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Virginia Laws and Rules for Engineers

by

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Course Outline:

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Code of Virginia

State laws are enacted by the Virginia General Assembly, made up of the Senate of Virginia and the Virginia House of Delegates. When a bill has passed in both chambers, it is transmitted to the Governor for signature and then becomes law. If the Governor vetoes the bill, the General Assembly must override a veto with a two-thirds vote in both the Senate and the House of Delegates for the bill to become law.



Passed bills are compiled and bound as the Acts of Assembly. All acts are compiled by subject and integrated into the proper title and chapter of the *Code of Virginia* (Va. Code), which is the official record of all laws. Some publications include annotations, such as notes, cross-references, and legislative history.

The Code of Virginia contains 66 titles covering a variety of subjects. The title and chapter for engineering is under the following organization:

- Title 54.1 “Professions and Occupations”
 - Subtitle II “Professions and Occupations Regulated by the Department of Professional and Occupational Regulation and Boards within the Department”
 - Chapter 4 “Architects, Engineers, Surveyors, Landscape Architects and Interior Designers”

The chapter is cited as Va. Code 54.1-4.

See the “Helpful Resources” section for the websites to view the latest laws, rules, and the Board website.



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Va. Code 54.1-4

The law dedicated to the practice of engineering in Virginia is Va. Code 54.1-4. It contains general requirements for architects, engineers, surveyors, landscape architects, and interior designers. It also gives authority to the *Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board)* to manage licensing and professional conduct.

The following is the contents of Va. Code 54.1-4, with bold sections being of particular importance for practicing professional engineers.

CHAPTER 4. ARCHITECTS, ENGINEERS, SURVEYORS, LANDSCAPE ARCHITECTS AND INTERIOR DESIGNERS

Article 1. Architects, Engineers, Surveyors and Landscape Architects

§ 54.1-400 Definitions

§ 54.1-401 Exemptions

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

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

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

§ 54.1-403 Board members and officers; quorum

§ 54.1-403 Board members and officers; quorum

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

§ 54.1-404.1 Repealed

§ 54.1-404.2 Continuing education

§ 54.1-405 Examinations and issuance of licenses and certificates

§ 54.1-405 Examinations and issuance of licenses and certificates

§ 54.1-406 License required

§ 54.1-407 Land surveying

§ 54.1-408 Practice of land surveying; subdivision

s§ 54.1-409 Practice of landscape architecture; license required

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

§ 54.1-410.1 Prerequisites for obtaining business license

§ 54.1-411 Organization for practice; registration

Article 2. Interior Designers

§ 54.1-412 Applicability

§ 54.1-413 Examination

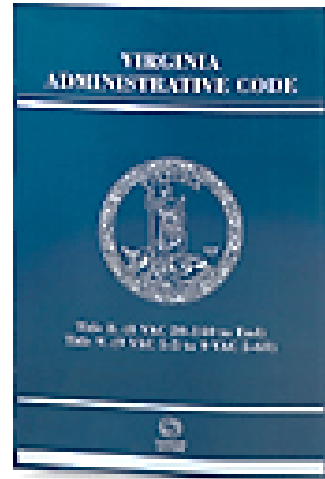
§ 54.1-414 Issuance of certification; waiver of examination



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Virginia Administrative Code

State laws are often high-level and lack details required for implementation. The General Assembly delegates state agencies to manage the implementation of laws and to create rules and regulations that complement the laws. The compilation of agency regulations is called the Virginia Administrative Code (VAC). These regulations are enforceable just like state laws.



The regulations are grouped into different departments of government. Professional engineering is under the Department of Professional and Occupational Regulation which oversees Title 18 “Professional and Occupational Licensing”. Under Title 18, each board is given a different agency number, with Agency 10 for the APELSCIDLA Board. The board can make edits to the regulations under Agency 10.

Title 18, Agency 10, Chapter 20 (18 VAC 10-20) is entitled “Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects Regulations”. It contains important requirements to guide the regular practice of the same professions as Va. Code 54.1-4, including engineering.

18 VAC 10-20 is under the following organization:

- Title 18. Professional and Occupational Licensing
 - Agency 10. Board For Architects, Professional Engineers, Land Surveyors, Certified Interior Designers And Landscape Architects
 - Chapter 20. Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects Regulations



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18 VAC 10-20

The following are the contents of 18 VAC 10-20 with important chapters in **bold** being of particular importance for practicing professional engineers.

