

HOUSE No. 207

The Commonwealth of Massachusetts

PRESENTED BY:

Carolyn C. Dykema

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to landscape architects.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>	<i>1/16/2013</i>

HOUSE No. 207

By Ms. Dykema of Holliston, a petition (accompanied by bill, House, No. 207) of Carolyn C. Dykema relative to regulating landscape architects. Consumer Protection and Professional Licensure.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 3266 OF 2011-2012.]

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act relative to landscape architects.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 98 of chapter 112 of the General Laws, as appearing in the 2008
2 Official Edition, is hereby amended by striking out, in line 4, the word “him” and inserting in
3 place thereof the following word:- them .

4 SECTION 2. Said section 98 of said chapter, as so appearing, is hereby further amended
5 by striking out, in line 24, the word “his”, and inserting in place thereof the following word:-
6 their .

7 SECTION 3. Chapter 112 of the General Laws is hereby further amended by striking out
8 section 99, as appearing in the 2008 Official Edition, and inserting in place thereof the following
9 section: -

10 Section 99. No person shall practice or offer to practice as a landscape architect in the
11 commonwealth, unless such person shall have secured from the board a certificate of registration
12 as a landscape architect. No person shall represent themselves to be a landscape architect or use
13 the title landscape architect in the commonwealth on any sign, title, card, or other device to
14 indicate such person is a landscape architect, unless such person shall have secured from the
15 board a certificate of registration as a landscape architect. Every holder of a certificate of such

16 registration shall display it in a conspicuous place in their principal office or place of
17 employment within the commonwealth.

18 The following persons and activities are exempted from the provisions of this
19 chapter: any architect registered under chapter 112, and any professional engineer registered
20 under section 45 of chapter 13.

21 Nothing in this chapter shall prevent a vendor of goods, services or materials, including,
22 but not limited, to irrigation designers, irrigation auditors, horticulturists, arborists, nursery staff,
23 gardeners, landscape gardeners, landscape preservationists, wetlands scientists, environmental
24 consultants, stone masons, and general or landscape contractors, from providing drawings or
25 graphic diagrams necessary for the proper layout of their goods or materials or as normally
26 included as part of their services, and nothing in this chapter shall prevent a landscape designer
27 from engaging in, for a fee, the design of outdoor spaces utilizing plants, grade alterations, soils,
28 soil amendments, paving, drainage solutions, building materials, or other utilities and amenities
29 normally included as a part of their work, or shall prevent them from arranging for installation of
30 same.

31 Nothing in this chapter shall be construed as in any manner to prohibit a person from
32 making plans, drawings, or specifications for the personal use and enjoyment of any property
33 which they own. Nothing in this chapter shall prevent the improvement by any person of land in
34 agriculture.

35 Notwithstanding the provisions of this section, no person exempted under this section or
36 any person engaged in activities exempted under this section shall use the title “landscape
37 architect” unless such person complies with the provisions of this chapter.

38 SECTION 4. Section 100 of said chapter 112, as so appearing, is hereby amended by
39 striking out the second and third sentences and inserting in place thereof the following 2
40 sentences:- All plans, specifications and reports prepared by a registered landscape architect or
41 prepared under their supervision, shall be stamped with the impression of such seal. A registered
42 landscape architect shall impress their seal on any plans, specifications or reports only if their
43 certificate of registration is in full force and if they were the author of such plans, specifications
44 and reports or in responsible supervision of their preparation.

45 SECTION 5. Section 101 of said chapter, as so appearing, is hereby amended by striking
46 out, in clause (a), the words “he is at least twenty-three years of age and” and inserting in place
47 thereof the following words:- the applicant is .

48 SECTION 6. Said section 101 of said chapter, as so appearing, is hereby further amended
49 by striking out clause (b) and inserting in place thereof the following clause:-

(b) the applicant is a citizen of the United States or has legally declared their intention of so becoming, or the applicant has a current visa issued by the Federal Bureau of Citizenship and Immigration Services;

SECTION 7. Clause (c) of said section 101 of said chapter, as so appearing, is hereby amended

by striking out the first sentence and inserting in place thereof the following sentence:-

the applicant has completed the course of study and been graduated from a college or school of

landscape architecture approved by the board and the applicant has had 2 years of practical

experience in landscape architectural work of a grade and character satisfactory to the board.

SECTION 8. Section 102 of said chapter, as so appearing, is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:- Except as hereinafter provided, every applicant for registration as a landscape architect shall be required, in addition to all other requirements, to establish, by written examination, their competency to plan, design, specify and supervise the installation of landscape projects.

