

1 HB348
2 216026-1
3 By Representatives Moore (P) and Sanderford
4 RFD: Boards, Agencies and Commissions
5 First Read: 15-FEB-22

SYNOPSIS: Under existing law, the Alabama State Board of Examiners of Landscape Architects licenses and regulates the practice of Landscape Architecture in the state.

This bill would provide further for the use of the title "landscape architect" by individuals and certain business entities.

This bill would authorize the board to institute proceedings to seek injunctive relief for violations of the licensing law.

This bill would provide further for expired and inactive status licenses, and requirements for reactivation.

This bill would also provide fees for the reinstatement of a license and for maintaining an inactive license.

A BILL
TO BE ENTITLED
AN ACT

1
2 Relating to the Alabama Board of Examiners of
3 Landscape Architects; to amend Sections 34-17-4, 34-17-7,
4 34-17-24, and 34-17-25, Code of Alabama 1975, to provide
5 further for the use of the title "landscape architect" by
6 individuals and certain business entities; to authorize the
7 board to institute proceedings to seek injunctive relief for
8 violations of the licensing law; to provide further for
9 expired and inactive status licenses, and requirements for
10 reactivation; and to provide fees for the reinstatement of a
11 license and for maintaining an inactive status license.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. Sections 34-17-4, 34-17-7, 34-17-24, and
14 34-17-25 of the Code of Alabama 1975, are amended to read as
15 follows:

16 "§34-17-4.

17 ~~"(a) A corporation or partnership, as such, may not~~
18 ~~be licensed or registered to practice landscape architecture,~~
19 ~~but may, if issued a certificate of authorization by the~~
20 ~~board, use any form of the title "landscape architect" in~~
21 ~~connection with the corporate or partnership name.~~

22 ~~"(b) (a)~~ The right to engage in the practice of
23 landscape architecture is a personal right, based upon the
24 qualifications of the individual evidenced by his or her
25 license and is not transferable. All final drawings,
26 specifications, plans, reports, or other papers or documents
27 involving the practice of landscape architecture, as defined

1 in Section 34-17-1, when issued or filed for public record,
2 shall be dated and bear the signature and seal of the
3 landscape architect or landscape architects who prepared or
4 approved them.

5 ~~"(c) Nothing in subsections (a) and (b) of this~~
6 ~~section shall be construed to prevent the formation of~~
7 ~~partnerships and corporations as a vehicle for the practice of~~
8 ~~landscape architecture subject to all the following~~
9 ~~conditions:~~

10 ~~"(1) The practice of or offer to practice landscape~~
11 ~~architecture for others as defined in Section 34-17-1 by~~
12 ~~individual landscape architects licensed under this chapter~~
13 ~~through a corporation as officers, employees, or agents, or~~
14 ~~through a partnership as partners, officers, employees, or~~
15 ~~agents, or the offering or rendering of landscape architecture~~
16 ~~services by a corporation or partnership through individual~~
17 ~~landscape architects licensed under this chapter is permitted,~~
18 ~~subject to the provisions of this chapter if all the following~~
19 ~~requirements are satisfied:~~

20 "(b) A corporation or partnership may be formed as a
21 vehicle for the practice of landscape architecture, and may
22 use any form of the title "landscape architect" in connection
23 with the corporate or partnership name if both of the
24 following conditions are satisfied:

25 "a.(1) One or more of the corporate officers in the
26 case of a corporation, or one or more of the partners in the
27 case of a partnership, is designated as being responsible for

1 the professional services described in Section 34-17-1 of the
2 corporation or partnership and is a landscape architect under
3 this chapter.

4 ~~"b.(2)~~ All personnel of the corporation or
5 partnership, who act in its behalf as landscape architects,
6 are licensed under this chapter.

7 ~~"c. The corporation or partnership has been issued a~~
8 ~~certificate of authorization by the board, as hereinafter~~
9 ~~provided.~~

10 ~~"The requirements of this chapter shall not prevent~~
11 ~~a corporation and its employees from performing landscape~~
12 ~~architectural services for the corporation, subsidiary, or~~
13 ~~affiliated corporations.~~

14 ~~"(2) A corporation or partnership~~ (c) An individual
15 desiring a certificate of authorization to use any form of the
16 title "landscape architect" in connection with a corporate or
17 partnership name, shall file with the board ~~an,~~ as part of his
18 or her application on forms provided by the board for
19 licensure or any subsequent renewal, a listing of relevant
20 information, including the names and addresses of all officers
21 and members of the corporation, or officers and partners of
22 the partnership, and ~~also of an individual or~~ shall indicate
23 those individuals duly licensed to practice landscape
24 architecture in this state who shall be in responsible charge
25 of the practice of landscape architecture in this state
26 through the corporation or partnership, and any other
27 information required by the board, ~~accompanied by an original~~

1 ~~authorization fee to be determined by the board.~~ A form,
2 giving the same information, shall accompany the annual
3 renewal fee to be determined by the board. In the event there
4 is a change in any of these ~~persons~~ individuals during the
5 year, the change shall be designated on the same form and
6 filed with the board within 30 days after the effective date
7 of the change. If all of the requirements of this section are
8 ~~met, the board shall issue a certificate of authorization to~~
9 ~~the corporation or partnership, and~~ satisfied, the corporation
10 or partnership ~~shall be authorized to~~ may contract for and ~~to~~
11 collect fees for landscape architectural services.