Chapter 20. Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects Regulations

Part I. General

Section 10	Definitions
Section 15	Board organization
Section 17	Replacement of wall certificate

Part II. General Entry Requirements

Section 20	General application requirements
Section 25	References
Section 30	[Repealed]
Section 35	Experience
Section 40	Good standing of applicants
Section 50	Transfer of scores to other boards
Section 55	Language and comprehension
Section 60	[Repealed]
Section 70	Modifications to examination administration
Section 75	Conduct at examination
Section 80	[Repealed]
Section 85	Examination on regulations
Section 87	Expiration of initial licenses, certificates, and registrations

Part III. Qualifications for Licensing of Architects

Section 90	Fee schedule
Section 100	[Repealed]
Section 110	Education
Section 120	Experience
Section 130	References



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Section 140	Examination
Section 150	Licensure by comity

Part IV. Qualifications for Licensing of Professional Engineers

Section 160	Definitions
Section 170	Fee schedule
Section 180	[Repealed]
Section 190	[Repealed]
Section 200	Requirements for engineer-in-training designation
Section 210	Requirements for licensure as a professional engineer
Section 215	[Repealed]
Section 220	References
Section 230	Education
Section 240	Experience
Section 250	[Repealed]
Section 260	Examinations
Section 270	Licensure by comity

Part V. Qualifications for Licensing and Standards of Procedure for Land Surveyors

Section 280	Fee schedule
Section 290	[Repealed]
Section 295	Definitions
Section 300	Requirements for surveyor-in-training designation
Section 310	Requirements for the land surveyor and surveyor photogrammetrist licenses
Section 320	Requirements for the land surveyor B license
Section 330	Education
Section 340	Experience standards
Section 345	References
Section 350	Examinations
Section 360	Licensure by comity



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Section 370	Minimum standards and procedures for land boundary surveying practice
Section 380	Minimum standards and procedures for surveys determining the location of physical improvements; field procedures; office procedures
Section 382	Minimum standards and procedures for surveys determining topography; field procedures; office procedures
Section 390	Geodetic surveys
Section 392	Photogrammetric surveys or similar remote sensing technology
Section 395	Standard of care

Part VI. Qualifications for Licensing of Landscape Architects

Section 400	Fee schedule
Section 410	[Repealed]
Section 420	Requirements for licensure
Section 425	References
Section 430	Experience standard
Section 440	Examination
Section 450	Licensure by comity

Part VII. Qualifications for Certifying of Interior Designers

Section 460	Definitions
Section 470	Fee schedule
Section 480	[Repealed]
Section 490	Requirements for certification
Section 495	Examination
Section 500	[Repealed]
Section 505	Certification by comity

Part VIII. Qualifications for Registration as a Professional Corporation [Repealed]

Part IX. Qualifications for Registration as a Professional Limited Liability Company [Repealed]



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Part X. Renumber Part X as Part VIII Qualifications for Registration as a Business Entity

Section 627	Registration required
Section 630	Fee schedule
Section 640	Application requirements
Section 650	Registration certification
Section 660	Change of status
Section 665	[Repealed]

Part XI. Renumber Part XI as Part IX Renewal and Reinstatement

Section 670	Renewal
Section 680	Reinstatement
Section 683	Continuing education requirements for renewal or reinstatement
Section 687	Exemptions and waivers

Part XII. Renumber Part XII as Part X Standards of Practice and Conduct

Section 690	Responsibility to the public
Section 700	Public statements
Section 710	Conflicts of interest
Section 720	Solicitation of work or employment
Section 730	Competency for assignments
Section 740	Professional responsibility
Section 750	[Repealed]
Section 760	Use of seal
Section 770	Organization and styling of practice
Section 780	Professional required at each place of business
Section 790	Sanctions
Section 795	Change of address

FORMS

DOCUMENTS INCORPORATED BY REFERENCE (18VAC10-20)



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State Board

The state agency for professional engineering is the *Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board)* hereafter referred to as the Board. The Board oversees over 25,000 licensed professional engineers in Virginia. The board is given authority to manage and further regulate professional engineering. The Board can make modifications to 18 VAC 10-20.

The board falls under the Department of Professional and Occupational Regulation (DPOR).



Department of Professional and Occupational Regulation

The board website contains the following topic pages:

- Forms & Applications
- Laws & Regulations
- Meetings & Minutes
- Education & Exams
- News & Publications
- Frequency Asked Questions
- Board Roster
- Military and Veterans Services
- Available Online Services



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Guidance Documents

The board produced guidance documents that address common questions related to obtaining licensure, professional practice, fees, and board management issues. The guidance documents are meant to show practical applications of state laws and rules. Since they are produced by the board, the guidance documents have some authority.

