



Virginia
Regulatory
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Final Regulation Agency Background Document

Agency name	Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board)
Virginia Administrative Code (VAC) citation	18 VAC 10-20
Regulation title	Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board) Rules and Regulations
Action title	Amend
Document preparation date	June 14, 2004

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 21 (2002) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary (no more than 2 short paragraphs) of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

The purpose of the proposed action is to adjust fees as necessary in accordance with § 54.1-113 of the Code of Virginia (Callahan Act). Any other changes that may be necessary may also be considered.

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

On June 10, 2004, the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects adopted final changes to the fees contained in the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects Rules and Regulations.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter numbers, if applicable, and (2) promulgating entity, i.e., agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.

§ 54.1-113. (Callahan Act) Regulatory boards to adjust fees – Following the close of any biennium, when the account for any regulatory board within the Department of Professional and Occupational Regulation or the Department of Health Professions maintained under §54.1-308 or §54.1-2505 shows expenses allocated to it for the past biennium to be more than ten percent greater or less than moneys collected on behalf of the board, it shall revise the fees levied by it for certification or licensure and renewal thereof so that the fees are sufficient but not excessive to cover expenses.

§ 54.1-201.4 describes each regulatory board's power and duty to “levy and collect fees for the certification or licensure and renewal that are sufficient to cover all expenses for the administration and operation of the regulatory board and a proportionate share of the expenses of the Department...”

§ 54.1-304.3 describes the power and duty of the Director to "collect and account for all fees prescribed to be paid into each board and account for and deposit the moneys so collected into a special fund from which the expenses of the Board, regulatory boards, and the Department shall be paid..."

§ 54.1-308 provides for compensation of the Director, employees, and board members to be paid out of the total funds collected. This section also requires the Director to maintain a separate account for each board showing moneys collected on its behalf and expenses allocated to the board.

§ 54.1-404 provides that “The Board shall promulgate regulations not inconsistent with this chapter governing its own organization, the professional qualifications of applicants, the requirements necessary for passing examinations in whole or in part, the proper conduct of its

examinations, the implementation of exemptions from license requirements, and the proper discharge of its duties. In addition, § 54.1-411.C states “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: ... 2. Establish fees for the application and renewal of registration sufficient to cover costs;”

Fee adjustments are mandatory in accordance with these Code sections. The Board exercises discretion in how the fees are adjusted by determining the amount of the adjustment for each type of fee. The Board makes its determination based on the adequacy of the fees to provide sufficient revenue for upcoming operating cycles.

Purpose

Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Detail the specific reasons it is essential to protect the health, safety or welfare of citizens. Discuss the goals of the proposal and the problems the proposal is intended to solve.

The intent of the proposed changes in regulations is to increase fees for applicants and regulants of the APELSCIDLA Board. The board must establish fees adequate to support the costs of board operations and a proportionate share of the Department’s operations. By the close of the current biennium, fees will not provide adequate revenue for those costs.

The Department of Professional and Occupational Regulation (DPOR) receives no general fund money, but instead is funded almost entirely from revenue collected for applications, renewals, examination fees, and other fees. The Department is self-supporting, and must collect adequate revenue to support its mandated and approved activities and operations. Fees must be established at amounts that will provide that revenue. Fee revenues collected on behalf of the boards fund the Department’s authorized special revenue appropriation.

The ability of the board to continue to process applications in a timely and accurate manner increases the level of public safety and welfare by ensuring that only those applicants that meet or exceed the requirements set forth in the statutes and regulations are granted licenses, certificates, or registrations.

The APELSCIDLA Board has no other source of revenue from which to fund its operations.

Substance

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. A more detailed discussion is required under the “All changes made in this regulatory action” section.

Fees will be increased as necessary to comply with the § 54.1-113 of the Code of Virginia. Any other changes which may be necessary may also be considered.

Issues

Please identify the issues associated with the proposed regulatory action, including:

- 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;*
- 2) the primary advantages and disadvantages to the agency or the Commonwealth; and*
- 3) other pertinent matters of interest to the regulated community, government officials, and the public.*

If there are no disadvantages to the public or the Commonwealth, please indicate.

The primary issue for the proposed fee increase is the Department’s statutory requirement to comply with the Callahan Act.

