

a transcript of the record of the hearing before the Commission, and issuance and service of a copy of said petition as in proceedings in equity. When enforcement of a Commission order is sought, the court may make and enter, upon the pleadings, testimony and proceedings set forth in such transcript, an order or decree enforcing, modifying and enforcing as so modified, or setting aside, in whole or in part, the order of the Commission, and the jurisdiction of the court shall not be limited by acts pertaining to equity jurisdiction of the courts. An appeal may be taken as in other civil actions.

Any failure to obey an order of the court may be punished by said court as a contempt thereof.

The Commission's copy of the testimony shall be available at all reasonable times to all parties for examination without cost, and for the purpose of enforcement or judicial review of the order. The case shall be heard without requirement of printing.

Any order of the Commission may be reviewed under the provisions of the act of June four, one thousand nine hundred forty-five (Pamphlet Laws 1388), known as the "Administrative Agency Law," and its amendments.

Section 3. Section 11 of the act is reenacted to read:

Section 11. Penalties.—Any person who shall wilfully resist, prevent, impede or interfere with the Commission, its members, agents or agencies in the performance of duties pursuant to this act, or shall wilfully violate an order of the Commission, shall be guilty of a misdemeanor and, upon conviction thereof, shall be sentenced to pay a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), or to undergo imprisonment not exceeding thirty (30) days, or both, in the discretion of the court, but procedure for the review of an order shall not be deemed to be such wilful conduct.

APPROVED—The 24th day of January, A. D. 1966.

WILLIAM W. SCRANTON

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No. 535

AN ACT

SB 766

Providing for and regulating the licensing of landscape architects; fixing fees; creating the State Board of Landscape Architects; imposing powers and duties on the Department of State, the Commissioner of Professional and Occupational Affairs and the board; and prescribing unlawful acts and penalties.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Short Title.—This act shall be known and may be cited as the “Landscape Architects’ Registration Law.”

Section 2. Definitions.—As used in this act:

(1) “Board” means the State Board of Landscape Architects which shall consist of five persons appointed by the Governor which shall aid and assist in the administration of this act. The members of the board, not less than three of whom shall be landscape architects and not less than one of whom shall be a landscape nurseryman, shall be appointed for terms of three years and one of whom shall be elected chairman and one of whom shall be elected secretary. Of the members initially appointed, one shall be appointed for a term of one year, two for terms of two years and two for terms of three years, and shall hold office until their successors are appointed and qualified. The Commissioner of Professional and Occupational Affairs shall be an ex-officio member of the board. The members shall receive thirty dollars (\$30) per diem for each day actually engaged in attendance at meetings of the board. The members shall also receive the amount of actual traveling, hotel and other necessary expenses incurred in the performance of their duties under this act.

(2) “Department” means the Department of State, acting by and through the Commissioner of Professional and Occupational Affairs.

(3) “Landscape architect” means a person licensed and registered under the laws of this Commonwealth to engage in the practice of landscape architecture.

(4) “Practice of landscape architecture” means the performance of professional services such as consultation, investigation, reconnaissance, research, planning, design, or responsible supervision in connection with the development of land areas where the dominant purpose of such services is the preservation, enhancement or determination of proper land uses, natural land features, ground cover and planting, naturalistic and aesthetic values, the settings and approaches to structures or other improvements, natural drainage, or the consideration and determination of inherent problems of the land relating to erosion, wear and tear, blight or other hazards. This practice shall include the location and arrangement of such tangible objects and features as are incidental and necessary to the purposes outlined herein but shall not include the design of structures or facilities as are ordinarily included in the practice of engineering or architecture: Provided, however, That nothing contained herein shall preclude a duly licensed landscape architect from performing

any of the services described in the first sentence of this subdivision in connection with the settings, approaches or environment for buildings, structures or facilities. Nothing contained in this act shall be construed as authorizing a landscape architect to engage in the practice of architecture or engineering as defined in their respective licensure laws.

(5) "Responsible charge" means such degree of competence and accountability gained by technical education or experience of a grade and character as is sufficient to qualify a person to personally and independently engage in and be entrusted with the work involved in the practice of landscape architecture.

Section 3. Registration License Required to Practice Landscape Architecture.—In order to safeguard life, health or property and to promote the general welfare, it is unlawful for any person except as hereinafter provided, to engage or to offer to represent himself or hold himself out to be a landscape architect within this Commonwealth unless he has first registered and secured a license required under the provisions of this act. It is unlawful for any person to use in connection with his name or to otherwise assume, use or advertise any title or description tending to convey the impression that he is a registered or licensed landscape architect or that he is engaged in the practice of landscape architecture unless such person is licensed and registered under the provisions of this act.

Section 4. Powers and Duties of the State Board of Landscape Architects.—The board shall have power and its duty shall be :

(1) To provide for and regulate the licensing of qualified landscape architects and to issue, upon passing the examination required by the board, except as otherwise provided herein, a license to practice landscape architecture to any applicant who meets the requirements of this act.

