

**REGULATORY REVIEW COMMITTEE  
OF THE APELSCIDLA BOARD**

**AGENDA**

**10:00 AM**

**March 25, 2022**

**Training Room 1 on the 2<sup>nd</sup> Floor**

1. Call to Order
2. Emergency Evacuation Procedures
3. Approval of Agenda
4. Public Comment Period\*
5. Business Licenses
  - a. § 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.
  - b. § 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
  - c. § 54.1-411. Organization for practice; registration.
  - d. § 54.1-410.1. Prerequisites for obtaining business license.
6. Professional Engineer Regulations
7. Land Surveyors Regulations
  - a. Email dated March 4, 2022 from John Palatiello, Executive Director, Virginia Association of Surveyors
  - b. 18VAC10-20-380 Minimum standards and procedures for surveys determining the location of physical improvements; field procedures; office procedures
8. Other Business
9. Conflict of Interest / Travel Vouchers
10. Adjourn

\*Five minute public comment, per person, with the exception of any open disciplinary files.

Persons desiring to participate in the meeting and requiring special accommodations or interpretative services should contact the Department at (804) 367-8514 at least ten days prior to the meeting so that suitable arrangements can be made for an appropriate accommodation. The Department fully complies with the Americans with Disabilities Act.

➤ **Call to Order**

➤ **Emergency Evacuation**

DRAFT AGENDA  
Materials contained in this agenda are proposed topics for discussion  
And are not to be construed as regulation or official board position  
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➤ **Public Comment**

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Code of Virginia  
Title 13.1. Corporations  
Chapter 13. Virginia Professional Limited Liability Company Act

**§ 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 architecture, or using the title of certified interior designer, or any combination thereof, that professional limited liability company shall secure a certificate of authority, which may be renewable and may be either general or limited, from the Board for Architects, Professional Engineers, Land Surveyors, 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.

1992, c. 574; 1998, c. [27](#); 2000, cc. [191](#), [763](#); 2009, c. [309](#).

## § 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.

1970, c. 77; 1972, c. 655; 1980, c. 757; 1998, c. 27; 2000, cc. 191, 763; 2006, cc. 672, 715; 2008, c. 265; 2009, c. 309.

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

Code of Virginia

Title 54.1. Professions and Occupations

Chapter 4. Architects, Engineers, Surveyors, Landscape Architects and Interior Designers

### **§ 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.

1982, c. 590, § 54-37.3; 1983, c. 28; 1988, c. 765; 1992, c. 574; 2000, c. [763](#); 2009, c. [309](#); 2010, cc. [99](#), [206](#).

Code of Virginia  
Title 54.1. Professions and Occupations  
Chapter 4. Architects, Engineers, Surveyors, Landscape Architects and Interior Designers

**§ 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.

2011, c. [79](#).

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## PART IV

### QUALIFICATIONS FOR LICENSING OF PROFESSIONAL ENGINEERS

#### 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.

**Historical Notes:**

*Derived from VR130-01-2 § 4.1, eff. October 18, 1985; amended, Virginia Register Volume 4, Issue 8, eff. March 1, 1988; Volume 6, Issue 20, eff. September 1, 1990; Volume 7, Issue 14, eff. May 8, 1991; Volume 8, Issue 7, eff. February 1, 1992; Volume 10, Issue 15, eff. May 19, 1994; Volume 16, Issue 3, eff. December 1, 1999; Volume 18, Issue 7, eff. March 1, 2002; Volume 23, Issue 1, eff. February 1, 2007; Volume 32, Issue 6, eff. January 1, 2016; Volume 37, Issue 24, eff. September 2, 2021.*

