

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 1110

Short Title: Landscape Architects.

(Public)

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Sponsors: Representatives McMahan; Berry, Buchanan, Culp, Dockham, Gulley, Starnes, Tallent, and Weatherly.

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Referred to: Rules, Calendar and Operations of the House.

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April 21, 1997

1 A BILL TO BE ENTITLED  
2 AN ACT AMENDING THE STATUTES RELATED TO LANDSCAPE  
3 ARCHITECTS.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 89A-1 reads as rewritten:

6 "**§ 89A-1. Definitions.**

7 The following definitions apply in this Chapter:

8 (a) (1) ~~'Board' shall mean the Board.~~ – The North Carolina Board of  
9 Landscape Architects, established by G.S. 89A-3. Architects.

10 (b) (2) ~~'Landscape architect' shall mean a Landscape architect.~~ – A  
11 person who, on the basis of demonstrated knowledge acquired by  
12 professional education or practical experience, or both, has been  
13 granted, and holds a current certificate entitling him or her to practice  
14 'landscape architecture' and to use the title 'landscape architect' in  
15 North Carolina under the authority of this Chapter.

16 (c) (3) ~~'Landscape architecture,' or the 'practice of landscape~~  
17 ~~architecture' shall mean the preparation of plans and specifications~~  
18 ~~and supervising the execution of projects involving the arranging of~~  
19 ~~land and the elements used thereon for public and private use and~~

1 ~~enjoyment, embracing drainage, soil conservation, grading and~~  
2 ~~planting plans and erosion control, in accordance with the accepted~~  
3 ~~professional standards of public health, safety and welfare. Landscape~~  
4 ~~architecture or the practice of landscape architecture. – Planning and~~  
5 ~~designing the use, allocation, and arrangement of land and water~~  
6 ~~resources, through the creative application of biological, physical,~~  
7 ~~mathematical, and social processes. To the extent that these services~~  
8 ~~involve safeguarding life, health, and property, and include other~~  
9 ~~professional services that may be necessary to the planning, progress,~~  
10 ~~and completion of any landscape architectural services, such services~~  
11 ~~may include:~~

- 12 a. Consultation, research, analysis and assessment, selection, and  
13 allocation of land and water resources.
- 14 b. Formulation of graphic and written criteria to govern the  
15 planning and design of land construction development programs  
16 including:
- 17 1. The preparation, review, and analysis of master and site  
18 plans.
- 19 2. Reconnaissance, planning, design, preparation of  
20 drawings, construction documents and specifications, and  
21 responsible construction observation.
- 22 c. Design coordination and review of technical submissions plans  
23 and construction documents prepared by other professionals  
24 working under the direction of the landscape architect.
- 25 d. Land preservation, restoration, conservation, reclamation,  
26 rehabilitation, management and development.
- 27 e. Feasibility studies and site selection for developments.
- 28 f. Integration, site analysis and determination of settings, grounds  
29 and location of buildings, structures, transportation systems, and  
30 environmental systems.
- 31 g. Analysis and design of any of the following: grading and  
32 drainage, stormwater management, irrigation, systems for erosion  
33 and sediment controls, planting plans, lighting, and ground cover.
- 34 h. Wetland construction and management.
- 35 i. Feasibility studies, cost approximations, and reports for  
36 development."

37 Section 2. G.S. 89A-2 reads as rewritten:

38 "**§ 89A-2. Use Practice of landscape architecture or use of title 'landscape architect'**  
39 **without registration prohibited; use of seal.**

40 (a) ~~On and after January 1, 1970, no~~ No person shall use the designation 'landscape  
41 architect,' 'landscape architecture,' or 'landscape architectural,' or advertise any title or  
42 description tending to convey the impression that he or she is a landscape architect or  
43 shall engage in the practice of landscape architecture unless such ~~such~~ the person is registered

1 ~~or has obtained a temporary permit~~ as a landscape architect in the manner hereinafter  
2 provided and ~~shall thereafter comply~~ thereafter complies with the provisions of this  
3 Chapter. Every holder of a certificate shall display it in a conspicuous place in his or her  
4 principal office, place of business or employment.

