

CHAPTER 1045

LANDSCAPE ARCHITECT LICENSURE

H.F. 2281

AN ACT requiring the licensure of landscape architects.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 544B.1, subsection 2, Code 2001, is amended to read as follows:

2. “Landscape Professional landscape architect” means a person who has obtained a license pursuant to section 544B.2, and who engages in the practice of landscape architecture as defined in this section.

Sec. 2. Section 544B.1, subsection 3, Code 2001, is amended to read as follows:

3. The “practice of landscape architecture” means the performance of professional services such as consultations, investigations, reconnaissance, research, planning, design, or responsible supervision in connection with projects involving the arranging of land and the elements thereon for public and private use and enjoyment, including the alignment of roadways and the location of buildings, service areas, parking areas, walkways, steps, ramps, pools and other structures, and the grading of the land, surface and subsoil drainage, erosion control, planting, reforestation, and the preservation of the natural landscape and aesthetic values, in accordance with accepted professional standards of public health, welfare, and safety. This practice shall include the location and arrangement of such tangible objects and features as are incidental and necessary to the purposes outlined in this chapter but shall not include the design of structures or facilities with separate and self-contained purposes for habitation or industry, or the design of public streets and highways, utilities, storm and sanitary sewers, and sewage treatment facilities, such as are ordinarily included in the practice of engineering or architecture; and shall not include the making of land surveys or final land plats for official approval or recording. ~~Nothing contained in this chapter shall preclude a licensed landscape architect from performing any of the services described in this section in connection with the settings, approaches or environment for buildings, structures or facilities.~~ Nothing contained in this chapter shall be construed as authorizing a professional landscape architect to engage in the practice of architecture, engineering, or land surveying.

Sec. 3. Section 544B.2, Code 2001, is amended by striking the section and inserting in lieu thereof the following:

544B.2 LICENSE REQUIRED.

A person shall not engage in the practice of landscape architecture, or use the title “landscape architect”, “professional landscape architect”, “landscape architecture designer”, or use other titles or words, letters, figures, signs, cards, advertisements, symbols, or other devices to represent that the person or a business associated with the person is authorized to practice landscape architecture, without first obtaining a license as a professional landscape architect from the board pursuant to this chapter. Every holder of a license as a professional landscape architect shall display it in a conspicuous place in the holder’s principal office.

Sec. 4. Section 544B.3, unnumbered paragraph 1, Code 2001, is amended to read as follows:

A landscape architectural examining board is created within the professional licensing and regulation division of the department of commerce. The board consists of five members who are ~~registered~~ professional landscape architects and two members who are not ~~registered~~ professional landscape architects and who shall represent the general public. Members shall be appointed by the governor, subject to confirmation by the senate. A ~~registered~~ professional member shall be actively engaged in the practice of landscape architecture or the teaching of landscape architecture in an accredited college or university, and shall have been so engaged

for five years preceding appointment, the last two of which shall have been in Iowa. ~~Professional associations~~ Associations or societies composed of ~~registered professional~~ landscape architects may recommend the names of potential board members to the governor. However, the governor is not bound by the recommendations. A board member shall not be required to be a member of any professional association or society composed of professional landscape architects.

Sec. 5. Section 544B.5, Code 2001, is amended to read as follows:
544B.5 DUTIES.

The board shall enforce this chapter, shall make rules for the examination of applicants for ~~the certificate of registration licensure~~, and, after public notice, shall conduct examinations of applicants for ~~registration licensure~~. The board shall keep a record of its proceedings. The board shall adopt an official seal which shall be affixed to all certificates of ~~registration licensure~~ granted. The board may make other rules, not inconsistent with law, as necessary for the proper performance of its duties. The board shall maintain a roster showing the name, place of business, and residence, and the date and number of the certificate of ~~registration licensure~~ of every ~~registered professional~~ landscape architect in this state. The administrator of the professional licensing and regulation division of the department of commerce shall hire and provide staff to assist the board in implementing this chapter.

Sec. 6. Section 544B.8, unnumbered paragraph 1, Code 2001, is amended to read as follows:

The board shall conduct examinations of applicants for certificates of ~~registration licensure~~ as professional landscape architects at least once each year, or, if there are sufficient applications, at such additional times as the board may deem necessary. The examination shall determine the ability of the applicant to use and understand the theory and practice of landscape architecture and may be divided into such subjects as the board deems necessary. The board shall determine the annual cost of administering the examinations and shall set the fees accordingly. The public members of the board shall be allowed to participate in administrative, clerical, or ministerial functions incident to giving the examination, but shall not determine the content of the examination or determine the correctness of the answers.

