

## Chapter 17

### Landscape Architecture

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### Article 1

#### General Provisions

##### § 34-17-1. Definitions.

For purposes of this chapter, the following words and phrases shall have the respective meanings ascribed by this section:

- (1) **BOARD.** The Alabama State Board of Examiners of Landscape Architects.
- (2) **LANDSCAPE ARCHITECT.** A person who is engaged or offers to engage in the practice of landscape architecture, as hereinafter defined in this State.
- (3) **LANDSCAPE ARCHITECTURE.** The performance of professional services such a consultation, investigation, research, planning, design, preparation of drawings and specifications and responsible supervision 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, planting, naturalistic and aesthetic values, the settings and approaches to structures or other improvements, the setting of grades and determining drainage and providing for standard drainage structures, and the consideration and determination of environmental problems of land including erosion, blight and other hazards. This practice shall include the design of such tangible objects and features as are incidental and necessary to the purpose outlined herein but shall not include the design of structures or facilities with separate and self-contained purposes such as are ordinarily included in the practice of engineering or architecture; and shall not include the making of land surveys of final plats for official approval or recordation. Nothing contained herein shall preclude a duly licensed landscape architect from performing any of the services described in the first sentence of this subsection in connection with the settings, approaches or environment for buildings, structures, or facilities. Nothing contained in this chapter shall be construed as authorizing a landscape architect to engage in the practice of architecture, engineering or land surveying as these terms are defined in Section 34-17-27.

**§ 34-17-2. Board of Examiners of Landscape Architects - Creation; composition; appointment; qualifications; term of office; vacancies; compensation; officers; meetings; oath.**

(a) There is hereby created the Alabama Board of Examiners of Landscape Architects which shall consist of three members. The Board shall be appointed by the Governor with the advise and consent of the Senate. The members of the Board, after the appointment of the original Board, shall be registered landscape architects of recognized standing having engaged in the practice of landscape architecture in the State of Alabama for a period of two years or more at the time of their appointments. The terms of office of said members shall be three years, of which one term expires each year; any vacancy occurring at any time in the membership of the Board shall be filled by the Governor's appointing a successor for the unexpired term.

(b) The members of the Board shall receive no salary or other compensation for their services as members but shall be reimbursed for reasonable and necessary expenses incurred in carrying out their duties.

(c) The Board shall elect annually from its members a chairman and secretary, and the Board shall hold at least two or more meetings each year.

(d) Each member of the Board shall take the oath of office as prescribed by the Constitution of the State of Alabama.

**§ 34-17-3. Same - Powers and duties generally.**

(a) The Board shall have the powers and duties listed in this section.

(b) The Board shall have such employees as may be provided in the annual State budget.

(c) The Board may make, adopt and amend such rules and regulations as it deems necessary to carry out the provisions of this chapter.

(d) The Board shall hold at least one meeting per year for the purpose of examining candidates for registration as landscape architects. It may hold such other meetings and hearings as required for the proper performance of its duties under this chapter.

(e) The Board may adopt a seal for use in transacting its official business.

(f) The Board shall keep a record of its proceedings and shall make an annual report thereon to the Governor.

(g) For the purpose of enforcing the provisions of this chapter, the Board:

(1) May conduct investigations and hold hearings concerning any matter covered by this chapter at any time or place within the State of Alabama.

(2) May administer oaths and affirmations, examine witnesses and receive evidence.

**§ 34-17-4. Practice of landscape architecture deemed personal right; Final drawings, etc., to bear signature and seal; authorization of practice by corporation or partnership.**

(a) A corporation or partnership, as such, may not be licensed or registered to practice landscape architecture, but may, if issued a certificate of authorization by the Board, use any form of the title "Landscape Architect" in connection with the corporate or partnership name.

(b) The right to engage in the practice of landscape architecture is a personal right, based upon the qualifications of the individual evidenced by his license and is not transferable. All final drawings, specifications, plans, reports or other papers or documents involving the practice of landscape architecture, as defined in Section 34-17-1 when issued or filed for public record, shall be dated and bear the signature and seal of the landscape architect or landscape architects who prepared or approved them.

(c) Nothing in subsections (a) and (b) of this section shall be construed to prevent the formation of partnerships and corporations as a vehicle for the practice of landscape architecture subject to all the following conditions:

(1) The practice of or offer to practice landscape architecture for others as defined in Section 34-17-1 by individual landscape architects licensed under this chapter through a corporation as officers, employees, or agents, or through a partnership as partners, officers, employees, or agents, or the offering or rendering of landscape architecture services by a corporation or partnership through individual landscape architects licensed under this chapter is permitted, subject to the provisions of this chapter if all the following requirements are satisfied:

a. One or more of the corporate officers in the case of a corporation, or one or more of the partners in the case of a partnership, is designated as being responsible for the professional services described in Section 34-17-1 of the corporation or partnership and is a landscape architect under this chapter.

b. All personnel of the corporation or partnership, who act in its behalf as landscape architects, are licensed under this chapter.

c. The corporation or partnership has been issued a certificate of authorization by the Board, as hereinafter provided.