The advantage of these changes is that the regulatory program will be able to continue to function in order to protect the public. The disadvantage is that these changes will increase the cost of the license to the regulated population; however, the impact of these changes on the income of the regulated population should not be of a great significance compared to level of income.

Changes made since the proposed stage

Please describe all changes made to the text of the proposed regulation since the publication of the proposed stage. For the Registrar’s office, please put an asterisk next to any substantive changes.

No changes were made to the text of the proposed regulations since the publication of the proposed stage.

Public comment

Please summarize all comments received during the public comment period following the publication of the proposed stage, and provide the agency response. If no comment was received, please so indicate.

No comment was received.

All changes made in this regulatory action

Please detail all changes that are being proposed and the consequences of the proposed changes. Detail new provisions and/or all changes to existing sections.

Current	Proposed	Current requirement	Proposed change and rationale
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section number	new section number, if applicable		
60		Any licensee or certificate holder may obtain a replacement for a lost, destroyed, or damaged wall certificate only upon submission of a \$ 20 fee accompanied by a written request indicating that the certificate was lost, destroyed, or damaged.	Any licensee or certificate holder may obtain a replacement for a lost, destroyed, or damaged wall certificate only upon submission of a \$ 20 <u>25</u> fee accompanied by a written request indicating that the certificate was lost, destroyed, or damaged.
90		Application \$ 45 Renewal \$ 35 Dishonored checks \$ 25	Application \$ 45 <u>75</u> Renewal \$ 35 <u>55</u> Dishonored checks \$ 25
170		<p>Fundamentals of Engineering Application \$ 20 Principles of Engineering Application \$ 40 Renewal \$ 30 Comity \$ 40 PE Exam rescore \$ 25 FE/PE out of state proctor \$ 30 Dishonored check \$ 25</p> <p>The examination fee shall consist of the administration expenses of the department resulting from the board's examination procedures and contract charges. Exam service contracts shall be established through competitive negotiation in compliance with the Virginia Public Procurement Act (§ 2.2-4300 et seq. of the Code of Virginia). The current examination shall not exceed a cost of \$115 for the Fundamentals of Engineering and \$170 for the Principles of Engineering to the candidate.</p>	<p>Fundamentals of Engineering Application \$ 20 <u>30</u> Principles of Engineering Application \$ 40 <u>60</u> Renewal \$ 30 <u>80</u> Comity \$ 40 <u>60</u> PE Exam rescore \$ 25 FE/PE out of state proctor \$ 30 <u>100</u> Dishonored check \$ 25</p> <p>The examination fee shall consist of the administration expenses of the department resulting from the board's examination procedures and contract charges. Exam service contracts shall be established through competitive negotiation in compliance with the Virginia Public Procurement Act (§ 2.2-4300 et seq. of the Code of Virginia). The current examination shall not exceed a cost of \$115 for the Fundamentals of Engineering and \$170 for the Principles of Engineering to the candidate.</p>
280		Application for Fundamentals of Surveying \$ 45 Application for Principles of Surveying \$ 50 Application for Land Surveyor B \$ 50	Application for Fundamentals of Surveying \$ 45 <u>60</u> Application for Principles of Surveying \$ 50 <u>90</u> Application for Land Surveyor B \$ 50 <u>90</u>