Sec. 7. Section 544B.9, Code 2001, is amended to read as follows:
544B.9 APPLICATIONS.

Any person may apply for a certificate of ~~registration licensure~~ or may apply to take an examination for such certification. Applications for ~~registration licensure~~ shall be on forms prescribed and furnished by the board, shall contain statements made under oath, showing the applicant's education and detail summary of the applicant's pertinent practical landscape architectural work and experience. The board shall not require that a recent photograph of the applicant be attached to the application form. An applicant shall not be ineligible for ~~registration licensure~~ because of age, citizenship, sex, race, religion, marital status, or national origin. The board may consider the past felony record of an applicant only if the felony conviction relates directly to the practice of landscape architecture. Character references may be required but shall not be obtained from professional landscape architects. An application for examination shall be accompanied by an examination fee in the amount determined by the board. Each applicant for ~~registration licensure~~ as a professional landscape architect shall meet one of the following requirements:

1. Graduation from a course in landscape architecture in a school, college or university offering an accredited minimum four-year curriculum in landscape architecture, and a minimum of three years of practical experience in landscape architectural work which in the opinion of the board is of satisfactory character, at least one year of which must be under the supervision of a ~~registered professional~~ landscape architect or a person who becomes a ~~registered professional~~ landscape architect within one year after July 1, 1975 2002.

2. Graduation from a nonaccredited course of landscape architecture of a minimum of four years in a school, college or university and a minimum of four years of practical experience in landscape architectural work which in the opinion of the board is of satisfactory character, at least one year of which must be under the supervision of a registered professional landscape architect or a person who becomes a registered landscape architect within one year after July 1, 1975.

3. A minimum of ten years of practical experience in landscape architectural work which in the opinion of the board is of satisfactory character to properly prepare the applicant for the examination.

A satisfactorily completed year of study in an accredited course of landscape architecture in an accredited school, college or university may be accepted in lieu of one year of practical experience.

A master's degree from an accredited school, college, or university may be accepted in lieu of one year of practical experience.

Any four-year college or university degree may be accepted in lieu of two years of practical experience.

Sec. 8. Section 544B.10, Code 2001, is amended to read as follows:

544B.10 FOREIGN REGISTRANTS.

Any applicant who holds a license or certificate to practice landscape architecture issued to the applicant upon examination by a board of examiners in any other state, territory, or possession of the United States, the District of Columbia, or of any foreign country, if the requirements for such license or certificate were, at the time it was issued, in the opinion of the board, equal to or higher than the requirements of this state, may be registered licensed without further examination.

Sec. 9. Section 544B.11, Code 2001, is amended to read as follows:

544B.11 REGISTRATION LICENSURE.

When an applicant has complied with the application requirements of this chapter and has passed the examination to the satisfaction of a majority of the registered licensed members of the board, or is a foreign registrant and has qualified for registration licensure under this chapter, and has paid the required registration licensure fee, the secretary shall enroll the applicant's name and address in the roster of registered professional landscape architects and issue to the applicant a certificate of registration licensure, signed by the officers of the board.

Sec. 10. Section 544B.12, Code 2001, is amended to read as follows:

544B.12 SEAL.

Every registered professional landscape architect shall have a seal, approved by the board, which shall contain the name of the landscape architect and the words "Registered Professional Landscape Architect, State of Iowa", and such other words or figures as the board may deem necessary. All landscape architectural plans and specifications, prepared by such professional landscape architect or under the supervision of such professional landscape architect, shall be dated and bear the legible seal of such registered professional landscape architect. Nothing contained in this section shall be construed to permit the seal of a professional landscape architect to serve as a substitute for the seal of a licensed architect, a licensed professional engineer or land surveyor whenever the seal of an architect, engineer or land surveyor is required under the laws of this state.

Sec. 11. Section 544B.13, Code 2001, is amended to read as follows:

544B.13 RENEWALS.

Certificates of registration licensure shall expire in multiyear intervals as determined by the board. Registered Professional landscape architects shall renew their certificates of registra-

~~tion licensure~~ and pay a renewal fee in the manner and amount prescribed by the board. A person who fails to renew a certificate by the expiration date shall be allowed to do so within thirty days following its expiration, but the board may assess a reasonable penalty.