**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

**Historical Notes:**

*Derived from VR130-01-2 § 4.2, eff. October 18, 1985; amended, Virginia Register Volume 4, Issue 8, eff. March 1, 1988; Volume 6, Issue 20, eff. September 1, 1990; Volume 7, Issue 14, eff. May 8, 1991; Volume 8, Issue 7, eff. February 1, 1992; Volume 10, Issue 15, eff. May 19, 1994; Volume 13, Issue 23, eff. October 1, 1997; Volume 15, Issue 24, eff. October 1, 1999; Volume 16, Issue 3, eff. December 1, 1999; Volume 18, Issue 7, eff. March 1, 2002; Volume 21, Issue 3, eff. December 1, 2004; Volume 23, Issue 1, eff. February 1, 2007; Volume 32, Issue 6, eff. January 1, 2016.*

**18VAC10-20-180. [Repealed]**

**~~18VAC10-20-190. (Repealed.)~~**

**~~18VAC10-20-190. Requirements for engineer-in-training (EIT) designation. Requirements for the Fundamentals of Engineering (FE) exam.~~**

~~Applicants shall apply directly with NCEES for the FE exam. Upon passing the FE exam, an applicant who qualified under 18VAC10-20-190 A, B or C will receive the EIT designation only after he provides verification of his degree to the board. All other applicants will receive the EIT designation upon passing the FE exam and providing verification to the board that he meets all the educational and experience requirements. The EIT designation will remain valid indefinitely.~~

~~In order to be approved to sit for the Fundamentals of Engineering (FE) exam, applicants must satisfy one of the subsections (A through E) of this section. Applicants shall:-~~

EDUCATIONAL REQUIREMENTS

NUMBER OF REQUIRED YEARS  
OF QUALIFYING ENGINEERING  
EXPERIENCE

A. Student applicants.

0

1. Be enrolled in an ABET-accredited undergraduate EAC or TAC curriculum, have 12 months or less remaining before completion of the degree, and provide a certificate of good standing from the dean of the engineering school or his designee;

2. Be enrolled in an ABET-accredited graduate or doctorate EAC or TAC curriculum, have six months or less remaining before completion of the degree, and provide a certificate of good standing from the dean of the engineering school or his designee; or

3. Be enrolled in a graduate curriculum that is ABET-accredited TAC or EAC at the undergraduate level at the institution at which the graduate degree is being sought, have six months or less remaining before completion of the degree, and provide a certificate of good standing from the dean of the engineering school or his designee.

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B. Have graduated from an approved engineering or an approved engineering technology curriculum.

C. Dual degree holders.

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1. Have graduated from a non-ABET-accredited undergraduate engineering curriculum of four years or more; and

2. Have graduated from a graduate or doctorate engineering curriculum that is ABET accredited at the undergraduate level.

2

D. Have graduated from a nonapproved engineering curriculum or from a related science curriculum of four years or more.

E. Have obtained, by documented academic coursework, the equivalent of education that meets the requirements of ABET accreditation for the baccalaureate engineering technology curricula. Whether an education is considered to be equivalent shall be determined by the judgment of the board.

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**Historical Notes:**

*Derived from VR130-01-2 § 4.4, eff. October 18, 1985; amended, Virginia Register Volume 4, Issue 8, eff. March 1, 1988; Volume 6, Issue 20, eff. September 1, 1990; Volume 7, Issue 14, eff. May 8, 1991; Volume 8, Issue 7, eff. February 1, 1992; [Volume 10, Issue 15](#), eff. May 19, 1994; [Volume 16, Issue 3](#), eff. December 1, 1999; [Volume 18, Issue 7](#), eff. March 1, 2002; [Volume 23, Issue 1](#), eff. February 1, 2007; [Volume 32, Issue 6](#), eff. January 1, 2016; repealed, Virginia Register [Volume 37, Issue 24](#), eff. September 2, 2021.*

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

~~Upon passing the FE exam, an applicant who qualified for the exam under 18VAC10-20-190 A will receive the EIT designation only after he provides verification of his degree to the board. All other applicants will receive the EIT designation upon passing the FE exam. The EIT designation will remain valid indefinitely.~~

