

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1565 Session of
1983

INTRODUCED BY DUFFY, F. E. TAYLOR AND VAN HORNE, OCTOBER 11,
1983

REFERRED TO COMMITTEE ON BUSINESS AND COMMERCE,
OCTOBER 11, 1983

AN ACT

1 Amending the act of January 24, 1966 (1965 P.L.1527, No.535),
2 entitled "An act providing for and regulating the licensing
3 of landscape architects; fixing fees; creating the State
4 Board of Landscape Architects; imposing powers and duties on
5 the Department of State, the Commissioner of Professional and
6 Occupational Affairs and the board; and prescribing unlawful
7 acts and penalties," reestablishing and continuing the State
8 Board of Landscape Architects; increasing per diem
9 reimbursement for board members; providing for removal from
10 the board for nonattendance at meetings; removing the
11 requirement that the board keep a list of all licensed
12 landscape architects; requiring the board to furnish the
13 General Assembly with status reports of pending formal
14 complaints; reducing the experience requirement of
15 applicants; and making editorial changes.

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

18 Section 1. Section 2(1) of the act of January 24, 1966 (1965
19 P.L.1527, No.535), known as the Landscape Architects'
20 Registration Law, added June 17, 1982 (P.L.527, No.151), is
21 amended to read:

22 Section 2. Definitions.--As used in this act:

23 (1) "Board" means the State Board of Landscape Architects

1 which shall consist of seven persons appointed by the Governor
2 [which shall aid and assist in the administration of this act.
3 Two members of the board shall represent the public at large.
4 The remaining members of the board, not less than four of whom
5 shall be landscape architects and not less than one of whom
6 shall be a landscape nurseryman, shall be appointed for terms of
7 three years and one of whom shall be elected chairman and one of
8 whom shall be elected secretary. The members of the board shall
9 hold office until their successors are appointed and qualified
10 but not longer than six months beyond the three-year period. The
11 Commissioner of Professional and Occupational Affairs shall be
12 an ex officio member of the board. The members shall receive
13 thirty dollars (\$30) per diem for each day actually engaged in
14 attendance at meetings of the board. The members shall also
15 receive the amount of actual traveling, hotel and other
16 necessary expenses incurred in the performance of their duties].

17 * * *

18 Section 2. The act is amended by adding a section to read:

19 Section 2.1. Board Established; Terms of Office;
20 Qualifications of Members; Compensation; Attendance.--The State
21 Board of Landscape Architects is hereby established and shall
22 consist of seven persons, appointed by the Governor, who shall
23 aid and assist in the administration of this act. Two members of
24 the board shall represent the public at large and shall be
25 appointed for terms of three years. The remaining members of the
26 board, not less than four of whom shall be landscape architects
27 and not less than one of whom shall be a landscape nurseryman,
28 shall be appointed for terms of three years. One member shall be
29 elected chairman and one shall be elected secretary. The members
30 of the board shall hold office until their successors are

1 appointed and qualified but not longer than six months beyond
2 the three-year period. The Commissioner of Professional and
3 Occupational Affairs shall be an ex-officio member of the
4 board. The members shall receive sixty dollars (\$60) for each
5 day they attend meetings of the board. Members shall receive, in
6 addition, the amount of actual travel, hotel and other necessary
7 expenses incurred in performing their duties to the board. A
8 member who fails to attend three consecutive meetings shall
9 forfeit his seat unless the Commissioner of Occupational and
10 Professional Affairs, upon written request from the member,
11 finds that the member should be excused from a meeting because
12 of illness or the death of an immediate family member.

13 Section 3. Section 4 of the act, amended June 17, 1982
14 (P.L.527, No.151) and repealed in part December 9, 1982
15 (P.L.1023, No.238), is amended to read:

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

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

23 (2) Cause to be administered, the C.L.A.R.B. Uniform
24 National Examination, or such other examination, as may be
25 approved by the board at least once each year; to provide the
26 subjects, character, manner, time and place of examinations for
27 licenses to practice landscape architecture and the filing of
28 applications for the examinations; to make written reports of
29 the examination, which reports shall be preserved in the
30 department for a period of not less than three years; and to

1 issue licenses and certificates to such persons as successfully
2 pass the examinations, and to collect appropriate fees for such
3 examinations.

4 (3) To permit, subject to the provisions of this section and
5 the rules and regulations of the board promulgated thereunder
6 prescribing the qualifications for a landscape architect
7 license, the practice of landscape architecture in the
8 Commonwealth under a landscape architect license issued under
9 the laws of any other state which maintains a system and
10 standards of qualifications at least equal to those required in
11 Pennsylvania, upon payment of the current fee established by the
12 board and upon submission of evidence satisfactory to the board.