The requirements of this chapter shall not prevent a corporation and its employees from performing landscape architectural services for the corporation, subsidiary, or affiliated corporations.

(2) A corporation or partnership desiring a certificate of authorization shall file with the Board an application on forms provided by the Board listing relevant information, including the names and addresses of all officers and members of the corporation, or officers and partners of the partnership, and also of an individual or individuals duly licensed to practice landscape architecture in this State who shall be in responsible charge of the practice of landscape architecture in this State through the corporation or partnership, and other information required by the Board, accompanied by an original authorization fee to be determined by the Board. A form, giving the same information, shall accompany the annual renewal fee to be determined by the Board. In the event there is a change in any of these persons during the year, the change shall be designated on the same form and filed with the Board within 30 days after the effective date of the change. If all of the requirements of this section are met, the Board shall issue a certificate of authorization to the corporation or partnership, and the corporation or partnership shall be authorized to contract for and to collect fees for landscape architectural services.

(3) No corporation or partnership shall be relieved of responsibility for conduct or acts of its agents, employees, or officers by reason of its compliance with the this section, nor shall any individual practicing landscape architecture as defined in Section 34-17-1 be relieved of responsibility for landscape architectural services performed by reason of his employment or relationship with such corporation or partnership.

**§ 34-17-5. Grounds for disciplinary actions.**

(a) Each of the following facts shall constitute a ground for disciplinary action:

(1) That the holder of a certificate of registration is practicing in violation of the provisions of this chapter or the rules and regulations of the Board;

(2) That the holder of a certificate has obtained the certificate by fraud or misrepresentation, or that the person named in the certificate has obtained it by fraud or misrepresentation;

(3) That the holder of a certificate is impersonating a landscape architect or former landscape architect of the same or similar name, or is practicing under an assumed, fictitious or corporate name;

(4) That the holder of a certificate has aided or abetted in the practice of landscape architecture any person not authorized to practice landscape architecture under the provisions of this chapter;

(5) That, in the practice of landscape architecture, the holder of a certificate has been guilty of fraud or deceit;

(6) That, in the practice of landscape architecture, the holder of a certificate has been guilty of negligence or willful misconduct;

(7) That the holder of a certificate has been guilty of gross incompetence; or

(8) That the holder of a certificate has affixed his signature to plans, drawings, specifications or other instruments of service which have not been prepared by him or under his immediate and responsible direction or has permitted his name to be used for the purpose of assisting any person, not a landscape architect, to evade the provisions of this chapter.

(b) For violations of the preceding subsection, or for violations of the provisions of this chapter, or for violations of Board rules and regulations, the Board shall have the following disciplinary powers:

(1) To reprimand a Board licensee;

(2) To levy an administrative fine against a licensee of the Board not to exceed \$250.00 per violation;

(3) To refuse to issue a certificate to an applicant of the Board;

(4) To suspend a licensee's certificate for a definite period of time; or

(5) To revoke the certificate of a licensee. The Board shall by rule and regulation adopt a disciplinary code.

**§ 34-17-6. Landscape Architect's Fund.**

The secretary of the Board shall receive and account for all moneys derived under the provisions of the chapter and shall not later than the tenth day of each month pay all such moneys collected during the previous month to the State Treasurer, who shall keep such moneys in a separate fund to be known as the "Landscape Architect's Fund." Such fund shall be kept separate and apart from all other moneys in the treasury and shall be paid out for the expenses and compensation of the Board and for enforcing this chapter only by warrant of the comptroller upon the treasurer, upon itemized vouchers, approved by the president and attested by the secretary of the Board; provided, that no funds shall be withdrawn or expended except as budgeted and allotted according to the provisions of Article 4 of Chapter 4 of Title 41 of this Code. Under no circumstances shall the total amount of warrants issued by the comptroller in payment of the expenses and compensation of the Board and of enforcing this chapter exceed the amount provided therefor by the Legislature in the general appropriation bill.

**§ 34-17-7. Penalties.**

Any person who, without possessing a valid, unrevoked certificate as provided in this chapter, uses the title or term "Landscape Architect" in any sign, card, listing, advertisement or in any other manner implies or indicates that he is a landscape architect, as defined in this chapter, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$50 nor more than \$500 or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment. All fines collected pursuant to this section shall be remitted to the State Treasurer and by him credited to the "Landscape Architect's Fund" in the State Treasury by the court or officer collecting them.

## **Article 2**

### **Licenses**

**§ 34-17-20. Required.**

(a) In order to safeguard public welfare, health and property and to promote public good, any 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 any person to practice landscape architecture or to use the term or title "Landscape Architect" unless duly licensed under the provisions of this chapter.

(b) The State Board shall adopt a program of continuing education for its licensees not later than October 1, 1993, and after said date no licensee shall have his active license renewed unless, in addition to any other requirements of this chapter, the minimum continuing annual education requirements are met. It is further provided that the continuing education program herein required shall not include testing or examination of the licensees in any manner.