~~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.~~

***Historical Notes:***

*Derived from VR130-01-2 § 4.5, eff. October 18, 1985; amended, Virginia Register Volume 4, Issue 8, eff. March 1, 1988; Volume 6, Issue 20, eff. September 1, 1990; Volume 7, Issue 14, eff. May 8, 1991; Volume 8, Issue 7, eff. February 1, 1992; Volume 10, Issue 15, eff. May 19, 1994; Volume 13, Issue 23, eff. October 1, 1997; Volume 16, Issue 3, eff. December 1, 1999; Volume 18, Issue 7, eff. March 1, 2002; Volume 23, Issue 1, eff. February 1, 2007; Volume 32, Issue 6, eff. January 1, 2016; Volume 37, Issue 24, eff. September 2, 2021.*

**18VAC10-20-210. Requirements for the Principles and Practice of Engineering - Professional Engineer (PE) designation exam.**

- A. In order to be licensed as a professional engineer, applicants shall apply directly with NCEES for the Principles and Practice of Engineering (PE) exam:
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 program.	YES	4
2. Dual degree holders. a. Have graduated from an ABET-accredited undergraduate engineering program; and b. Have graduated from a doctorate engineering program that is ABET accredited at the undergraduate level.	NO	4
3. Have graduated from a nonapproved engineering program of four years or more, a related science program, or an approved engineering technology program.	YES	6
4. Have graduated from a nonapproved engineering technology program of four years or more.	YES	10

**Historical Notes:**

Derived from VR130-01-2 § 4.6, eff. October 18, 1985; amended, Virginia Register Volume 4, Issue 8, eff. March 1, 1988; Volume 6, Issue 20, eff. September 1, 1990; Volume 7, Issue 14, eff. May 8, 1991; Volume 8, Issue 7, eff. February 1, 1992; Volume 10, Issue 15, eff. May 19, 1994; Volume 13, Issue 23, eff. October 1, 1997; Volume 16, Issue 3, eff. December 1, 1999; Volume 18, Issue 7, eff. March 1, 2002; Volume 23, Issue 1, eff. February 1, 2007; Volume 32, Issue 6, eff. January 1, 2016; Volume 37, Issue 24, eff. September 2, 2021.

**18VAC10-20-215. (Repealed.)**

**Historical Notes:**

Derived from Virginia Register [Volume 16, Issue 3](#), eff. December 1, 1999; amended, Virginia Register [Volume 23, Issue 1](#), eff. February 1, 2007; [Volume 32, Issue 6](#), eff. January 1, 2016; repealed, Virginia Register [Volume 37, Issue 24](#), eff. September 2, 2021

**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.

**Historical Notes:**

Derived from VR130-01-2 § 4.7, eff. October 18, 1985; amended, Virginia Register Volume 4, Issue 8, eff. March 1, 1988; Volume 6, Issue 20, eff. September 1, 1990; Volume 7, Issue 14, eff. May 8, 1991; Volume 8, Issue 7, eff. February 1, 1992; Volume 10, Issue 15, eff. May 19, 1994; Volume 18, Issue 7, eff. March 1, 2002; Volume 23, Issue 1, eff. February 1, 2007; Volume 32, Issue 6, eff. January 1, 2016; Volume 37, Issue 24, eff. September 2, 2021.

**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.

**Historical Notes:**

*Derived from VR130-01-2 § 4.8, eff. October 18, 1985; amended, Virginia Register Volume 4, Issue 8, eff. March 1, 1988; Volume 6, Issue 20, eff. September 1, 1990; Volume 7, Issue 14, eff. May 8, 1991; Volume 8, Issue 7, eff. February 1, 1992; Volume 10, Issue 15, eff. May 19, 1994; Volume 16, Issue 3, eff. December 1, 1999; Volume 23, Issue 1, eff. February 1, 2007; Volume 23, Issue 21, eff. September 10, 2007; Volume 32, Issue 6, eff. January 1, 2016; Volume 37, Issue 24, eff. September 2, 2021.*