13 (3.1) To exempt from examination an applicant who holds a
14 license or certificate to practice landscape architecture issued
15 to him by another state which maintains a system and standards
16 of qualifications and administers the C.L.A.R.B. Uniform
17 Examination.

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

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

29 (5) To provide for, regulate and require all persons
30 licensed and registered in accordance with the provisions of

1 this act to register biennially with the board; to prescribe the
2 form of such registration; to require as a condition precedent
3 to such biennial registration the payment of biennial
4 registration fees as shall be fixed by this act, and to issue
5 biennial registration to such persons, and suspend or revoke the
6 license or registration of such persons who fail, refuse or
7 neglect to register within such time as the board shall
8 prescribe by its rules and regulations.

9 [(6) To keep a roster showing the names and addresses of the
10 places of business of all registered landscape architects
11 licensed under this act and registered by the department. Copies
12 of the roster and rules and regulations shall be made
13 available.]

14 (6.1) To submit annually, to the Professional Licensure
15 Committee of the House and the Consumer Affairs and Professional
16 Licensure Committee of the Senate, a description of the types of
17 complaints received, status reports of the cases, board action
18 which has been taken and length of time from the initial
19 complaint to final board resolution.

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

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

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

1 disapproval shall the board proceed with the adoption of the
2 rule, regulation or amendment in accordance with section 202 of
3 the act of July 31, 1968 (P.L.769, No.240), referred to as the
4 Commonwealth Documents Law.

5 Section 4. Section 6 of the act, amended June 17, 1982
6 (P.L.527, No.151), is amended to read:

7 Section 6. Application for License; Qualifications and
8 Experience Requirements of Applicants.--(a) A person desiring
9 to be registered and licensed to practice landscape architecture
10 and to use the title "landscape architect" in this Commonwealth
11 shall, except as herein provided in this act, make written
12 application for examination to the board, together with such
13 evidence of qualifications as may be prescribed by the rules and
14 regulations of the board.

15 (b) Each applicant shall be of good moral character and
16 shall not have had an application, license or certificate to
17 engage in the practice of landscape architecture refused,
18 suspended or revoked by a state of the United States; and (i)
19 has, before admission to the examination, completed the course
20 of study in, and has been graduated with a degree, from a
21 college or school of landscape architecture approved by the
22 board; (ii) shall submit, before admission to the examination,
23 evidence of at least two years practical experience in landscape
24 architectural work of a grade and character satisfactory to the
25 board as determined by a notarized application questionnaire. An
26 approved year of study in the approved college or school of
27 landscape architecture may be accepted in lieu of one year of
28 experience and the applicant shall submit evidence of sufficient
29 additional acceptable experience of at least six years of
30 combined education and experience; or (iii) in lieu of

1 graduation from an approved college or school of landscape
2 architecture and the practical experience in addition thereto,
3 an applicant may be admitted to the examination upon presenting
4 evidence of at least eight years of actual, practical experience
5 in landscape architectural work of a grade and character
6 satisfactory to the board.

7 (c) The board may register and license without written
8 examination (i) a person who holds an unexpired license or
9 certification of registration issued by proper authority of
10 another state or foreign country in which the requirements and
11 qualifications to engage in the practice of landscape
12 architecture were at the time of initial issuance of a license
13 or certificate of registration at least equal to the standards
14 of this Commonwealth existing at that time; or (ii) [a person
15 possessed of long established and recognized standing in the
16 landscape architectural field, with a record of not less than
17 twenty-five years' experience in landscape architecture, of
18 which at least fifteen years has been in responsible charge of
19 landscape architectural work or teaching. An applicant may make
20 application, pay the required registration fees and be issued a
21 certificate of registration as a landscape architect upon an
22 oral examination and after approval of the majority of the
23 board. In situations provided for in this subsection the board
24 may, in cases of question, offer the applicant the opportunity
25 to take the written examination] an applicant who has ten years
26 of active experience as a landscape architect and is a graduate
27 of an approved institution, or who has fifteen years of active
28 experience even though not a graduate of an approved
29 institution, if in the opinion of the board the experience is of
30 such grade and character as to fit the person to assume

1 responsible charge of work involved in the practice of landscape
2 architecture.

3 Section 5. The State Board of Landscape Architects is hereby
4 reestablished and continued.

5 Section 6. This act shall take effect December 1, 1983.