(2) To provide the subjects, character, manner, time and place of examinations for licenses as landscape architects and the filing of applications for the examinations and to conduct and provide for the conduct of the examinations; to make written reports of the examination, which reports shall be preserved in the department for a period of not less than three years; and to issue licenses and certificates to such persons as successfully pass the examinations, and to collect such fees for such examinations as may be fixed by this act.

(3) To accept and endorse as valid in this Commonwealth licenses to practice landscape architecture issued by other states in which the requirements and qualifications to engage in the practice of landscape architecture are at least equal to the standards of this Commonwealth, and

if such other state shall similarly license or register landscape architects licensed and registered in this Commonwealth, such <sup>1</sup> licensees shall be registered and licensed to engage in the practice of landscape architecture within this Commonwealth without examination upon the payment of the registration and license fees fixed by this act.

(4) To suspend or revoke the license and registration of any registered landscape architect who is found guilty by the board of gross negligence, incompetence or misconduct in the practice of landscape architecture, and to reinstate licenses, registrations and certificates in any cases where the department shall determine the same to be just and proper.

(5) To provide for, regulate and require all persons licensed and registered in accordance with the provisions of this act to register biennially with the board; to prescribe the form of such registration; to require as a condition precedent to such biennial registration the payment of biennial registration fees as shall be fixed by this act, and to issue biennial registration to such persons, and suspend or revoke the license or registration of such persons who fail, refuse or neglect to register within such time as the board shall prescribe by its rules and regulations.

(6) To keep a roster showing the names and addresses of the places of business of all registered landscape architects licensed under this act and registered by the department, which roster shall be published in booklet form by the department at least once every two years. Copies of the roster shall be made available.

(7) To administer and enforce the laws of the Commonwealth relating to the practice of landscape architecture and instruct and require its agents to bring prosecutions for unauthorized and unlawful practices.

(8) To keep minutes and records for all its transactions and proceedings. Copies thereof duly certified shall be received in evidence in all courts and elsewhere.

(9) To adopt, promulgate and enforce such administrative rules and regulations not inconsistent with this act as are deemed necessary and proper by the board to carry into effect the powers conferred by this act.

Section 5. Fees.—The fee for an applicant for examination and licensure to engage in the practice of landscape architecture in this Commonwealth shall be thirty dollars (\$30) for the initial registration, including an examination when necessary, and thirty dollars (\$30) for each biennial renewal thereof.

Section 6. Application for License; Qualifications and Experience Requirements of Applicants.—(a) A person desiring to represent himself

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<sup>1</sup> "licensees" in original.

or hold himself out to be a landscape architect in this Commonwealth shall, except as otherwise provided in this act, make application for examination and licensure to the board upon a form furnished by it and shall accompany the application with the fee prescribed by the board.

(b) Each applicant shall be a citizen of the United States or declare his intention of becoming a citizen thereof; twenty-five years of age or over; be of good moral character; not have his application, license or certificate to engage in the practice of landscape architecture refused, suspended or revoked by any state of the United States; and (i) has had four or more years' experience in landscape architecture under the supervision of a registered landscape architect or a similar qualified landscape architect of a grade or character to fit him to assume responsible charge of the work involved in the practice of landscape architecture and is a graduate in landscape architecture of an approved institution or college having either an undergraduate course in landscape architecture of four or more years, or a graduate course in landscape architecture of two or more years; or (ii) has had seven years of experience in landscape architecture work, four years of which shall have been in teaching or graduate study or a combination thereof in an approved institution or college and three years of which shall have been active experience in landscape architecture work under the supervision of a registered landscape architect or a similarly qualified landscape architect of a grade or character to fit him to assume responsible charge of the work involved in the practice of landscape architecture, and is a graduate of an approved institution or college having either a course in landscape architecture of four or more years or a graduate course in landscape architecture of two or more years; or (iii) has had ten or more years of active experience in landscape architecture work, at least six years of which shall have been under the supervision of a registered landscape architect or similarly qualified landscape architect of a grade and character to fit him to assume responsible charge of the work involved in the practice of landscape architecture.

(c) The board may register and license without examination any applicant who is a graduate of an approved institution who has had ten years of active experience, or fifteen years of active experience even though not a graduate of an approved institution if in the opinion of the board the experience is of such grade and character as to fit the person to assume responsible charge of work involved in the practice of landscape architecture.

(d) Notwithstanding any other provisions of this act, any person over the age of twenty-five years and of good moral character who submits

evidence to the board that for not less than one year prior to the passage of this act he has engaged in any aspect of the practice of landscape architecture as defined in this act, shall be entitled to receive without examination a license to practice landscape architecture if he files such application within six months of this act being enacted into law. Such application shall be accompanied by a thirty dollar (\$30) exemption fee in lieu of examination and the fee for an original license.