**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. Design experience.	A demonstrated use of engineering computation and problem-solving skills.	Drafting of design by others.
2. Construction experience.	A demonstrated use of engineering computation and problem-solving skills.	The execution as a contractor of work designed by others, the supervision <u>or observation</u> of construction, and similar nonengineering tasks.
3. Military experience.	Engineering of a character substantially equivalent to that required in the civilian sector for similar work.	Nonengineering military training and supervision.
4. Sales experience.	A demonstrated use of engineering computational and problem-solving skills.	The selection of data or equipment from a company catalogue, similar publication, or database.
5. 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 performance of maintenance of existing systems, replacement of parts or components, and other nonengineering tasks.
6. Graduate or doctoral degree.	Only one year of qualifying experience will be given for any combination of advanced degrees in an engineering program. In addition, if a degree is used to satisfy the education requirement, it cannot also be used toward satisfying the experience requirement.	Research conducted as part of a graduate or doctoral degree shall not count as additional experience if credit for the degree is granted pursuant to 18VAC10-20-210.
7. Teaching.	For teaching experience to be considered qualifying by the board, the applicant shall have taught in an engineering program approved by the board and shall have been employed in the level of instructor or higher.	
8. Co-op or internship.	Engineering experience gained during a co-op or internship may be deemed qualifying engineering experience to a maximum of one year of credit.	

9. General.		Experience in claims consulting, drafting, estimating, <del>and</del> field surveying, <u>review of others work, quality assurance, quality control or project management.</u>
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- 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.

**Historical Notes:**

*Derived from VR130-01-2 § 4.9, eff. October 18, 1985; amended, Virginia Register Volume 4, Issue 8, eff. March 1, 1988; Volume 6, Issue 20, eff. September 1, 1990; Volume 7, Issue 14, eff. May 8, 1991; Volume 8, Issue 7, eff. February 1, 1992; Volume 10, Issue 15, eff. May 19, 1994; Volume 18, Issue 7, eff. March 1, 2002; Volume 23, Issue 1, eff. February 1, 2007; Volume 32, Issue 6, eff. January 1, 2016; Volume 37, Issue 24, eff. September 2, 2021.*

**18VAC10-20-250. [Repealed]**

**18VAC10-20-260. ~~Examinations~~Applications.**

- 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 (FE) exam and the Principles and Practice of Engineering (PE) 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.

**Historical Notes:**

*Derived from VR130-01-2 § 4.11, eff. October 18, 1985; amended, Virginia Register Volume 4, Issue 8, eff. March 1, 1988; Volume 6, Issue 20, eff. September 1, 1990; Volume 7, Issue 14, eff. May 8, 1991; Volume 8, Issue 7, eff. February 1, 1992; Volume 10, Issue 15, eff. May 19, 1994; Volume 16, Issue 3, eff. December 1, 1999; Volume 18, Issue 7, eff. March 1, 2002; Volume 23, Issue 1, eff. February 1, 2007; Volume 32, Issue 6, eff. January 1, 2016; Volume 37, Issue 24, eff. September 2, 2021.*

**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.

***Historical Notes:***

*Derived from VR130-01-2 § 4.12, eff. October 18, 1985; amended, Virginia Register Volume 4, Issue 8, eff. March 1, 1988; Volume 6, Issue 20, eff. September 1, 1990; Volume 7, Issue 14, eff. May 8, 1991; Volume 8, Issue 7, eff. February 1, 1992; Volume 10, Issue 15, eff. May 19, 1994; Volume 16, Issue 3, eff. December 1, 1999; Volume 18, Issue 7, eff. March 1, 2002; Volume 23, Issue 1, eff. February 1, 2007; Volume 32, Issue 6, eff. January 1, 2016; Volume 37, Issue 24, eff. September 2, 2021.*

From: **John Palatiello** <[john@vasurveyors.org](mailto:john@vasurveyors.org)>

Date: Fri, Mar 4, 2022 at 9:00 AM

Subject: APELSCIDLA Regulatory Review

To: Nosbisch, Kate (DPOR) <[kate.Nosbisch@dpor.virginia.gov](mailto:kate.Nosbisch@dpor.virginia.gov)>

The Virginia Association of Surveyors, in furtherance of the public health, safety, and welfare of the citizens of the Commonwealth, hereby respectfully requests that in the process of "regulatory review, that the APELSCIDLA Board review the following regulations applicable to the practice of land surveying.