**§ 34-17-21. Qualifications of applicant.**

For licensing as a landscape architect, the following evidence shall be submitted that the applicant:

(1) Is at least 19 years of age.

(2) Has, before making application to the Board, completed the course of study in and been graduated from a college or school of landscape architecture approved by the Board. The application for examination shall be accompanied by proof of actual practical experience in landscape architectural work of a grade and character satisfactory to the Board. Each complete year of study in an approved college or school of landscape architecture may be accepted in lieu of one year of practical experience, and the applicant shall submit evidence of sufficient additional acceptable experience to total five years of combined education and practical experience. The applicant shall also submit proof of one additional year of practical experience sufficient to total six years of combined education and practical experience. In lieu of graduation from an accredited 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.

**§ 34-17-22. Examinations - Schedule; conduct.**

Examinations for the license shall be held by the Board at least once each year. The Board shall adopt rules and regulations covering the subjects and scope of the examinations, shall publish appropriate announcements and shall conduct the examinations at the times designated. Except as hereinafter provided in this chapter to the contrary, every applicant for licensing as a landscape architect shall be required, in addition to all other requirements, to establish by written examination his competence to plan, design, specify and supervise the installation of landscape projects. Each written examination may be supplemented by such oral examinations as the Board shall determine.

**§ 34-17-23. Same - Exceptions.**

The Board may also exempt from examination an applicant who holds a license of certificate to practice landscape architecture issued to him upon examination by a legally constituted Board of Examiners of any other state or Washington, D. C. or any other territory or possession under the control of the United States, provided that such requirements of the state in which the applicant is registered are equivalent to those of this State.

**§ 34-17-24. Fees - Payment; receipt.**

(a) Every landscape architect shall pay an annual license fee to the Board. The fee shall be due and payable on the first day of January of each year and shall become delinquent after the thirty-first day of January.

(b) If the annual license fee is not paid before it becomes delinquent, a penalty of \$50.00 shall be added to the amount thereof per year.

(c) If the annual license fee and penalty are not paid before the thirtieth day of June in the year in which they become due, the landscape architect's certificate shall be suspended from and after the expiration of 30 days from the date of mailing of notice of such delinquency by registered or certified mail, return receipt requested, postage prepaid and addressed to the landscape architect at his address as it appears in the records of the Board. The notice of delinquency shall state that upon the expiration of time herein allowed his certificate will be suspended unless, within said time, the annual license fee and penalty are remitted.

(d) After the certificate has been suspended, it may be reinstated upon the payment of the annual license fee and such proof of the landscape architect's qualifications as may be required in the sound discretion of the Board.

(e) The Board shall issue a receipt to each landscape architect promptly upon payment of the annual license fee.

**§ 34-17-25. Same - Amount.**

The fees prescribed by this chapter shall be in the following amounts:

- (1) The fee for application to the Board is seventy-five dollars (\$75).
- (2) The fee for examination or reexamination shall be in an amount as established by the Board in order to cover all costs of examination, but in no event shall the fee exceed the actual cost of preparing and administering the examination.
- (3) The fee for an original certificate is fifty dollars (\$50).
- (4) The fee for a duplicate certificate is fifty dollars (\$50).
- (5) The annual license fee is one hundred dollars (\$100) for residents of Alabama and one hundred fifty dollars (\$150) for nonresidents.
- (6) The penalty fee is fifty dollars (\$50), as provided in Section 34-17-24 of this chapter.

**§ 34-17-26. Reciprocity.**

The Board, subject to the provisions of this chapter and the rules and regulations of the Board promulgated thereunder prescribing the qualifications for a landscape architect license, may permit the practice of landscape architecture in this state under a landscape architect license issued under the laws of any other state or country, upon payment of the current fee established by the Board, and upon submission of all of the following evidence satisfactory to the Board:

- (1) That the other state or country maintained a system and standard of qualifications and examinations for a landscape architect license which were substantially equivalent to those required in this State at the time the license was issued by the other state or country.
- (2) That the other state or country gives similar recognition and endorsement to landscape architect licenses of this State.

**§ 34-17-27. Exemptions.**

This chapter shall not be construed to require licensing 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 any employee 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 architecture by a duly registered professional architect and the doing of landscape architectural work by a registered architect or by an employee under supervision of a registered architect, when such work is incidental to their practice;
- (3) The practice of engineering by a duly registered professional engineer and the doing of landscape architectural work by a registered engineer or by an employee under supervision of a registered engineer, when such work is incidental to their practice;
- (4) The practice of surveying by a duly registered professional land surveyor and the doing of landscape architectural work by a registered professional land surveyor or by an employee under supervision of a registered professional land surveyor, when such work is incidental to their practice.
- (5) The practice of landscape architecture by employees of the United States government while engaged within this State in the practice of landscape architecture for said government;
- (6) The practice of planning as customarily done by regional or urban planners.

- (7) The practice of arborists, foresters, gardeners, home builders and horticulturists; or
- (8) The practice of any nurseryman, general or landscape contractor, such practice to include design, planning, locations and arrangement of plantings or other ornamental features.