Sec. 12. Section 544B.14, unnumbered paragraph 1, Code Supplement 2001, is amended to read as follows:

The board shall set the fees for a certificate of ~~registration licensure~~ as a ~~registered professional~~ landscape architect, and for renewal of a certificate. The fee for a certificate of ~~registration licensure~~ and for renewal of a certificate shall be based upon the administrative costs of sustaining the board which shall include, but shall not be limited to, the costs for:

Sec. 13. Section 544B.15, Code 2001, is amended to read as follows:

544B.15 SUSPENSION, REVOCATION, OR REPRIMAND.

The board may by a five-sevenths vote of the entire board, suspend for a period not exceeding two years, or revoke the certificate of ~~registration licensure~~ of, or reprimand any ~~registrant licensee~~ who is found guilty of the following acts or offenses:

1. Fraud in procuring a certificate of ~~registration licensure~~.
2. Professional incompetency.
3. Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of the ~~registrant's licensee's~~ profession or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established.
4. Habitual intoxication or addiction to the use of drugs.
5. Conviction of a felony related to the profession or occupation of the ~~registrant licensee~~ that would affect the ~~registrant's licensee's~~ ability to practice professional landscape architecture. A copy of the record of conviction or plea of guilty is conclusive evidence.
6. Fraud in representations as to skill or ability.
7. Use of untruthful or improbable statements in advertisements.
8. Willful or repeated violations of the provisions of this ~~Act chapter~~.

Sec. 14. Section 544B.16, Code 2001, is amended to read as follows:

544B.16 PROCEDURE.

A person may file charges with the board against a professional landscape architect or the board may initiate charges. The charges shall be in writing, sworn to if by a complainant other than the board, and filed with the board. Unless the charges are dismissed by the board as unfounded or trivial, the board may request the department of inspections and appeals to conduct an investigation into the charges. The department of inspections and appeals shall report its findings to the board, and the board shall hold a hearing within sixty days after the date on which the charges are filed. The board shall fix the time and place for such hearing and shall cause a copy of the charges, together with a notice of the time and place fixed for the hearing, to be served on the accused at least thirty days before the date fixed for the hearing. Where personal service cannot be effected, service may be effected by publication. At such hearing, the accused shall have the right to appear personally or by counsel, to cross-examine witnesses against the accused, and to produce evidence and witnesses in defense. After the hearing, the board may suspend or revoke the certificate of ~~registration licensure~~. The board may restore the certificate of ~~registration licensure~~ to any person whose certificate of ~~registration licensure~~ has been revoked. Application for the restoration of a certificate of ~~registration licensure~~ shall be made in such manner, form and content as the board may prescribe.

Sec. 15. Section 544B.18, Code 2001, is amended to read as follows:

544B.18 UNLAWFUL PRACTICE.

Any person who uses the words "landscape architect", "professional landscape architect", or "landscape architecture designer", or any word or any letters or figures indicating or tend-

ing to imply that the person using the same is a professional landscape architect, without having a valid certificate of ~~registration licensure~~ as a professional landscape architect issued pursuant to this chapter, or who knowingly assists such a person, is guilty of a simple misdemeanor.

Sec. 16. Section 544B.20, subsection 5, Code 2001, is amended to read as follows:

5. To apply to the business conducted in this state by any planner, agriculturist, soil conservationist, horticulturist, tree expert, arborist, forester, nursery or landscape nursery person, gardener, landscape gardener, landscape contractor, garden or lawn caretaker, tiling contractor, grader or cultivator of land, golf course designer or contractor, or similar business. However, such person shall not use the designation landscape architect or any title or device indicating or representing that such person is a professional landscape architect or is practicing landscape architecture unless such person is ~~registered licensed~~ under the provisions of section 544B.11.

Sec. 17. Section 544B.21, Code 2001, is amended by striking the section and inserting in lieu thereof the following:

544B.21 EXAMINATION NOT REQUIRED.

Any person who is registered pursuant to this chapter on the effective date of this Act shall be issued a license to practice as a professional landscape architect.

Approved March 29, 2002

CHAPTER 1046

ABATEMENT OF NUISANCES BY CITIES — ASSESSMENT SCHEDULE

H.F. 2289

AN ACT relating to the preparation and filing of an assessment schedule for abatement of a nuisance by a city.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 384.59, Code 2001, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. In the case of the abatement of a nuisance by a city, the city clerk may prepare, sign, and file the assessment schedule and other related documents that would otherwise be required of the engineer.

Approved March 29, 2002