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**HOUSE BILL NO. 1254****AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the House Committee on General Laws

on \_\_\_\_\_)

(Patron Prior to Substitute—Delegate Glass)

*A BILL to amend and reenact §§ 54.1-402, 54.1-402.1, 54.1-406, 54.1-700, 54.1-1500, 54.1-1501, 54.1-1506, 54.1-2205, and 54.1-2208.2 of the Code of Virginia; to amend the Code of Virginia by adding a section numbered 54.1-1504.1; and to repeal §§ 54.1-703.1 and 54.1-703.3 of the Code of Virginia, relating to Department of Professional and Occupational Regulation.*

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 54.1-402, 54.1-402.1, 54.1-406, 54.1-700, 54.1-1500, 54.1-1501, 54.1-1506, 54.1-2205, and 54.1-2208.2 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 54.1-1504.1 as follows:**

**§ 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 (§ 36-97 *et seq.*) and churches with an occupant load of 100 or less, excluding electrical and mechanical systems, where such building or structure does not exceed 5,000 square feet in total net floor area, or three stories; or

4. Buildings and structures classified with respect to use as factory and industrial (Use Group F) and storage (Use Group S) as provided in the Uniform Statewide Building Code (§ 36-97 *et seq.*), 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~~ A-3, 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 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~~ A-3, 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

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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 (§ 32.1-163 *et seq.*) of Title 32.1, designed by a licensed onsite soil evaluator, which utilize packaged equipment, such as equipment of catalogued standard design that has been coordinated and tested by the manufacturer, and complies with all applicable codes, provided (i) the flow is less than 1,000 gallons per day; and (ii) if a pump is included, (a) it shall not include multiple downhill runs and must terminate at a positive elevational change; (b) the discharge end is open and not pressurized; (c) the static head does not exceed 50 feet; and (d) the force main length does not exceed 500 feet.

B. No person shall be exempt from licensure as an architect or engineer who engages in the preparation of plans, specifications, documents, or designs for:

1. Any unique design of structural elements for floors, walls, roofs, or foundations; or

2. Any building or structure classified with respect to its use as high hazard (Use Group H).

C. Persons utilizing photogrammetric methods or similar remote sensing technology shall not be required to be licensed as a land surveyor pursuant to subsection B of § 54.1-404 or 54.1-406 to: (i) determine topography or contours, or to depict physical improvements, provided such maps or other documents shall not be used for the design, modification, or construction of improvements to real property or for flood plain determination, or (ii) graphically show existing property lines and boundaries on maps or other documents provided such depicted property lines and boundaries shall only be used for general information.

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

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

D. Terms used in this section, and not otherwise defined in this chapter, shall have the meanings provided in the Uniform Statewide Building Code (§ 36-97 *et seq.*) in effect on July 1, 1982, including any subsequent amendments.

#### **§ 54.1-402.1. State and local government employees.**

~~Any person engaged in the practice of engineering, architecture, or land surveying as those terms are defined in § 54.1-400 as a regular, full-time, salaried employee of the Commonwealth or any political subdivision of the Commonwealth on March 8, 1992; who remains employed by any state agency or political subdivision shall be exempt until June 30, 2010, from the licensure requirements of § 54.1-406 provided the employee does not furnish advisory service for compensation to the public or as an independent contracting party in this Commonwealth or any political subdivision thereof in connection with engineering, architectural, or land surveying matters.~~ A. The chief administrative officer of any agency of the Commonwealth or political subdivision thereof employing persons engaged in the practice of engineering, architecture, or land surveying as regular, full-time, salaried employees shall have the authority and responsibility to determine the engineering, architecture, and land surveying positions which have responsible charge of engineering, architectural, or land surveying decisions.

*B. 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 a 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.*

#### **§ 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~~ or business 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~~ or business entity which is not licensed or registered to practice in accordance with this chapter and which advertises or promotes through the use of the words "architecture," "engineering," or "land surveying" or any modification or derivative thereof in its name or description of its business activity in a manner that indicates or implies that it practices or offers to practice architecture, engineering, or land surveying ~~as defined in this chapter~~ shall be subject to the provisions of § 54.1-111.