SECTION 9. Said section 102 of said chapter, as so appearing, is hereby further amended by adding the following paragraph:-

All persons holding a certificate of registration as a landscape architect in the commonwealth shall participate in a mandatory continuing education program, to be overseen and managed by the board or by a subcommittee designated by said board in accordance with the following:

(a) all persons holding a certificate of registration as a landscape architect in the commonwealth under this chapter shall apply to the board for renewal of their certificate on or before the anniversary of the date of birth of the holder of said certificate next occurring more than 36 months after the date of issuance of the license and every 3 years thereafter. An application for renewal of license shall be approved for those applicants who provide evidence of successful completion of at least 36 contact hours triennially of continuing education for licensed landscape architects as approved by the board, and provide evidence of compliance with such other requirements or equivalent requirements as approved by the board. One contact hour shall be considered equal to 50 minutes of instruction. At least 12 contact hours must be earned by attendance of a live presentation. Holders of said certificates shall not be permitted to carry over continuing education from one triennial period to the next;

(b) the board may draft regulations to determine the value in contact hours of various activities as shall qualify for credit as continuing education;

(c) acceptable activities for consideration by the board for eligibility for credit as contact hours for continuing education for the purpose of renewal of certification of registration as a landscape architect in the commonwealth may include those that increase the landscape architect's knowledge and understanding of technical subjects and contribute directly to the improvement of the landscape architect's professional knowledge and competence to practice landscape architecture; Such subjects include, but are not limited to: legal issues that influence the design of land areas, the construction of land areas or that influence any construction that impacts land areas; administrative and professional topics that pertain to the practice of landscape architecture; land use and land use history; sociological, behavioral and cultural influence on design or land use; natural conditions and ecosystems; resource preservation; wetland protection, preservation and remediation; topology; hydrology; hydraulics; natural vegetation and succession; principles of sustainability; soils sciences and analysis; design and planning principles and techniques; universal-accessible design; transportation systems and roadway design; pedestrian and vehicular circulation; planting design; landscape maintenance practices; playground safety standards and guidelines; irrigation design; lighting design; construction methods and techniques; building materials; construction and land use permitting; construction sequencing; principles and practice of grading, drainage, erosion and sedimentation control; utility system design and requirements; design, structural requirements, construction and permitting of site amenities including small structures; teaching a graduate or undergraduate level course, seminar or workshop at an accredited institution on such a topic as listed above; delivering a lecture or presenting a paper on such a topic as listed above; publishing articles or books on such a topic as listed above, or one otherwise determined by the board to be appropriate for credit as continuing education contact hours;

(d) courses, programs, seminars, workshops or similar events that provide opportunity for continuing education contact hours as set forth in this section must provide the individual participant with documentation for recordkeeping and reporting; it is the responsibility of the applicant for renewal of a certificate of registration as landscape architect to maintain a written record of all continuing education relevant to application for renewal of said certificate for a 6-year period; such records must include: certificates of attendance, activities descriptions, records of credits maintained by providers who may qualify or certify such records and activities, and other documentation that verifies the content, date, time and duration of the activity or event;

(e) continuing education credits obtained in other states shall be accepted if the credits meet the standards of the commonwealth as set forth in this section;

(f) the board may make exemptions from the continuing education provisions of this section for:

i. holders of certificates on temporary active duty in the U.S. Armed Forces for a period greater than 90 days in one year, where such activity restricts participation in continuing education activities; and

ii. holders of certificates experiencing physical or mental disability, serious illness, or other extenuating circumstances that prevent professional practice of landscape architecture for an extended period of time. Such hardship cases shall be considered by the board on an individual basis.

SECTION 10. Section 103 of said chapter, as so appearing, is hereby amended by striking out clause (b) and inserting in place thereof the following clause:-

(b) Failure to renew a certificate of registration within 60 days after notification by the board that their certificate has expired, shall, before again using the title of landscape architect within the commonwealth, be required to reregister, and may be required by the board to be reexamined.

SECTION 11. Section 106 of said chapter, as so appearing, is hereby amended by striking out clause(f) and inserting in place thereof the following clause:-

(f) that the holder of such certificate of registration has permitted or suffered their official seal to be affixed to any plans, specifications, drawings or reports, if such plans, specifications, drawings or reports were not prepared by them or under their personal supervision by their employed subordinates.

SECTION 12. Section 107 of said chapter, as so appearing, is hereby amended, by striking out clause (a) and inserting in place thereof the following clause:-

(a) hold themselves as a landscape architect unless they are registered under the provisions of sections 98 to 106, inclusive;

SECTION 13. Said section 107 of said chapter, as so appearing, is hereby further amended by striking out clause (b) and inserting in place thereof the following clause:-

(b) present as their own the certificate of registration of another;

SECTION 14. Said section 107 of said chapter, as so appearing, is hereby further amended by striking out the last sentence and inserting in place thereof the following sentence:- Each such violation shall be punished by a fine of not less than \$100 nor more than \$5,000, or by imprisonment in a jail or house of correction for not more than 1 year, or by both such fine and imprisonment.