5 (b) Nothing in this Chapter shall be construed as ~~authorizing (i) to authorize a~~  
6 landscape architect to engage in the practice of architecture, ~~engineering-engineering,~~ or  
7 land surveying, ~~nor (ii) to restrict or otherwise affect the rights of any person licensed to~~  
8 practice architecture under Chapter 83A, or engineering or land surveying under Chapter  
9 89C of the General Statutes; ~~Statutes,~~ or (iii) to restrict any person from engaging in the  
10 occupation of grading lands whether by hand tools or machinery, or (iv) to restrict the  
11 planting, ~~maintaining-maintaining,~~ or marketing of plants or plant ~~materials. Provided,~~  
12 ~~however, that no individual shall use the title 'landscape architect' unless he has complied with~~  
13 ~~the provisions of this Chapter. materials.~~

14 (c) Each landscape architect shall, upon registration, obtain a seal of the design  
15 authorized by the Board, bearing the name of the registrant, number of certificate and the  
16 legend 'N.C. Registered Landscape Architect'. Such seal may be used only while the  
17 registrant's certificate is in full force and effect.

18 Nothing in this Chapter shall be construed as authorizing the use or acceptance of the  
19 seal of a landscape architect ~~in lieu~~ instead of or as a substitute for the seal of an architect,  
20 ~~engineer-engineer,~~ or land surveyor."

21 Section 3. G.S. 89A-3 reads as rewritten:

22 **"§ 89A-3. North Carolina Board of Landscape Architects; appointments; powers.**

23 (a) There is created the North Carolina Board of Landscape Architects, consisting  
24 of seven members appointed by the Governor for four-year staggered terms. Five  
25 members of the Board shall have been engaged in the practice of landscape architecture  
26 in North Carolina at least five years at the time of their respective appointments. Two  
27 members of the Board shall not be landscape architects and shall represent the interest of  
28 the public at large. Each member shall hold office until the appointment and qualification  
29 of his or her successor. Vacancies occurring prior to the expiration of the term shall be  
30 filled by appointment for the unexpired term. No member shall serve more than two  
31 complete consecutive terms.

32 ~~The Governor shall appoint the two public members not later than July 1, 1979, to~~  
33 ~~serve four-year terms.~~

34 The Board shall be subject to the provisions of Chapter 93B of the General Statutes.

35 (b) The Board shall elect annually from its members a ~~chairman-chair~~ and a ~~vice-~~  
36 ~~chairman-vice-chair~~ and shall hold such meetings during the year as it may determine to  
37 be necessary, one of which shall consist of the annual meeting. A quorum of the Board  
38 shall consist of not less than three members.

39 (c) The Board shall have power to compel the attendance of witnesses, to  
40 administer oaths, and to take testimony and proofs of all matters within its jurisdiction.  
41 The Board shall have the power to make such rules not inconsistent with law as may be  
42 necessary in the performance of its duties.

1 (d) The Board shall elect a secretary, who may or may not be a member of the  
2 Board, and who shall hold office at the pleasure of the Board. The members of the Board  
3 shall not be compensated except that the secretary shall receive such salary as is fixed by  
4 the Board. The members of the Board shall, however, be entitled to be reimbursed from  
5 Board funds for all proper traveling and incidental expenses incurred in carrying out the  
6 provisions of this Chapter."

7 Section 4. G.S. 89A-4 reads as rewritten:

8 **"§ 89A-4. Application, examination, certificate.**

9 (a) Any person hereafter desiring to be registered and licensed to use the title  
10 'landscape architect' and to practice landscape architecture in the State, shall make a  
11 written application for examination to the Board, on a form prescribed by the Board,  
12 together with such evidence of his or her qualifications as may be prescribed by rules ~~and~~  
13 ~~regulations~~ of the Board. Minimum qualifications under such rules shall require that the  
14 ~~applicant~~ applicant:

15 (1) Shall be at least 18 years of ~~age and age~~.

16 (2) Shall be of good moral character; and that the applicant shall character.

