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S. 3/11/02 State Gov
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FEB 8 2002
STATE GOVERNMENT

HOUSE FILE 2281
BY BRADLEY and HATCH

Passed House, Date ^(P. 686) 3-11-02 Passed Senate, Date ^(P. 739) 3/30/02
Vote: Ayes 92 Nays 2 Vote: Ayes 40 Nays 7
Approved 3-29-02

A BILL FOR

1 An Act requiring the licensure of landscape architects.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2281

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

3 2. "landscape Professional landscape architect" means a
4 person who has obtained a license pursuant to section 544B.2,
5 and who engages in the practice of landscape architecture as
6 defined in this section.

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

9 3. The "practice of landscape architecture" means the
10 performance of professional services such as consultations,
11 investigations, reconnaissance, research, planning, design, or
12 responsible supervision in connection with projects involving
13 the arranging of land and the elements thereon for public and
14 private use and enjoyment, including the alignment of roadways
15 and the location of buildings, service areas, parking areas,
16 walkways, steps, ramps, pools and other structures, and the
17 grading of the land, surface and subsoil drainage, erosion
18 control, planting, reforestation, and the preservation of the
19 natural landscape and aesthetic values, in accordance with
20 accepted professional standards of public health, welfare, and
21 safety. This practice shall include the location and
22 arrangement of such tangible objects and features as are
23 incidental and necessary to the purposes outlined in this
24 chapter but shall not include the design of structures or
25 facilities with separate and self-contained purposes for
26 habitation or industry, or the design of public streets and
27 highways, utilities, storm and sanitary sewers, and sewage
28 treatment facilities, such as are ordinarily included in the
29 practice of engineering or architecture; and shall not include
30 the making of land surveys or final land plats for official
31 approval or recording. ~~Nothing contained in this chapter~~
32 ~~shall preclude a licensed landscape architect from performing~~
33 ~~any of the services described in this section in connection~~
34 ~~with the settings, approaches or environment for buildings,~~
35 ~~structures or facilities.~~ Nothing contained in this chapter

1 shall be construed as authorizing a professional landscape
2 architect to engage in the practice of architecture,
3 engineering, or land surveying.

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

6 544B.2 LICENSE REQUIRED.

7 A person shall not engage in the practice of landscape
8 architecture, or use the title "landscape architect",
9 "professional landscape architect", "landscape architecture
10 designer", or use other titles or words, letters, figures,
11 signs, cards, advertisements, symbols, or other devices to
12 represent that the person or a business associated with the
13 person is authorized to practice landscape architecture,
14 without first obtaining a license as a professional landscape
15 architect from the board pursuant to this chapter. Every
16 holder of a license as a professional landscape architect
17 shall display it in a conspicuous place in the holder's
18 principal office.

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

21 A landscape architectural examining board is created within
22 the professional licensing and regulation division of the
23 department of commerce. The board consists of five members
24 who are registered professional landscape architects and two
25 members who are not registered professional landscape
26 architects and who shall represent the general public.
27 Members shall be appointed by the governor, subject to
28 confirmation by the senate. A registered professional member
29 shall be actively engaged in the practice of landscape
30 architecture or the teaching of landscape architecture in an
31 accredited college or university, and shall have been so
32 engaged for five years preceding appointment, the last two of
33 which shall have been in Iowa. ~~Professional-associations~~
34 Associations or societies composed of registered professional
35 landscape architects may recommend the names of potential

1 board members to the governor. However, the governor is not
2 bound by the recommendations. A board member shall not be
3 required to be a member of any professional association or
4 society composed of professional landscape architects.

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

7 544B.5 DUTIES.

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

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

26 The board shall conduct examinations of applicants for
27 certificates of registration licensure as professional
28 landscape architects at least once each year, or, if there are
29 sufficient applications, at such additional times as the board
30 may deem necessary. The examination shall determine the
31 ability of the applicant to use and understand the theory and
32 practice of landscape architecture and may be divided into
33 such subjects as the board deems necessary. The board shall
34 determine the annual cost of administering the examinations
35 and shall set the fees accordingly. The public members of the

1 board shall be allowed to participate in administrative,
2 clerical, or ministerial functions incident to giving the
3 examination, but shall not determine the content of the
4 examination or determine the correctness of the answers.

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

7 544B.9 APPLICATIONS.

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

28 1. Graduation from a course in landscape architecture in a
29 school, college or university offering an accredited minimum
30 four-year curriculum in landscape architecture, and a minimum
31 of three years of practical experience in landscape
32 architectural work which in the opinion of the board is of
33 satisfactory character, at least one year of which must be
34 under the supervision of a registered professional landscape
35 architect or a person who becomes a registered professional

1 landscape architect within one year after July 1, ~~1975~~ 2002.

