

No. 1982-151

AN ACT

SB 1057

Amending the act of January 24, 1966 (1965 P.L.1527, No.535), entitled "An act 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," further regulating the practice of landscape architecture; providing a repeal and providing penalties.

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

Section 1. Clauses (3) and (4) of section 2, act of January 24, 1966 (1965 P.L.1527, No.535), known as the "Landscape Architects' Registration Law," are amended and clauses are added to read:

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

(1) *"Board" means the State Board of Landscape Architects which shall consist of seven persons appointed by the Governor which shall aid and assist in the administration of this act. Two members of the board shall represent the public at large. The remaining members of the board, not less than four 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. The members of the board shall hold office until their successors are appointed and qualified but not longer than six months beyond the three-year period. 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.*

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(3) "Landscape architect" means a person [licensed and registered under the laws of this Commonwealth to engage in the practice of landscape architecture] *who engages or offers to engage in the practice of landscape architecture in this Commonwealth under the authority of this act.*

(4) "Practice of landscape architecture" means the performance of professional services such as consultation, investigation, [reconnaissance,] research, planning, design, *preparation of drawings and specifications,* or responsible [supervision] *observation of construction* in connection with the development of land areas where, *and to the extent that,* 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 *circulation* improvements, [natural drainage, or the consideration and determination of inherent problems of the land relating to erosion, wear and tear, blight or other hazards] *the shaping and contouring of land and water forms, the setting of grades and determining drainage and providing for storm water management and determination of environmental impacts and problems of land including erosion and sedimentation, blight and 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 *and as may be prescribed by local or Commonwealth authorities* 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.] and shall not include the making of land surveys. This provision shall not be construed to prohibit those engaged in nursery occupations or as gardeners or landscape contractors from preparing planting plans and items incidental thereto.**

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(6) *“C.L.A.R.B.” means the Council of Landscape Architectural Registration Boards, a national coordinating body serving to promote high standards of landscape architectural practice, foster the enactment of uniform laws; equalize and improve the standards for examination, compile, maintain, and transmit professional records to member boards and recommend registration for landscape architects meeting its standards for interstate and foreign registration.*

(7) *“Planting design” means the design, planning, location and arrangements of plantings or other ornamental features.*

Section 2. Section 3 of the act is amended to read:

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.] *a person practicing or offering to practice landscape architecture, privately or in public service, shall be required to submit evidence*

that he is qualified to practice and shall become registered as hereinafter provided. It shall be unlawful for a person to practice landscape architecture or to use the term or title "landscape architect" unless duly licensed under the provisions of this act.

Section 3. Clauses (2), (3), (4), (6) and (9) of section 4 of the act are amended and a clause is added to read:

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

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(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] Cause to be administered, the C.L.A.R.B. Uniform National Examination, or such other examination, as may be approved by the board at least once each year; to provide the subjects, character, manner, time and place of examinations for licenses to practice landscape architecture and the filing of applications for 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] appropriate 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 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.] To permit, subject to the provisions of this section and the rules and regulations of the board promulgated thereunder prescribing the qualifications for a landscape architect license, the practice of landscape architecture in the Commonwealth under a landscape architect license issued under the laws of any other state which maintains a system and standards of qualifications at least equal to those required in Pennsylvania, upon payment of the current fee established by the board and upon submission of evidence satisfactory to the board.**

(3.1) To exempt from examination an applicant who holds a license or certificate to practice landscape architecture issued to him by another state which maintains a system and standards of qualifications and administers the C.L.A.R.B. Uniform Examination.

(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.

Before any formal action is taken by the board, the applicant or licensee shall be provided with an opportunity for a hearing. All hearings held before the board shall be held in accordance with the general laws and regulations applicable to administrative hearings.

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(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 *and rules and regulations* shall be made available.