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

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

#### § 54.1-700. Definitions.

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

"Barber" means any person who shaves, shapes, or trims the beard; cuts, singes, or dyes the hair or applies lotions thereto; applies, treats, or massages the face, neck, or scalp with oils, creams, lotions, cosmetics, antiseptics, powders, clays, or other preparations in connection with shaving, cutting, or trimming the hair or beard, and practices barbering for compensation and when such services are not performed for the treatment of disease.

"Barbering" means any one or any combination of the following acts, when done on the human body for compensation and not for the treatment of disease, shaving, shaping, and trimming the beard; cutting, singeing, or dyeing the hair or applying lotions thereto; applications, treatment, or massages of the face, neck, or scalp with oils, creams, lotions, cosmetics, antiseptics, powders, clays, or other preparations in connection with shaving, cutting, or trimming the hair or a beard. The term "barbering" shall not apply to the acts described hereinabove when performed by any person in his home if such service is not offered to the public.

"Barber instructor" means any person who has been certified by the Board as having completed an approved curriculum and who meets the competency standards of the Board as an instructor of barbering.

"Barbershop" means any establishment or place of business within which the practice of barbering is engaged in or carried on by one or more barbers.

"Board" means the Board for Barbers and Cosmetology.

"Body-piercer" means any person who for remuneration penetrates the skin of a person to make a hole, mark, or scar, generally permanent in nature.

"Body-piercing" means the act of penetrating the skin of a person to make a hole, mark, or scar, generally permanent in nature.

"Body-piercing salon" means any place in which a fee is charged for the act of penetrating the skin of a person to make a hole, mark, or scar, generally permanent in nature.

"Body-piercing school" means a place or establishment licensed by the Board to accept and train students in body-piercing.

"Cosmetologist" means any person who administers hair removal treatments; administers basic facial treatments to enhance or improve the appearance and care of the skin using lotions, oils, cleansers, or other preparations by manual practices only; manicures or pedicures the nails of any person; arranges, dresses, curls, waves, cuts, shapes, singes, waxes, tweezes, trims, bleaches, colors, relaxes, straightens, or performs similar work, upon human hair, or a wig or hairpiece, by any means, including hands or mechanical or electrical apparatus or appliances unless such acts as adjusting, combing, or brushing prestyled wigs or hairpieces do not alter the prestyled nature of the wig or hairpiece, and practices cosmetology for compensation. The term "cosmetologist" does not include hair braiding upon human hair or a wig or hairpiece.

"Cosmetology" includes the following practices: administering hair removal treatments; administering basic cleansing facial treatments to enhance or improve the appearance and care of the skin, which only includes a cleanse, tone, and application of a mask or moisturizer; manicuring or pedicuring the nails of any person; arranging, dressing, curling, waving, cutting, shaping, singeing, waxing, tweezing, trimming, bleaching, coloring, relaxing, straightening, or similar work, upon human hair, or a wig or hairpiece, by any means, including hands or mechanical or electrical apparatus or appliances, but shall not include hair braiding

184 upon human hair, or a wig or hairpiece, or such acts as adjusting, combing, or brushing prestyled wigs or  
185 hairpieces when such acts do not alter the prestyled nature of the wig or hairpiece.

186 "Cosmetology instructor" means a person who has been certified by the Board as having completed an  
187 approved curriculum and who meets the competency standards of the Board as an instructor of cosmetology.

188 "Cosmetology salon" means any commercial establishment, residence, vehicle, or other establishment,  
189 place, or event wherein cosmetology is offered or practiced on a regular basis for compensation and may  
190 include the training of apprentices under regulations of the Board.

191 "Ear-piercer" means any person who for remuneration penetrates the ear of a person to make a hole, mark,  
192 or scar, generally permanent in nature.

