall not accept outside employment to the detriment of their regular work or interest. Before accepting any outside engineering employment, they will notify their employers.
  - 4) Engineers shall not attempt to attract an engineer from another employer by false or misleading pretenses.
  - 5) Engineers shall not promote their own interest at the expense of the dignity and integrity of the profession.
2. Engineers shall at all times strive to serve the public interest.
    - 1) Engineers are encouraged to participate in civic affairs; career guidance for youths; and work for the advancement of the safety, health, and well-being of their community.
    - 2) Engineers shall not complete, sign, or seal plans and/or specifications that are not in conformity with applicable engineering standards. If the client or employer insists on such unprofessional conduct, they shall notify the proper authorities and withdraw from further service on the project.
    - 3) Engineers are encouraged to extend public knowledge and appreciation of engineering and its achievements.
    - 4) Engineers are encouraged to adhere to the principles of sustainable development<sup>1</sup> in order to protect the environment for future generations.
  3. Engineers shall avoid all conduct or practice that deceives the public.
    - 1) Engineers shall avoid the use of statements containing a material misrepresentation of fact or omitting a material fact.
    - 2) Consistent with the foregoing, engineers may advertise for recruitment of personnel.
    - 3) Consistent with the foregoing, engineers may prepare articles for the lay or technical press, but such articles shall not imply credit to the author for work performed by others.
  4. Engineers shall not disclose, without consent, confidential information concerning the business affairs or technical processes of any present or former client or employer, or public body on which they serve.
    - 1) Engineers shall not, without the consent of all interested parties, promote or arrange for new employment or practice in connection with a specific project for which the engineer has gained particular and specialized knowledge.

- 2) Engineers shall not, without the consent of all interested parties, participate in or represent an adversary interest in connection with a specific project or proceeding in which the engineer has gained particular specialized knowledge on behalf of a former client or employer.
5. Engineers shall not be influenced in their professional duties by conflicting interests.
- 1) Engineers shall not accept financial or other considerations, including free engineering designs, from material or equipment suppliers for specifying their product.
  - 2) Engineers shall not accept commissions or allowances, directly or indirectly, from contractors or other parties dealing with clients or employers of the engineer in connection with work for which the engineer is responsible.
6. Engineers shall not attempt to obtain employment or advancement or professional engagements by untruthfully criticizing other engineers, or by other improper or questionable methods.
- 1) Engineers shall not request, propose, or accept a commission on a contingent basis under circumstances in which their judgment may be compromised.
  - 2) Engineers in salaried positions shall accept part-time engineering work only to the extent consistent with policies of the employer and in accordance with ethical considerations.
  - 3) Engineers shall not, without consent, use equipment, supplies, laboratory, or office facilities of an employer to carry on outside private practice.
7. Engineers shall not attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice, or employment of other engineers. Engineers who believe others are guilty of unethical or illegal practice shall present such information to the proper authority for action.
- 1) Engineers in private practice shall not review the work of another engineer for the same client, except with the knowledge of such engineer, or unless the connection of such engineer with the work has been terminated.
  - 2) Engineers in governmental, industrial, or educational employ are entitled to review and evaluate the work of other engineers when so required by their employment duties.

- 3) Engineers in sales or industrial employ are entitled to make engineering comparisons of represented products with products of other suppliers.
8. Engineers shall accept personal responsibility for their professional activities, provided, however, that engineers may seek indemnification for services arising out of their practice for other than gross negligence, where the engineer's interests cannot otherwise be protected.
- 1) Engineers shall conform with state registration laws in the practice of engineering.
  - 2) Engineers shall not use association with a nonengineer, a corporation, or partnership as a "cloak" for unethical acts.
9. Engineers shall give credit for engineering work to those to whom credit is due, and will recognize the proprietary interests of others.
- 1) Engineers shall, whenever possible, name the person or persons who may be individually responsible for designs, inventions, writings, or other accomplishments.
  - 2) Engineers using designs supplied by a client recognize that the designs remain the property of the client and may not be duplicated by the engineer for others without express permission.
  - 3) Engineers, before undertaking work for others in connection with which the engineer may make improvements, plans, designs, inventions, or other records that may justify copyrights or patents, should enter into a positive agreement regarding ownership.
  - 4) Engineers' designs, data, records, and notes referring exclusively to an employer's work are the employer's property. The employer should indemnify the engineer for use of the information for any purpose other than the original purpose.
  - 5) Engineers shall continue their professional development throughout their careers and should keep current in their specialty fields by engaging in professional practice, participating in continuing education courses, reading in the technical literature, and attending professional meetings and seminars.

# REFERENCES

Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects

<http://www.dpor.virginia.gov/Boards/APELS/>

Virginia Regulations Governing Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects

[https://www.dpor.virginia.gov/sites/default/files/Boards/APELS/04REGS\\_APELS.pdf](https://www.dpor.virginia.gov/sites/default/files/Boards/APELS/04REGS_APELS.pdf)

Virginia Administrative Code, Title 18 Professions and Occupational Licensing, Ch. 20 Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, (18VAC10-20-10 to 18VAC10-20-795)

<https://law.lis.virginia.gov/admincode/title18/agency10/chapter20/>

Virginia Statutes, Code of Virginia, Title 54.1 Professions and Occupations, Ch. 4, Architects, Engineers, Landscape Architects and Interior Designers, (54.1-400 to 54.1-415)

<https://law.lis.virginia.gov/vacodefull/title54.1/chapter4/>

Virginia Statutes, Code of Virginia, Title 13.1 Corporations, Ch. 7, Professional Corporations, (13.1-549.)

<https://law.lis.virginia.gov/vacode/title13.1/chapter7/section13.1-549/>

Virginia Statutes, Code of Virginia, Title 13.1 Corporations, Ch. 13, Virginia Professional Limited Liability Company Act, (13.1-1111.)

<https://law.lis.virginia.gov/vacode/title13.1/chapter13/section13.1-1111/>

National Society of Professional Engineers, Code of Ethics

<https://www.nspe.org/resources/ethics/code-ethics>