12 ~~"(3)(d)~~ (d) No corporation or partnership shall be
13 relieved of responsibility for conduct or acts of its agents,
14 employees, or officers by reason of its compliance with this
15 section, nor shall any individual practicing landscape
16 architecture as defined in Section 34-17-1 be relieved of
17 responsibility for landscape architectural services performed
18 by reason of his or her employment or relationship with such
19 corporation or partnership.

20 "(e) This chapter shall not be interpreted to
21 prevent a corporation and its employees from performing
22 landscape architectural services for the corporation,
23 subsidiary, or affiliated corporations.

24 "§34-17-7.

25 "(a) Any ~~person~~ individual who, without possessing a
26 valid, unrevoked certificate as provided in this chapter, uses
27 the title or term "landscape architect" in any sign, card,

1 listing, advertisement, or in any other manner implies or
2 indicates that he or she is a landscape architect, as defined
3 in this chapter, shall be guilty of a Class A misdemeanor and,
4 upon conviction thereof, shall be punished as provided by law.
5 All fines collected pursuant to this section shall be remitted
6 by the court or officer collecting them to the State Treasurer
7 and credited to the Landscape Architect's Fund in the State
8 Treasury.

9 "(b) (1) The board may institute proceedings in a
10 court of law to enjoin any individual or business entity from
11 violating this chapter. The proceedings shall be brought by
12 the board in the circuit court of the city or county in which
13 the alleged violation occurred or in which the defendant
14 resides.

15 "(2) Upon a showing by the board that the individual
16 or business entity has engaged in any activity, conduct,
17 practice, or performance of any work prohibited by this
18 chapter, the court shall grant injunctive relief enjoining the
19 individual or business entity from engaging in the unlawful
20 activity, conduct, practice, or performance of work. Upon the
21 issuance of a permanent injunction, the court may fine the
22 offending party up to five thousand dollars, (\$5,000) plus
23 costs, including investigative costs, and attorney fees for
24 each offense. A judgment for a civil fine, attorney fees, and
25 costs may be rendered in the same order in which the
26 injunction is made absolute.

27 "§34-17-24.

1 "(a) Every landscape architect shall pay an annual
2 license fee to the board. The fee shall be due and payable on
3 the first day of January of each year and shall become
4 delinquent after the thirty-first day of January.

5 "(b) If the annual license fee is not paid before it
6 becomes delinquent a delinquent penalty ~~of \$50.00~~ fee shall be
7 added to the amount thereof per year.

8 "(c) If the annual license fee and penalty are not
9 paid before the fifteenth day of March in the year in which
10 they become due, the landscape architect's ~~certificate~~ license
11 ~~shall be suspended from and after the expiration of 30 days~~
12 ~~from the date of mailing of notice of such delinquency by~~
13 ~~registered or certified mail, return receipt requested,~~
14 ~~postage prepaid and addressed to the landscape architect at~~
15 ~~his or her address as it appears on the records of the board.~~
16 ~~The notice of delinquency shall state that upon the expiration~~
17 ~~of time herein allowed his or her certificate will be~~
18 ~~suspended unless, within that time, the annual license fee and~~
19 ~~penalty are remitted.~~ deemed expired. A landscape architect
20 may reinstate an expired license for up to five years after
21 the date of the original expiration by submitting to the board
22 a complete renewal application, proof of completion of any
23 required continuing education, payment of any accrued license
24 fees and delinquent penalty fees, and payment of a
25 reinstatement fee. The holder of a license that is expired for
26 five or more years may only reinstate a license by submitting

1 a new license application and fulfilling all then current
2 license requirements.

3 ~~"(d) After the certificate has been suspended, it~~
4 ~~may be reinstated upon the payment of the annual license fee~~
5 ~~and such proof of the landscape architect's qualifications as~~
6 ~~may be required in the sound discretion of the board.~~

7 "(d) A landscape architect may place his or her
8 license on inactive status by annually submitting to the
9 board, between January 1 and January 31, a request for
10 inactive status and an inactive status fee. The holder of an
11 inactive status license may reactivate his or her license by
12 submitting to the board a renewal form, current license fee,
13 and one year of continuing education credits.

14 "(e) The board shall issue a receipt to each
15 landscape architect promptly upon payment of the annual
16 license fee.

17 "§34-17-25.

18 "The fees prescribed by this chapter shall be in the
19 following amounts:

20 "(1) The fee for application to the board is one
21 hundred fifty dollars (\$150).

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

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

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

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

7 "(6) The delinquent penalty fee is ~~as provided in~~
8 ~~Section 13-17-24~~ fifty dollars (\$50).

9 "(7) The fee for administration of the supplemental
10 examination on the statutes laws governing the practice of
11 landscape architecture in Alabama is one hundred fifty dollars
12 (\$150).

13 "(8) The reinstatement fee is three hundred dollars
14 (\$300).

15 "(9) The inactive status fee is seventy-five dollars
16 (\$75)."

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