193 "Ear-piercing" means the act of penetrating the ear of a person to make a hole, mark, or scar, generally  
194 permanent in nature.

195 "Ear-piercing salon" means any place in which a fee is charged for the act of penetrating the ear by the aid  
196 of needles or any other instrument designed to touch or puncture the skin.

197 "Ear-piercing school" means a place or establishment licensed by the Board to accept and train students in  
198 ear-piercing.

199 "Esthetician" means a person who engages in the practice of esthetics for compensation.

200 "Esthetics" includes the following practices of administering cosmetic treatments to enhance or improve  
201 the appearance of the skin: cleansing, toning, performing effleurage or other related movements, stimulating,  
202 exfoliating, or performing any other similar procedure on the skin of the human body or scalp by means of  
203 cosmetic preparations, treatments, or any nonlaser device, whether by electrical, mechanical, or manual  
204 means, for care of the skin; applying make-up or eyelashes to any person, tinting or perming eyelashes and  
205 eyebrows, and lightening hair on the body except the scalp; and removing unwanted hair from the body of  
206 any person by the use of any nonlaser device, by tweezing, or by use of chemical or mechanical means.  
207 However, "esthetics" is not a healing art and shall not include any practice, activity, or treatment that  
208 constitutes the practice of medicine, osteopathic medicine, or chiropractic. The terms "healing arts," "practice  
209 of medicine," "practice of osteopathic medicine," and "practice of chiropractic" shall mean the same as those  
210 terms are defined in § 54.1-2900.

211 "Esthetics instructor" means a licensed esthetician who has been certified by the Board as having  
212 completed an approved curriculum and who meets the competency standards of the Board as an instructor of  
213 esthetics.

214 "Esthetics spa" means any commercial establishment, residence, vehicle, or other establishment, place, or  
215 event wherein esthetics is offered or practiced on a regular basis for compensation under regulations of the  
216 Board.

217 "Master barber" means a ~~licensed barber~~ person who, in addition to the practice of barbering, performs  
218 waving, shaping, bleaching, relaxing, or straightening upon human hair; performs similar work on a wig or  
219 hairpiece; or performs waxing limited to the scalp.

220 "Master esthetician" means a licensed esthetician who, in addition to the practice of esthetics, offers to the  
221 public for compensation, without the use of laser technology, lymphatic drainage, chemical exfoliation, or  
222 microdermabrasion, and who has met such additional requirements as determined by the Board to practice  
223 lymphatic drainage, chemical exfoliation with products other than Schedules II through VI controlled  
224 substances as defined in the Drug Control Act (§ 54.1-3400 et seq.), and microdermabrasion of the epidermis.

225 "Nail care" means manicuring or pedicuring natural nails or performing artificial nail services.

226 "Nail salon" means any commercial establishment, residence, vehicle, or other establishment, place, or  
227 event wherein nail care is offered or practiced on a regular basis for compensation and may include the  
228 training of apprentices under regulations of the Board.

229 "Nail school" means a place or establishment licensed by the board to accept and train students in nail  
230 care.

231 "Nail technician" means any person who for compensation manicures or pedicures natural nails, or who  
232 performs artificial nail services for compensation, or any combination thereof.

233 "Nail technician instructor" means a licensed nail technician who has been certified by the Board as  
234 having completed an approved curriculum and who meets the competency standards of the Board as an  
235 instructor of nail care.

236 "Physical (wax) depilatory" means the wax depilatory product or substance used to remove superfluous  
237 hair.

238 "School of cosmetology" means a place or establishment licensed by the Board to accept and train  
239 students and which offers a cosmetology curriculum approved by the Board.

240 "School of esthetics" means a place or establishment licensed by the Board to accept and train students  
241 and which offers an esthetics curriculum approved by the Board.

242 "Tattoo parlor" means any place in which tattooing is offered or practiced.

243 "Tattoo school" means a place or establishment licensed by the Board to accept and train students in  
244 tattooing.

