

1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**
4 **By: Senator Malone**

A Bill

ACT 904 OF 1995
SENATE BILL 208

For An Act To Be Entitled

8 "AN ACT TO AMEND VARIOUS SECTIONS OF THE ARKANSAS CODE
9 PERTAINING TO THE PRACTICE AND REGISTRATION OF LANDSCAPE
10 ARCHITECTS; TO PROVIDE FOR EXEMPTIONS FROM LICENSING; AND
11 FOR OTHER PURPOSES."

Subtitle

14 "AN ACT PERTAINING TO THE PRACTICE OF
15 LANDSCAPE ARCHITECTURE."

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

19 SECTION 1. Ark. Code Ann. § 17-29-101 is amended to read as follows:

20 "17-29-101. Title.

21 This chapter shall be known and may be cited as the 'Landscape
22 Architectural Practice Act'."

24 SECTION 2. Ark. Code Ann. § 17-29-103 is amended to read as follows:

25 "17-29-103. Penalties.

26 (a) It shall be a misdemeanor for any person to:

27 (1) Use the title of landscape architect, unless licensed and
28 registered under this chapter;

29 (2) Present as his own the license of another;

30 (3) Give false or forged evidence to the committee or any member
31 thereof in obtaining a license;

32 (4) Falsely impersonate any other practitioner of like or different
33 name;

34 (5) Use or attempt to use a license that has been revoked;

35 (6) Otherwise violate any of the provisions of this chapter; or

36 (7) Practice landscape architecture, unless duly licensed and

1 registered under this chapter.

2 (b) Such misdemeanor shall be punishable by a fine of not less than one
3 hundred dollars (\$100) and not more than five hundred dollars (\$500) or
4 imprisonment for not more than one (1) year, or both."

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6 SECTION 3. Ark. Code Ann. § 17-29-303 is amended to read as follows:

7 "17-29-303. Examination.

8 (a) It shall be required that an applicant for registration pass a
9 written examination covering the matters confronting landscape architects,
10 which shall either be prepared or approved by the Council of Landscape
11 Architectural Registration Boards.

12 (b) In order to qualify for examination, the applicant must:

13 (1) Hold a degree in landscape architecture and have one (1) year of
14 experience in landscape architecture satisfactory to the committee;

15 (2) Hold a degree in a field related to landscape architecture as
16 determined by the committee and have four (4) years of experience in landscape
17 architecture satisfactory to the committee; or

18 (3) Have seven (7) years of experience in landscape architecture
19 satisfactory to the committee.

20 (c) Examinations for the license shall be administered by the committee
21 or its appointed representative at least once each year, provided that
22 applications shall have been received during the period since the last
23 examination was given. The committee or its appointed representative shall
24 administer the examination prepared or approved by the Council of Landscape
25 Architectural Registration Boards.

26 (d) The committee shall publish appropriate announcements and shall
27 conduct the examinations at the times designated."

28

29 SECTION 4. Ark. Code Ann. § 17-29-304 is amended to read as follows:

30 "17-29-304. Reciprocity.

31 The committee may certify for registration by oral examination an applicant
32 who has successfully completed the written examination prepared or approved by
33 the Council of Landscape Architectural Registration Boards required by §
34 17-29-303(a) and is legally registered as a landscape architect in any other
35 state ."

1 SECTION 5. Title 17, Chapter 29, Subchapter 3 of the Arkansas Code of
2 1987 Annotated is amended by adding a new section to read as follows:

3 "17-29-309. Exemptions from licensing.

4 (a) The following are exempt from licensing under this chapter:

5 (1) The practice of landscape architecture by any person who acts
6 under the supervision of a registered landscape architect or by an employee of
7 a person lawfully engaged in the practice of landscape architecture and who,
8 in either event, does not assume responsible charge of design or supervision.

9 (2) The practice of landscape architecture by employees of the
10 United States Government while engaged in the practice of landscape
11 architecture within this state on behalf of the United States Government.

12 (3) *The practice of landscape architecture by employees of a*
13 *municipal government while providing landscaping services for municipal*
14 *facilities.*

15 (4) The practice of planning as customarily done by regional and
16 urban planners.

17 (5) The practice of arborists, foresters, gardeners, nurserymen,
18 landscape contractors, home builders, floriculturists, ornamental
19 horticulturists performing their respective trades or professions, and
20 irrigation designers for the purpose of the sale of products.

21 (6) The practice of architecture or engineering as defined by the
22 laws of this state.

23 (b) None of the persons referred to in subsection (a) above shall use
24 the title of landscape architect without complying with the provisions of this
25 chapter."

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27 SECTION 6. Title 17, Chapter 29, Subchapter 3 of the Arkansas Code is
28 amended by adding a new section to read as follows:

29 "17-29-309. Grandfather provision.

30 Any individual who applies to the committee prior to December 1, 1995,
31 and who demonstrates to the committee through the submission of work examples
32 that he has been engaged in the practice of landscape architecture in the
33 state of Arkansas and has derived a substantial portion of his livelihood from
34 that practice, shall be entitled to receive a license to practice landscape
35 architecture without further application or examination."

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SECTION 7. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 8. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 9. All laws and parts of laws in conflict with this act are hereby repealed.

/s/Malone

APPROVED: 4-5-95

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