Section 7. Investigation of Applications; Determination of Competency of Applicants.—The board shall investigate the allegations contained in any application for licensure under this act in order to determine the truth of the allegations and to determine the competency of any person applying for licensure to assume responsible charge of the work involved in the practice of landscape architecture, such competency to be determined by the grade and character of the landscape architecture work actually performed. Landscape architecture work performed under the supervision of a registered landscape architect shall be given full credit. Whenever the board determines otherwise than by examination that an applicant has not produced sufficient evidence to show that he is competent to be placed in responsible charge and shall refuse to examine or to license such applicant, it shall set forth in writing its findings and the reasons for its conclusions and furnish a copy thereof to the applicant.

Section 8. Exemption from Licensure and Registration.—This act shall not be construed to require licensure and registration in the following cases:

(1) The practice of landscape architecture by any person who acts under the supervision of a registered landscape architect or by an employe of a person lawfully engaged in the practice of landscape architecture and who in either event does not assume responsible charge of design or supervision;

(2) The practice of landscape architecture not exceeding thirty days in the aggregate in one calendar year by a nonresident not having a place of business in this Commonwealth if the person is legally qualified to engage in the practice of landscape architecture in the state or territory of his residence if the standards of the state or territory are at least equal to the standards of this Commonwealth; .

(3) The practice of architecture by a duly registered architect and the doing of landscape architectural work by a registered architect;

(4) The practice of engineering by a duly registered professional engineer and the doing of landscape architectural work by a registered engineer;

(5) The practice of landscape architecture by officers and employes of the United States Government for the government;

(6) The practice of planning as customarily done by community and regional planners;

(7) The practice of any agriculturists, horticulturists, foresters, garden or land caretakers, home builders and graders, or cultivators of land;

(8) The practice of any nurseryman, landscape nurseryman, gardener or landscape gardener, general or landscape contractor, such practice to include the design, planning, location and arrangements of plantings or other ornamental features.

Section 9. Seal of Registrants.—(a) Each person registered under this act shall obtain a seal of a design authorized by the board, which shall bear the registrant's name and number and the legend "Registered Landscape Architect." The seal or a facsimile imprint of same shall be stamped on all plans, specifications, plates and reports issued by a landscape architect.

(b) It shall be unlawful for any person to use the seal during the period the license or registration of the holder thereof has been suspended or revoked or to use a seal of any design not approved by the board.

Section 10. Actions of the Board.—All actions of the Board pursuant to this act which result in a refusal to issue a license for reasons other than failure to pass a written examination required by this act or action which suspends or revokes a license shall be subject to the right of notice, hearing and adjudication and the right of appeal therefrom in accordance with the act of June 4, 1945 (P. L. 1388), known as the "Administrative Agency Law."

Section 11. Penalties.—Whoever represents himself or holds himself out to be a landscape architect without being licensed and registered as required by this act, or shall present or attempt to use as his own the license or certificate of registration of another, or shall give any false or forged evidence of any kind to the board or to any member thereof in order to obtain a license or registration as a landscape architect, or shall use any expired, suspended or revoked certificate of registration, or shall use the term "architect" instead of the term "landscape architect" or shall otherwise violate the provisions of this act, shall be guilty of a misdemeanor and upon conviction thereof, shall be sentenced to pay a fine not exceeding five hundred dollars (\$500), or undergo imprisonment not exceeding three months, or both.

Section 12. Construction of Act.—This act shall not be construed to limit the power and duty of the Department of Public Instruction to

determine, value, standardize and regulate the preliminary education, both secondary and collegiate, of those to be hereafter licensed or registered to practice as landscape architects in this Commonwealth to the same extent as such department exercises such powers and duties with respect to other professions.

Section 13. Appropriations.—All fees collected under the provisions of this act during the fiscal year beginning July 1, 1965, are hereby<sup>1</sup> specifically appropriated to the Department of State for the use of the board in carrying out the provisions of this act.

Section 14. This act shall take effect immediately.

APPROVED—The 24th day of January, A. D. 1966.

WILLIAM W. SCRANTON

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No. 536

AN ACT

SB 813

Providing for the suspension of the duty to pay rent for dwellings certified to be unfit for human habitation in cities of the first class and cities of the second class and second class A and providing for the withholding and disposition of shelter allowances.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Notwithstanding any other provision of law, or of any agreement, whether oral or in writing, whenever the Department of Licenses and Inspections of any city of the first class, or the Department of Public Safety of any city of the second class or second class A, as the case may be, or any Public Health Department of any such city or of the county in which such city is located, certifies a dwelling as unfit for human habitation, the duty of any tenant of such dwelling to pay, and the right of the landlord to collect rent shall be suspended without affecting any other terms or conditions of the landlord-tenant relationship, until the dwelling is certified as fit for human habitation or until the tenancy is terminated for any reason other than nonpayment of rent. During any period when the duty to pay rent is suspended, and the tenant continues to occupy the dwelling, the rent withheld shall be deposited by the tenant in an escrow account and shall be paid to the landlord when the dwelling is certified as fit for human habitation at any time within one year from

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<sup>1</sup> "spcifically" in original.