245 "Tattooer" means any person who for remuneration practices tattooing.

"Tattooing" means the placing of designs, letters, scrolls, figures, symbols, or any other marks upon or under the skin of any person with ink or any other substance, resulting in the permanent coloration of the skin, including permanent make-up or permanent jewelry, by the aid of needles or any other instrument designed to touch or puncture the skin.

"Wax technician" means any person licensed by the Board who removes hair from the hair follicle using a physical (wax) depilatory or by tweezing.

"Wax technician instructor" means a licensed wax technician who has been certified by the Board as having completed an approved curriculum and who meets the competency standards of the Board as an instructor of waxing.

"Waxing" means the temporary removal of superfluous hair from the hair follicle on any area of the human body through the use of a physical (wax) depilatory or by tweezing.

"Waxing salon" means any commercial establishment, residence, vehicle, or other establishment, place, or event wherein waxing is offered or practiced on a regular basis for compensation and may include the training of apprentices under regulations of the Board.

"Waxing school" means a place or establishment licensed by the Board to accept and train students in waxing.

#### **§ 54.1-1500. Definitions.**

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

"Audiologist" means the same as that term is defined in § 54.1-2600.

"Board" means the Board for Hearing Aid Specialists and Opticians.

"Hearing aid" means any wearable instrument or device designed or offered to aid or compensate for impaired human hearing and any parts, attachments, or accessories, including earmolds, but excluding batteries and cords.

"Licensed hearing aid specialist" means any person who is the holder of a hearing aid specialist license issued by the Board for Hearing Aid Specialists and Opticians.

"Licensed optician" means any person who is the holder of an optician license issued by the Board for Hearing Aid Specialists and Opticians.

"Licensed optometrist" means any person authorized by Virginia law to practice optometry.

"Licensed physician" means any person licensed by the Board of Medicine to practice medicine and surgery.

"Optician" means any person not exempted by § 54.1-1506 who prepares or dispenses eyeglasses, spectacles, lenses, or related appurtenances, for the intended wearers or users, on prescriptions from licensed physicians or licensed optometrists, or as duplications or reproductions of previously prepared eyeglasses, spectacles, lenses, or related appurtenances; or who, in accordance with such prescriptions, duplications, or reproductions, measures, adapts, fits, and adjusts eyeglasses, spectacles, lenses, or appurtenances, to the human face.

"Over-the-counter hearing aid" means an air-conduction hearing aid that does not require implantation or other surgical intervention and is intended for use by a person age 18 or older to compensate for perceived mild to moderate hearing impairment.

"Practice of audiology" means the same as that term is defined in § 54.1-2600.

"Practice of fitting or dealing in hearing aids" means (i) the measurement of human hearing by means of an audiometer or by any other means solely for the purpose of making selections, adaptations, or sale of hearing aids, (ii) the sale of prescription hearing aids, or (iii) the making of impressions for earmolds for prescription hearing aids. A practitioner, at the request of a physician or a member of a related profession, may make audiograms for the professional's use in consultation with the hard-of-hearing.

"Prescription hearing aid" means a hearing aid that is not an over-the-counter hearing aid.

"Sell" or "sale" means any transfer of title or of the right to use by lease, bailment, or any other contract, excluding wholesale transactions with distributors or practitioners.

~~"Temporary Training permit"~~ means a permit issued while an applicant is in training to become a licensed hearing aid specialist.

*"Work permit" means a permit issued to any applicant who is eligible for examination to become a licensed hearing aid specialist.*

#### **§ 54.1-1501. Exemptions; sale of hearing aids by corporations, etc., measuring hearing.**

A. Physicians licensed to practice in Virginia and certified by the American Board of Otolaryngology or eligible for such certification shall not be required to pass an examination as a prerequisite to obtaining a license under this chapter.

B. Nothing in this chapter shall prohibit a corporation, partnership, trust, association, or other like organization maintaining an established business address from engaging in the business of selling or offering for sale prescription hearing aids at retail without a license, provided that it employs only licensed practitioners in the direct sale and fitting of prescription hearing aids.