The Guidance Documents are available online at this address:

<https://townhall.virginia.gov/L/GDocs.cfm>

A list of guidance documents is shown in the following .

ID	Title	Effective Date
5534	Restricted Participation in Examination Development & Review	6/3/2014
6036	Board for Professional & Occupational Regulation Guidelines for Evaluation of Petitions for Regulation	9/22/2016
5816	2023-24 New Board Member Manual	7/1/2023
Policy #100-02	Americans with Disabilities Act Compliance	11/9/2023
4426	Requirements for the Use of Topographic Surveys, Orthographic Maps or other Geospatial Data in Virginia	9/15/2015
4919	Onsite Sewage Systems Designed by Professional Engineers & Onsite Soil Evaluators *	6/13/2016
4987	Comity Applicant Criteria of the APELSCIDLA Board's Current Regulations *	6/18/2012
6038	Land Surveyor/Land Surveyor B Scope of Practice *	9/24/2016
6903	Property Lines along Public Roads without Recorded Fee Simple Right-of-Way	12/1/2020
Policy #100-01	Establishing, Revising and Repealing Department Policy	5/22/2017
Policy #100-03	Employee Use of Social Media	5/22/2017
Policy #100-04	Release of Information	6/5/2017
Policy #100-05	License Suspensions	5/22/2017
Policy #100-06	Subpoenas/Service of Process/Notices	6/8/2017
Policy #100-09	Gifts and Honoraria	6/5/2017
Policy #100-11	Internet Website	6/8/2017
Policy #100-14	Public Service Hours	9/24/2009
Policy #100-17	Posting Information in Public Access Areas	6/8/2017



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Policy #100-18	Alternative Dispute Resolution	9/25/2009
Policy #100-19	Ethics	11/1/2012
Policy #200-18	Equal Employment Opportunity	3/17/2010
Policy #300-01	Regulant Name & Address Change	6/13/2017
Policy #300-02	Application & Application Fee Expiration	7/1/2018
Policy #300-03	Expedited Licensing of Military Spouses	10/7/2016
Policy #500-01	Purchasing	7/1/2018
Policy #500-02	Contract and Purchase Order Modifications	7/1/2018
Policy #600-01	Examination Fees	10/17/2018
Policy #600-02	Examination Site Conduct	12/1/2019
Policy #600-03	Restricted Participation in Examination Development & Review	6/3/2014
Policy #700-03	Accounts Receivable and Debt Collection	7/1/2018
Policy #700-04	Revenue Refunds	7/1/2018
Policy #800-01	Criminal History Information & Online Public Records Information	6/13/2011
Policy #800-02	Complaints Against Regulants	3/5/2010



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Practice of Professional Engineering

The following is a copy-paste of the relevant laws and rules that help define the practice of professional engineering:

Va. Code 54.1-4

§ 54.1-400. Definitions.

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

...

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

...

“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.

...

“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



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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



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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



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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 degrees 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



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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; or
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



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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.



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§ 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



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rendered in connection with such contracts shall only be rendered by an architect, professional engineer or land surveyor licensed in accordance with this chapter.

§ 54.1-410. 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.

18 VAC 10-20-10. Definitions.

...

"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.



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"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.

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.



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Professional Conduct

The following laws and rules help define proper professional conduct.

Va. Code 54.1-4

...

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.

18 VAC 10-20-10. Definitions.

...

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

1. Has not been convicted of a non-marijuana 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:



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- 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.

"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.

18 VAC 10-20-690. 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.



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18 VAC 10-20-700. 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.

18 VAC 10-20-710. 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.



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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.

18 VAC 10-20-720. 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.



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18 VAC 10-20-730. 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.



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Supervision of Work

Engineering design work must be prepared under the supervision of a professional engineer with personal responsibility, as described in the rules copied below. A typical project has multiple responsible engineers, one for each design discipline (civil, structural, mechanical, electrical, etc.).

“Supervision of work” is often called having “responsible charge” as defined below in a National Society of Professional Engineers (NSPE) reference document. Note that in Virginia Code, “responsible person” and “responsible charge” can also refer to a professional responsible for an area of professional services within an organization rather than for a particular project or design.

18 VAC 10-20-10. Definitions.

...

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

18 VAC 10-20-740. 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;



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- 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.



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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.