		<p>Renewal \$ 80 Comity \$ 50 Out-of-state proctor \$ 50 Dishonored check \$ 25</p> <p>The examination fee shall consist of the administration expenses of the department resulting from the board's examination procedures and contract charges. Exam service contracts shall be established through competitive negotiation in compliance with the Virginia Public Procurement Act (§ 2.2-4300 et seq. of the Code of Virginia). The current examination shall not exceed a cost of \$150 for the Fundamentals of Land Surveying, \$175 for the Principles of Land Surveying, \$90 for the Virginia State Examination and \$55 for the Land Surveyor B examination to the candidate.</p>	<p>Renewal \$ 80 <u>90</u> Comity \$ 50 <u>90</u> Out-of-state proctor \$ 50 <u>100</u> Dishonored check \$ 25</p> <p>The examination fee shall consist of the administration expenses of the department resulting from the board's examination procedures and contract charges. Exam service contracts shall be established through competitive negotiation in compliance with the Virginia Public Procurement Act (§ 2.2-4300 et seq. of the Code of Virginia). The current examination shall not exceed a cost of \$150 for the Fundamentals of Land Surveying, \$175 for the Principles of Land Surveying, \$90 for the Virginia State Examination and \$55 for the Land Surveyor B examination to the candidate.</p>
400		<p>Application \$ 75 Renewal \$ 75 Out of state proctor \$ 50 Dishonored checks \$ 25</p> <p>The examination fee shall consist of the administration expenses of the department resulting from the board's examination procedures and contract charges. Exam service contracts shall be established through competitive negotiation in compliance with the Virginia Public Procurement Act (§ 2.2-4300 et seq. of the Code of Virginia). The current examination shall not exceed a cost of \$925 for the entire CLARB Examination or \$275 per Division.</p>	<p>Application \$ 75 <u>125</u> Renewal \$ 75 <u>110</u> Out of state proctor \$ 50 <u>100</u> Dishonored checks \$ 25</p> <p>The examination fee shall consist of the administration expenses of the department resulting from the board's examination procedures and contract charges. Exam service contracts shall be established through competitive negotiation in compliance with the Virginia Public Procurement Act (§ 2.2-4300 et seq. of the Code of Virginia). The current examination shall not exceed a cost of \$925 for the entire CLARB Examination or \$275 per Division.</p>
520		<p>Application \$ 40 <u>30</u> Designation for</p>	<p>Application \$ 40 <u>30</u> Designation for</p>

		branch office \$ 10 <u>30</u> Renewal \$ 15 <u>25</u> Renewal of branch office \$ 15 <u>25</u> Reinstatement of branch office \$ 25 <u>30</u> Dishonored check \$ 25	branch office \$ 10 <u>30</u> Renewal \$ 15 <u>25</u> Renewal of branch office \$ 15 <u>25</u> Reinstatement of branch office \$ 25 <u>30</u> Dishonored check \$ 25
565		Branch office registrations expire the last day of February of each even-numbered year. If the renewal fee for a branch office is not received by the board within 30 days following the expiration date noted on the registration, a reinstatement fee of \$ 25 will be required in addition to the renewal fee.	Branch office registrations expire the last day of February of each even-numbered year. If the renewal fee for a branch office is not received by the board within 30 days following the expiration date noted on the registration, a reinstatement fee of \$ 25 <u>30</u> will be required in addition to the renewal fee.
580		Application \$ 40 Designation for branch office \$ 15 Renewal \$ 20 Renewal of branch office \$ 20 Reinstatement of branch office \$ 25 Dishonored check \$ 25	Application \$ 40 <u>100</u> Designation for branch office \$ 15 <u>50</u> Renewal \$ 20 <u>50</u> Renewal of branch office \$ 20 <u>50</u> Reinstatement of branch office \$ 25 <u>30</u> Dishonored check \$ 25
625		Branch office registrations expire the last day of February of each even-numbered year. If the renewal fee for a branch office is not received by the board within the 30 days following the expiration date noted on the registration, a reinstatement fee of \$ 25 will be required in addition to the renewal fee.	Branch office registrations expire the last day of February of each even-numbered year. If the renewal fee for a branch office is not received by the board within the 30 days following the expiration date noted on the registration, a reinstatement fee of \$ 25 <u>30</u> will be required in addition to the renewal fee.
630		Application \$ 40 Designation for branch office \$ 15 Renewal \$ 20 Renewal of branch office \$ 20 Reinstatement of branch office \$ 25 Dishonored check \$ 25	Application \$ 40 <u>100</u> Designation for branch office \$ 15 <u>50</u> Renewal \$ 20 <u>50</u> Renewal of branch office \$ 20 <u>50</u> Reinstatement of branch office \$ 25 <u>30</u> Dishonored check \$ 25

665		Branch office registrations expire the last day of February of each even-numbered year. If the renewal fee for a branch office is not received by the board within the 30 days following the expiration date noted on the registration, a reinstatement fee of \$ 25 will be required in addition to the renewal fee.	Branch office registrations expire the last day of February of each even-numbered year. If the renewal fee for a branch office is not received by the board within the 30 days following the expiration date noted on the registration, a reinstatement fee of \$ 25 <u>30</u> will be required in addition to the renewal fee.
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Enter any other statement here

Family impact

Please assess the impact of the proposed regulatory action on the institution of the family and family stability.

These fee increases are not anticipated to have any significant impact on Virginia's families.