2 2. Graduation from a nonaccredited course of landscape
3 architecture of a minimum of four years in a school, college
4 or university and a minimum of four years of practical
5 experience in landscape architectural work which in the
6 opinion of the board is of satisfactory character, at least
7 one year of which must be under the supervision of a
8 registered professional landscape architect ~~or-a-person-who~~
9 ~~becomes-a-registered-landscape-architect-within-one-year-after~~
10 ~~July-17-1975~~.

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

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

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

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

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

26 544B.10 FOREIGN REGISTRANTS.

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

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

3 544B.11 REGISTRATION LICENSURE.

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

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

16 544B.12 SEAL.

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

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

34 544B.13 RENEWALS.

35 Certificates of registration licensure shall expire in

1 multiyear intervals as determined by the board. Registered
2 Professional landscape architects shall renew their
3 certificates of registration licensure and pay a renewal fee
4 in the manner and amount prescribed by the board. A person
5 who fails to renew a certificate by the expiration date shall
6 be allowed to do so within thirty days following its
7 expiration, but the board may assess a reasonable penalty.

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

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

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

19 544B.15 SUSPENSION, REVOCATION, OR REPRIMAND.

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

25 1. Fraud in procuring a certificate of registration
26 licensure.

27 2. Professional incompetency.

28 3. Knowingly making misleading, deceptive, untrue or
29 fraudulent representations in the practice of the registrant's
30 licensee's profession or engaging in unethical conduct or
31 practice harmful or detrimental to the public. Proof of
32 actual injury need not be established.

33 4. Habitual intoxication or addiction to the use of drugs.

34 5. Conviction of a felony related to the profession or
35 occupation of the registrant licensee that would affect the

1 registrant's licensee's ability to practice professional
2 landscape architecture. A copy of the record of conviction or
3 plea of guilty is conclusive evidence.

4 6. Fraud in representations as to skill or ability.

5 7. Use of untruthful or improbable statements in
6 advertisements.

7 8. Willful or repeated violations of the provisions of
8 this Act chapter.

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

11 544B.16 PROCEDURE.

12 A person may file charges with the board against a
13 professional landscape architect or the board may initiate
14 charges. The charges shall be in writing, sworn to if by a
15 complainant other than the board, and filed with the board.
16 Unless the charges are dismissed by the board as unfounded or
17 trivial, the board may request the department of inspections
18 and appeals to conduct an investigation into the charges. The
19 department of inspections and appeals shall report its
20 findings to the board, and the board shall hold a hearing
21 within sixty days after the date on which the charges are
22 filed. The board shall fix the time and place for such
23 hearing and shall cause a copy of the charges, together with a
24 notice of the time and place fixed for the hearing, to be
25 served on the accused at least thirty days before the date
26 fixed for the hearing. Where personal service cannot be
27 effected, service may be effected by publication. At such
28 hearing, the accused shall have the right to appear personally
29 or by counsel, to cross-examine witnesses against the accused,
30 and to produce evidence and witnesses in defense. After the
31 hearing, the board may suspend or revoke the certificate of
32 registration licensure. The board may restore the certificate
33 of registration licensure to any person whose certificate of
34 registration licensure has been revoked. Application for the
35 restoration of a certificate of registration licensure shall

1 be made in such manner, form and content as the board may
2 prescribe.

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

5 544B.18 UNLAWFUL PRACTICE.

6 Any person who uses the words "landscape architect",
7 "professional landscape architect", or "landscape architecture
8 designer", or any word or any letters or figures indicating or
9 tending to imply that the person using the same is a
10 professional landscape architect, without having a valid
11 certificate of registration licensure as a professional
12 landscape architect issued pursuant to this chapter, or who
13 knowingly assists such a person, is guilty of a simple
14 misdemeanor.

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

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

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

32 544B.21 EXAMINATION NOT REQUIRED.

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

EXPLANATION

1
2 This bill provides that an individual engaged in the
3 practice of landscape architecture, which previously required
4 title registration pursuant to Code chapter 544B, must now
5 become licensed as a professional landscape architect in order
6 to practice landscape architecture. The bill provides that
7 the requirements previously applicable to registered landscape
8 architects with regard to the creation and duties of the
9 landscape architectural examining board, examination and
10 application procedures, reciprocity, fees, renewal procedures,
11 unlawful practice, disciplinary action, and scope of practice,
12 shall apply to licensure as a professional landscape
13 architect.

14 The bill provides that landscape architects registered on
15 the effective date of the bill shall be "grandfathered in" as
16 licensed professional landscape architects.

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HOUSE FILE 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 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 registration 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 tending 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.

BRENT SIEGRIST
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2281, Seventy-ninth General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved 3/29, 2002

THOMAS J. VILSACK
Governor