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(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. *A copy of every rule, regulation or amendment to a rule or regulation proposed by the board shall before adoption be forwarded to the Speaker of the House of Representatives and to the President pro tempore of the Senate for referral to and review by the appropriate standing committee of the House of Representatives and of the Senate as determined by the respective presiding officer. The standing committee shall, within sixty days from the receipt of such proposed rule, regulation or amendment, approve or recommend disapproval to the House of Representatives or the Senate of any such proposed rule, regulation or amendment. Failure of the standing committee to recommend disapproval and of the House of Representatives and Senate to disapprove any proposed rule, regulation or amendment within the review time shall constitute approval thereof. If the respective standing committee of the Senate or the House of Representatives recommends disapproval and the House of Representatives or the Senate disapproves any proposed rule, regulation or amendment, the board shall not adopt the proposed rule, regulation or amendment and it shall not be again offered for one year. Only in the absence of disapproval shall the board proceed with the adoption of the rule, regulation or amendment in accordance with section 202 of the act of July 31, 1968 (P.L. 769, No. 240), referred to as the Commonwealth Documents Law.*

Section 4. Sections 5 and 6 of the act are amended to read:

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.] *The board shall establish through its rules and regulations the examination fees, reexamination fees, license fees and license renewal fees and any other fees applicable to the licensure of landscape architects.*

Section 6. Application for License; Qualifications and Experience Requirements of Applicants.—(a) A person desiring to [represent himself or hold himself out to be a landscape architect in this Common-

wealth 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.] *be registered and licensed to practice landscape architecture and to use the title "landscape architect" in this Commonwealth shall, except as herein provided in this act, make written application for examination to the board, together with such evidence of qualifications as may be prescribed by the rules and regulations of 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.] *Each applicant shall be of good moral character and shall not have had an application, license or certificate to engage in the practice of landscape architecture refused, suspended or revoked by a state of the United States; and (i) has, before admission to the examination, completed the course of study in, and has been graduated with a degree, from a college or school of landscape architecture approved by the board; (ii) shall submit, before admission to the examination, evidence of at least two years practical experience in landscape architectural work of a grade and character satisfactory to the board as determined by a notarized application questionnaire. An approved year of study in the approved college or school of landscape architecture may be accepted in lieu of one year of experience and the applicant shall submit evidence of sufficient additional accept-*

able experience of at least six years of combined education and experience; or (iii) in lieu of graduation from an approved college or school of landscape architecture and the practical experience in addition thereto, an applicant may be admitted to the examination upon presenting evidence of at least eight years of actual, practical experience in landscape architectural work of a grade and character satisfactory to the board.

(c) The board may register and license without *written* 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] *(i) a person who holds an unexpired license or certification of registration issued by proper authority of another state or foreign country in which the requirements and qualifications to engage in the practice of landscape architecture were at the time of initial issuance of a license or certificate of registration at least equal to the standards of this Commonwealth existing at that time; or (ii) a person possessed of long established and recognized standing in the landscape architectural field, with a record of not less than twenty-five years' experience in landscape architecture, of which at least fifteen years has been in responsible charge of landscape architectural work or teaching. An applicant may make application, pay the required registration fees and be issued a certificate of registration as a landscape architect upon an oral examination and after approval of the majority of the board. In situations provided for in this subsection the board may, in cases of question, offer the applicant the opportunity to take the written examination.*

[(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 5. Clauses (3), (4), (5) and (8) of section 8 of the act are amended to read:

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

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(3) The practice of architecture by a duly registered architect and the doing of landscape architectural [work by a registered architect] *service as is incidental to his architectural services;*

(4) The practice of engineering *or land surveying* by a duly registered professional engineer *or land surveyor* and the doing of *such* landscape

architectural **[work by a registered engineer]** *service as is incidental to his engineering or land surveying services;*

(5) The practice of landscape architecture by officers and employes of the United States Government **[for the government;],** *the State or its political subdivisions so long as the services are rendered within the scope of government employment;*

* * *

(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]** *as that practice pertains to planting design and its incidental items.*

Section 6. Section 11 of the act is amended to read:

Section 11. Penalties.—Whoever **[represents himself]** *practices landscape architecture* 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]** *summary offense* and upon conviction thereof, shall be sentenced to pay a fine not exceeding **[five hundred dollars (\$500)]** *three hundred dollars (\$300)*, or undergo imprisonment not exceeding **[three months]** *ninety days*, or both.

Section 7. Section 476.2, act of April 9, 1929 (P.L.177, No.175), known as “The Administrative Code of 1929,” is repealed.

Section 8. This act shall take effect in 60 days.

APPROVED—The 17th day of June, A. D. 1982.

DICK THORNBURGH