1. Education and experience requirements to be eligible to sit for the LS licensing exam. VAS urges the APELSCIDLA Board to enhance the regulations in favor of formal education for licensure as a land surveyor. In the view of VAS, formal education is not a "barrier to entry". Rather, this will provide a more efficient and effective pathway to licensure in land surveying. According to NCEES, the average age of a newly licensed surveyor is 38. VAS believes that fact is evidence that the current regulations are a barrier to entry and that formal education will better prepare future surveyors, as well as make their journey to professional licensure shorter. Moreover, NCEES data shows that the more formal education an individual taking the surveying licensure examinations has, the higher his or her pass rate. VAS respectfully urges APELSCIDLA to review regulations in 18VAC10-20-310 and other applicable regulations in favor of formal education for licensure as a land surveyor.

2. Strengthen regulations on the requirement that photogrammetric services be performed by a land surveyor (LS) or surveyor photogrammetrist, (SP) licensed by APELSCIDLA. Current regulations pursuant to § 54.1-402.C, including but not limited to: Guidance Document "Requirements for the Use of Topographic Surveys, Orthographic Maps or Other Geospatial Data in Virginia", dated: June 30, 2011 (Revised September 15, 2015), to clarify 18VAC10-20-382.B.11, and 18VAC10-20-10, 18VAC10-20-295, 18VAC10-20-310, 18VAC10-20-340, 18VAC10-20-350, 18VAC10-20-360, 18VAC10-20-392, and other applicable regulations, have a loophole that limits the licensure requirement for photogrammetry to that "used for the design, modification, or construction of improvements to real property or for flood plain determination". To assure that public health, safety, and welfare is protected by requiring all photogrammetry performed in Virginia be under the responsible charge, and carry the seal of, a licensed LS or SP, these regulations need to be strengthened, clarified, and subject to better enforcement. It is documented that the unlicensed photogrammetry is being acquired by government agencies in the Commonwealth and is being used for flood plain determination by FEMA in several Virginia counties, and other applications, in violation of the law and regulations. VAS respectfully urges APELSCIDLA to review the aforementioned regulations, including strengthening and clarifying such regulations, providing for better compliance by Virginia governmental agencies, and improving enforcement thereto with regard to the performance of photogrammetry requiring a licensed LS or SP.

If APELSCIDLA desires further information from VAS on these recommendations, or wishes to have VAS participate in any upcoming meeting or discussion, please do not hesitate to contact me.

Respectfully,

John Palatiello, Executive Director  
Virginia Association of Surveyors

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

- STRIKE**
- 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. *OR TRUE NORTH AND SOURCE OF TRUE NORTH AND SOURCE OF MERIDIAN STATED THEREON.*
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. *AS SHOWN ON THE LOCALITY GEOGRAPHIC INFORMATION SYSTEM* *See Geographic Information System*
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. *ROAD*
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. ~~13~~ O.K. STRIKE
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;
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. *providing the*

**Historical Notes:**

*Derived from VR130-01-2 § 5.11, eff. October 18, 1985; amended, Virginia Register Volume 4, Issue 8, eff. March 1, 1988; Volume 6, Issue 20, eff. September 1, 1990; Volume 7, Issue 14, eff. May 8, 1991; Volume 8, Issue 7, eff. February 1, 1992; Volume 10, Issue 15, eff. May 19, 1994; Volume 13, Issue 23, eff. October 1, 1997; Volume 18, Issue 7, eff. March 1, 2002; Volume 23, Issue 1, eff. February 1, 2007; Volume 25, Issue 3, eff. December 1, 2008; Volume 32, Issue 6, eff. January 1, 2016; Volume 37, Issue 24, eff. September 2, 2021.*

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

- **Other Business**
- **Conflict of Interest Forms /  
Travel Vouchers**
- **Adjourn**

DRAFT AGENDA  
Materials contained in this agenda are proposed topics for discussion  
And are not to be construed as regulation or official board position  
DRAFT AGENDA