C. Nothing in this chapter shall prohibit any person who does not sell hearing aids or accessories or who is not employed by an organization which sells hearing aids or accessories from engaging in the practice of

308 measuring human hearing for the purpose of selection of hearing aids.

309 D. Audiologists licensed to practice in Virginia who have earned a doctoral degree in audiology shall not  
310 be required to pass an examination as a prerequisite to obtaining a license under this chapter.

311 E. *Apprentices serving in establishments selling or offering for sale prescription hearing aids shall not be*  
312 *required to hold a license under this chapter.*

313 **§ 54.1-1504.1. Permits.**

314 A. *The Board may issue a training permit to any person who is in training to become a licensed hearing*  
315 *aid specialist.*

316 B. *The Board may issue a work permit to any person who is eligible for examination. Any person issued a*  
317 *work permit shall be subject to the regulations of the Board.*

318 C. *The Board shall promulgate regulations consistent with this section to allow individuals to be granted*  
319 *training permits and work permits for a specified period of time.*

320 **§ 54.1-1506. Exemptions.**

321 The provisions of this chapter shall not apply to:

322 1. Any licensed physician or licensed optometrist;

323 2. Any individual, partnership, or corporation engaged in supplying ophthalmic prescriptions and supplies  
324 exclusively to licensed physicians, licensed optometrists, licensed opticians, or optical scientists;

325 3. Any person who does not hold himself out to the public as an "optician," and who works exclusively  
326 under the direct supervision and control of a licensed physician or licensed optometrist or licensed optician,  
327 and in the same location;

328 4. The sale of spectacles, eyeglasses, magnifying glasses, goggles, sunglasses, telescopes, or binoculars  
329 that are completely preassembled and sold as merchandise; ~~or~~

330 5. Any optician who (i) does not regularly practice in Virginia; (ii) holds a current valid license or  
331 certificate to practice as an optician in another state, territory, district, or possession of the United States; (iii)  
332 volunteers to provide free health care to an underserved area of the Commonwealth under the auspices of a  
333 publicly supported all volunteer, nonprofit organization with no paid employees that sponsors the provision  
334 of health care to populations of underserved people throughout the world; (iv) files a copy of the license or  
335 certificate issued in such other jurisdiction with the Board; (v) notifies the Board, within 15 days prior to the  
336 voluntary provision of services of the dates and location of such services; and (vi) acknowledges, in writing,  
337 that such licensure exemption shall only be valid, in compliance with the Board's regulations, during the  
338 limited period that such free health care is made available through the volunteer, nonprofit organization on  
339 the dates and at the location filed with the Board; *or*

340 6. *Any individual enrolled in a registered optician apprenticeship program that is approved by the Board*  
341 *and conducted in accordance with the standards established by the Department of Workforce Development*  
342 *and Advancement.*

343 **§ 54.1-2205. License required; application; requirements for licensure; continuing education.**

344 A. No person shall engage in, or offer to engage in, the practice of soil evaluation in the Commonwealth  
345 unless he has been licensed under the provisions of this chapter.

346 B. In order to be licensed as a professional soil scientist, an applicant shall:

347 1. Submit satisfactory evidence verified by affidavits that the applicant:

348 a. Is 18 years of age or older;

349 b. Is of good moral character; and

350 c. Has successfully completed such educational and experiential requirements as are required by this  
351 chapter and the regulations of the Board.

