

1 HB241
2 197040-3
3 By Representative Lipscomb
4 RFD: Boards, Agencies and Commissions
5 First Read: 20-MAR-19

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ENROLLED, An Act,

To amend Sections 34-17-5 and 34-17-25, Code of Alabama 1975, relating to the Alabama State Board of Examiners of Landscape Architects; to increase the maximum fine the board may levy against a licensee from \$250 to \$2,500 per violation; to authorize the board to assess the costs of conducting a disciplinary action against an accused who is found guilty; and to increase the license application fee from \$75 to \$150.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 34-17-5 and 34-17-25 of the Code of Alabama 1975, are amended to read as follows:

"§34-17-5.

"(a) Each of the following facts shall constitute a ground for disciplinary action:

"(1) That the holder of a certificate of registration is practicing in violation of ~~the provisions of~~ this chapter or the rules ~~and regulations~~ of the board~~;~~.

"(2) That the holder of a certificate has obtained the certificate by fraud or misrepresentation, or that the person named in the certificate has obtained it by fraud or misrepresentation~~;~~.

"(3) That the holder of a certificate is impersonating a landscape architect or former landscape

1 architect of the same or similar name, or is practicing under
2 an assumed, fictitious, or corporate name~~;~~

3 "(4) That the holder of a certificate has aided or
4 abetted in the practice of landscape architecture any person
5 not authorized to practice landscape architecture under ~~the~~
6 ~~provisions of~~ this chapter~~;~~.

7 "(5) That, in the practice of landscape
8 architecture, the holder of a certificate has been found
9 guilty of fraud or deceit~~;~~.

10 "(6) That, in the practice of landscape
11 architecture, the holder of a certificate has been found
12 guilty of negligence or willful misconduct~~;~~.

13 "(7) That the holder of a certificate has been found
14 guilty of gross incompetence~~;~~ ~~or~~.

15 "(8) That the holder of a certificate has affixed
16 his or her signature to plans, drawings, specifications, or
17 other instruments of service which have not been prepared by
18 him or her or under his or her immediate and responsible
19 direction or has permitted his or her name to be used for the
20 purpose of assisting any person, not a landscape architect, to
21 evade ~~the provisions of~~ this chapter.

22 "(b) For violations of the preceding subsection, or
23 for violations of ~~the provisions of~~ this chapter, or for
24 violations of board rules ~~and regulations~~, the board shall
25 have the following disciplinary powers:

1 "(1) To reprimand a board licensee~~7.~~

2 "(2) To levy an administrative fine against a
3 licensee of the board not to exceed ~~\$250~~ two thousand five
4 hundred dollars (\$2,500) per violation~~7.~~

5 "(3) To refuse to issue a certificate to an
6 applicant of the board~~7.~~

7 "(4) To suspend a licensee's certificate for a
8 definite period of time~~7.~~~~or.~~

9 "(5) To revoke the certificate of a licensee.

10 ~~"(6) To assess any part or all of the costs relating~~
11 ~~to a disciplinary proceeding conducted under this section.~~

12 "(c) The board~~,~~ ~~shall~~ by rule~~,~~ ~~and regulation~~ shall
13 adopt a disciplinary code.

14 "§34-17-25.

15 "The fees prescribed by this chapter shall be in the
16 following amounts:

17 "(1) The fee for application to the board is
18 ~~seventy-five dollars (\$75)~~ one hundred fifty dollars (\$150).

19 "(2) The fee for examination or reexamination shall
20 be in an amount as established by the board in order to cover
21 all costs of examination, but in no event shall the fee exceed
22 the actual cost of preparing and administering the
23 examination.

24 "(3) The fee for an original certificate is fifty
25 dollars (\$50).

1 "(4) The fee for a duplicate certificate is fifty
2 dollars (\$50).

3 "(5) The annual license fee is one hundred fifty
4 dollars (\$150).

5 "(6) The delinquent penalty fee is ~~fifty dollars~~
6 ~~(\$50)~~, as provided in Section 34-17-24.

7 "(7) The fee for administration of the supplemental
8 examination on the ~~statutes~~ laws governing the practice of
9 landscape architecture in Alabama is one hundred fifty dollars
10 (\$150)."

11 Section 2. This act shall become effective on the
12 first day of the third month following its passage and
13 approval by the Governor, or its otherwise becoming law.