17 (3) Shall be a graduate of an accredited collegiate curriculum in landscape  
18 architecture as approved by the ~~Board and Board~~.

19 (4) Shall have at least ~~one year's experience; three years' experience in~~  
20 landscape architecture.

21 (a1) ~~in lieu of such graduation and experience~~ Notwithstanding the requirements of  
22 subdivisions (a)(3) and (4) of this section, any person who has had a minimum of seven  
23 years of education and experience in landscape architecture, in any combination deemed  
24 suitable by the Board, may make application to the Board for examination.

25 (b) If ~~said~~ the application is satisfactory to the Board, and is accompanied by the  
26 fees required by this Chapter, then the applicant shall be entitled to an examination to  
27 determine his or her qualifications. If the result of the examination of any applicant shall  
28 be satisfactory to the Board, then the Board shall issue to the applicant a certificate to use  
29 the title 'landscape architect' and to practice landscape architecture in North Carolina.  
30 Examinations shall be held at least once a year at a time and place to be fixed by the  
31 Board which shall determine the subjects and scope of the examination. The Board may  
32 adopt rules for administering the examination in one or more parts at the same time or at  
33 different times.

34 (c) The Board, within its discretion, may issue ~~temporary permits pending~~  
35 ~~examinations, or without examination may grant licenses,~~ licenses without examination and  
36 licenses by reciprocity, reciprocity or comity to persons holding a license or certificate in  
37 landscape architecture from any legally constituted board of examiners in another state or  
38 country whose registration requirements are deemed to be equal or equivalent to those of  
39 this State.

40 (d) ~~Provided that his application and application fee be received by the Board prior~~  
41 ~~to the first day of July, 1971, any applicant who presents evidence satisfactory to the~~  
42 ~~Board that he was actively engaged in the practice of landscape architecture as herein~~

1 defined, on or before July 1, 1968, shall be issued a certificate without the requirement  
2 for examination.

3 (e) The Board, within its discretion, may grant a title only license to persons who  
4 have held for a minimum of 20 years a license or certificate in landscape architecture  
5 issued by the Board or a legally constituted board of examiners in another state or  
6 country whose registration requirements are equal or equivalent to those of this State.  
7 The title only license shall allow the person to use the title 'landscape architect emeritus',  
8 but the person shall not practice landscape architecture in this State unless the person  
9 complies with the provisions of this Chapter. There shall be no fee charged for a title only  
10 license."

11 Section 5. G.S. 89A-5 reads as rewritten:

12 **"§ 89A-5. Annual renewal of certificate.**

13 Every registrant under this Chapter shall, on or before the first day of July in each  
14 year, obtain a renewal of a certificate for the ensuing year, by application, accompanied  
15 by the required fee; ~~and upon fee.~~ Upon failure to renew, ~~his~~ the certificate shall be  
16 automatically ~~revoked; but such~~ revoked. The certificate may be renewed at any time  
17 within one year ~~upon payment of the prescribed renewal fee and penalty for late renewal, as~~  
18 ~~provided by this Chapter, upon evidence satisfactory to the Board after its expiration if the~~  
19 applicant pays the required renewal fee and late renewal penalty, and the Board finds that  
20 the applicant has not used his or her certificate or title or engaged in the practice of  
21 landscape architecture after notice of revocation and is otherwise eligible for registration  
22 under the provisions of this Chapter. When necessary to protect the public health, safety,  
23 or welfare, the Board shall require such evidence as it deems necessary to establish the  
24 continuing competency of licensees as a condition of license renewal."

25 Section 6. G.S. 89A-8 reads as rewritten:

26 **"§ 89A-8. Violation a misdemeanor; injunction to prevent violation.**

27 (a) It shall be a ~~Class 1~~ Class 2 misdemeanor for any person to use, or to hold  
28 himself or herself out as entitled to practice ~~under,~~ under the title of landscape architect or  
29 landscape architecture or to practice landscape architecture unless he or she is duly  
30 registered under the provisions of this Chapter.

31 (b) The Board may appear in its own name in the courts of the State and apply for  
32 injunctions to prevent violations of this Chapter."

33 Section 7. This act is effective when it becomes law.