352 2. Achieve a score acceptable to the Board on an examination in the principles and practice of soil  
353 evaluation and satisfy one of the following criteria:

354 a. Hold a bachelor's degree from an accredited institution of higher education in a soils curriculum which  
355 has been approved by the Board and have at least four years of experience in soil evaluation, the quality of  
356 which demonstrates to the Board that the applicant is competent to practice as a professional soil scientist; or

357 b. Hold a bachelor's degree in one of the natural sciences and have at least five years of experience in soil  
358 evaluation, the quality of which demonstrates to the Board that the applicant is competent to practice as a  
359 professional soil scientist; or

360 c. Have a record of at least eight years of experience in soil evaluation, the quality of which demonstrates  
361 to the Board that the applicant is competent to practice as a professional soil scientist; or

362 d. Have at least four years of experience in soil science research or as a teacher of soils curriculum in an  
363 accredited institution of higher education which offers an approved four-year program in soils and at least  
364 two years of soil evaluation experience, the quality of which demonstrates to the Board that the applicant is  
365 competent to practice as a professional soil scientist.

366 C. The Board shall establish by regulation requirements for continuing education as a prerequisite to the  
367 maintenance and renewal of a license issued under this chapter, not to exceed eight ~~contact~~ hours per year  
368 *renewal cycle.*

369 D. ~~Individuals applying for a license as a professional soil scientist between July 1, 2013, and July 1,~~

2015, who (i) have been certified as professional soil scientists by the Board or (ii) have achieved a score set by the Board on the examination required by this section shall be licensed by the Board if all other requirements of this chapter or Board regulations have been met, unless an applicant is found by the Board to have engaged in any act that would constitute grounds for disciplinary action.

**§ 54.1-2208.2. Licensure; minimum qualifications; penalty.**

A. Any person practicing or offering to practice as a professional geologist or in a geological specialty in this Commonwealth may submit reasonable evidence to the Board that he is qualified to practice and to be licensed as provided in this article. The Board shall approve the application for licensure of any person who, in the opinion of the Board, has satisfactorily met the requirements of this article and who has paid any applicable fees fixed by the Board.

Licenses shall expire at intervals as designated by the Board. A license may be renewed by the Board upon receipt of a formal request accompanied by any applicable fees.

B. To be eligible for licensure as a professional geologist, an applicant shall meet each of the following minimum qualifications:

1. Be of ethical character.

2. Have a baccalaureate or higher degree from an accredited institution of higher education with either a major in geology, engineering geology, geological engineering, or related geological sciences; or have completed at least 30 semester hours or the equivalent in geological science courses leading to a major in geology.

3. Have at least seven years of geological work that shall include either a minimum of three years of geological work under the supervision of a qualified or licensed professional geologist or a minimum of three years of experience in responsible charge of geological work. The adequacy of the position and the required supervision and experience shall be determined by the Board in accordance with standards set forth in its regulations. The following criteria of education and experience qualify toward the required seven years of geological work:

a. Each year of full-time undergraduate study in the geological sciences shall count as one-half year of experience up to a maximum of two years, and each year of full-time graduate study shall count as a year of experience up to a maximum of three years. Credit for undergraduate and graduate study shall in no case exceed a total of four years toward meeting the requirements for at least seven years of geological work.

b. The Board may consider, in lieu of the above-described geological work, the cumulative total of geological work or geological research of persons occupying research or post-graduate positions as well as those teaching geology courses at an institution of higher education, provided such work or research can be demonstrated to be of a sufficiently responsible nature to be equivalent to the geological work required in this section.

4. Have successfully passed an appropriate examination approved by the Board and designed to demonstrate that the applicant has the necessary knowledge and skill to exercise the responsibilities of the public practice of geology.

At the discretion of the Board, separate examinations may be prepared for various subspecialties of geology; however, there will be no specialty licensure, only licensure as a professional geologist.

C. The Board shall issue a license to practice as a geologist in the Commonwealth to any individual who holds an unexpired certification to practice as a geologist issued prior to July 1, 2025.

D. No person shall represent himself as a licensed professional geologist unless he has been so licensed by the Board. Any person practicing or offering to practice geology within the meaning of this article who, through verbal claim, sign, advertisement, or letterhead, represents himself as a licensed professional geologist without holding such license from the Board is guilty of a Class 1 misdemeanor.

**2. That §§ 54.1-703.1 and 54.1-703.3 of the Code of Virginia are repealed.**