NSPE Position Statement No. 10-1778

- Defines “**responsible charge**” as the direct control and personal supervision of engineering work.
- The professional engineer in **responsible charge** is actively engaged in the engineering process, from conception to completion.
- Engineering decisions must be personally made by the professional engineer or by others over which the professional engineer provides supervisory direction and control authority.
- Reviewing drawings or documents after their completion without involvement in the design and development process appears not to satisfy the definition of **responsible charge**.



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Professions and Disciplines

There are separate and distinct licenses for the following professions regulated by the same board:

- Architects
- Engineers
- Land Surveyors
- Landscape Architects
- Interior Designers

Soil Scientists and Geologists are covered by 18 VAC Agency 145 entitled “Board for Professional Soil Scientists, Wetland Professionals, and Geologists”.

Virginia does not have a separate licensure for structural engineering or any other discipline/branch. Engineering discipline names are NOT listed on seals or certificates.

The following is summary of state requirements for an engineer performing work in other professions or disciplines:

- A professional engineer should only practice in another profession if licensed in that profession (dual-licensed).
- Engineers shall only perform assignments when qualified by education and/or experience.
- Engineers should only accept assignments outside of their areas of competence for the phases of the project that the engineer is qualified.
- Engineers can perform interior design work provided they don't imply being a certified interior designer.
- Engineers can perform **incidental** tasks involving architecture, surveying, geotech design, and other professions, provided they comply with the standards of those professions. Incidental means minor and ancillary tasks to the overall engineering work.

Va. Code § 54.1-401. Exemptions.

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

...

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



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18 VAC 10-20-730. 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.

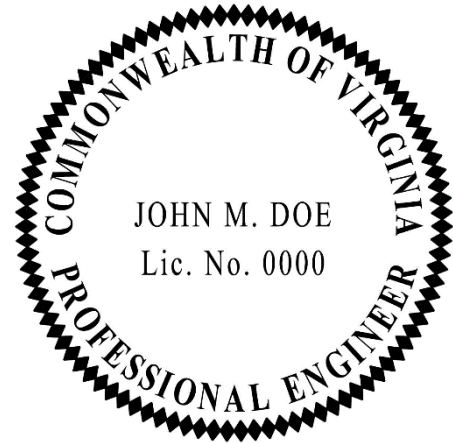


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Sign and Seal Requirements

Virginia engineering seal and signature requirements are found in 18 VAC 10-20-760. Here are highlights that may differ from requirements in other states:

- Seal should have an outer diameter of 2”
- Add signature and date:
 - No location is indicated, so can be next to or over the seal
- For multipage specifications and reports, it is acceptable to only sign and seal the cover page. Drawings require every sheet.
- Acceptable forms of signatures:
 - Original (hand) sign and seal (embossed, rubber inked, or printed image)
 - Electronic (digital) signature requirements:
 - Electronic seal image
 - Signature (text or scanned image) and date
 - Unique identification of engineer
 - Verifiable
 - Under the engineer's direct control
 - Not required: 3rd party verification or qualified electronic signature (QES)



Laws and Rules

The following is a copy-paste of the relevant laws and rules:

18 VAC 10-20-760. 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



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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



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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.



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Continuing Education

Per 18 VAC 10-20-683, the following continuing professional competency is required every 2-year renewal period, where a PDH is a professional development hour:

- Total 16 PDH
- The Board does NOT pre-approve providers or specific courses
- Course requirements:
 - Maintain, improve or expand skills and knowledge relevant to the licensee's area of practice
 - Be relevant to the practice of engineering
 - May include business practices, including project management, risk management, ethics, and public health, safety, and welfare
 - May not claim multiple courses with the same content within each renewal period
- It is not allowed to carry forward excess PDH to the next period
- Retain PDH records for 3 years
- Renewal is last day of month base on original date of licensure
- Board may grant exemptions in cases of certified illness or undue hardship

Laws and Rules

Here is a copy-paste of the relevant laws and rules:

Va. Code 54.1-4

§ 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.



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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.

18 VAC 10-20-683. 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.



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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.



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Helpful References

Virginia Board of Architectural and Engineering Examiners

General website:	https://www.dpor.virginia.gov/Boards/APELS/
License renewal & Address change:	https://www.dpor.virginia.gov/Boards/OnlineServices
Va. Code 54.1-4:	https://law.lis.virginia.gov/vacode/title54.1/chapter4/
18 VAC 10-20:	https://law.lis.virginia.gov/admincode/title18/agency10/chapter20/
Guidance Docs:	https://townhall.virginia.gov/L/GDocs.cfm
News:	https://www.dpor.virginia.gov/news