

As Introduced

**124th General Assembly
Regular Session
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H. B. No. 214

REPRESENTATIVES Willamowski, Olman, Wolpert, Goodman

A B I L L

To amend sections 4703.30, 4703.31, 4703.32, 4703.33, 1
4703.34, 4703.36, 4703.41, 4703.42, 4703.44, 2
4703.45, 4703.46, and 4703.49, to enact section 3
4703.332, and to repeal sections 4703.341 and 4
4703.39 of the Revised Code to revise the licensing 5
program for landscape architects. 6

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 4703.30, 4703.31, 4703.32, 4703.33, 7
4703.34, 4703.36, 4703.41, 4703.42, 4703.44, 4703.45, 4703.46, and 8
4703.49 be amended and section 4703.332 of the Revised Code be 9
enacted to read as follows: 10

Sec. 4703.30. As used in sections 4703.30 to 4703.49 of the 11
Revised Code: 12

(A) "Landscape architect" means a person who has been 13
registered as provided in sections 4703.30 to 4703.49 of the 14
Revised Code. 15

(B) "Landscape architecture" or "the practice of landscape 16
architecture" includes: 17

~~(1) The preparation of master, site, and comprehensive 18
development plans, feasibility and site selection studies, and 19
construction drawings, and specifications documents;~~ 20

~~(2) The construction observation; the supervision of the 21
performance execution of projects involving the arranging location 22
and arrangement of land and the elements thereon for public and 23
private use and enjoyment, including the alignment of roadways and 24
the location of buildings, service areas, parking areas, walkways, 25
steps, ramps, pools, and other structures, and the grading of the 26
land, surface and sub soil drainage, erosion control, planting, 27
reforestation, and the preservation of the natural landscape 28
water, buildings, roadways and parkways, bicycle and pedestrian 29
circulation systems, bicycle paths, sidewalks, parking, planting, 30
irrigation systems, and other ancillary elements, for public and 31
private use and enjoyment; and the planning, location, and 32
arrangement of land development, grading, drainage, storm water 33
management and appurtenant systems, road alignment, erosion and 34
sediment control, natural systems, reforestation, land and water 35
preservation, conservation, restoration, and reclamation, in 36
accordance with the accepted professional standards of public 37
health, welfare, and safety. 38~~

This practice shall include the location and arrangement of 39
such tangible objects and features as are incidental and necessary 40
to the purposes outlined in this section, but shall not include 41
the design of structures or facilities with separate and 42
self-contained purposes for habitation or industry, or the design 43
of public streets and highways, utilities, storm and sanitary 44
sewers and sewage treatment facilities, such as are exclusive to 45
the practice of engineering or architecture. 46

The practice of landscape architecture does not include the 47
practice of surveying as defined in division (F) of section 48
4733.01 of the Revised Code. 49

(C) "Board" means the state board of landscape architect 50
examiners. 51

Sec. 4703.31. (A) There is hereby created the state board of 52
landscape architect examiners. ~~Said~~ The board shall consist of 53
five members appointed by the governor. All appointments made to 54
the board shall be for a five-year term commencing on the eleventh 55
day of November and ending on the tenth day of November. Each 56
member shall hold office from the date of appointment until the 57
end of the term to which ~~he~~ the member was appointed. Any member 58
shall continue in office subsequent to the expiration date of ~~his~~ 59
the member's term until ~~a~~ the member's successor is appointed, or 60
until a period of sixty days has elapsed, whichever occurs first. 61
Three of the members shall be landscape architects registered 62
under sections 4703.33 to 4703.37 of the Revised Code for not less 63
than five years prior to appointment to the board. One member 64
shall be appointed from an allied profession and one member shall 65
represent the public. Any member of the board may be removed by 66
the governor at any time for cause. 67

(B) In the event of a vacancy in the office of a member of 68
the board other than by reason of the expiration of a term, the 69
governor, not later than ninety days after the occurrence of the 70
vacancy, shall appoint a person to hold office for the remainder 71
of the unexpired term. 72

(C) The board shall elect from its members a president and a 73
secretary who shall hold ~~such~~ those offices for one year. 74

(D) Each member of the board shall receive as a part of the 75
expense of the board an amount fixed pursuant to division (J) of 76
section 124.15 of the Revised Code for each day actually employed 77
in the discharge of ~~his~~ official duties, along with ~~his~~ other 78
necessary expenses. 79

(E) The board shall meet at least twice each calendar year 80
for purposes of transacting regular business and may hold other 81
meetings upon the call of the president or a majority of the 82

members of the board after reasonable notice to the other board
members of the time and place of the meeting. Three members of the
board shall constitute a quorum for the transaction of business.

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(F) The board shall utilize the physical facilities and
administrative staff of the state board of examiners of architects
for the discharge of all the board's administrative duties in
connection with the administration and enforcement of sections
4703.30 to ~~4703.49~~ 4703.52 of the Revised Code. The state board of
landscape architect examiners shall bear a proportionate share of
the cost of ~~such those~~ administrative services, which shall not
exceed its revenue.

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Sec. 4703.32. (A) No person shall engage in the practice of
landscape architecture or use the title of "landscape architect"
or any title, sign, card, or device indicating, or tending to
indicate, or represent in any manner that ~~he~~ the person is a
landscape architect, unless ~~he~~ the person is registered under
sections 4703.30 to 4703.49 of the Revised Code, ~~or holds a permit~~
~~issued under section 4703.39 of the Revised Code.~~

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(B) Sections 4703.30 to 4703.49 of the Revised Code, are not
intended to restrict or otherwise affect the right of any
individual to practice architecture under sections 4703.01 to
4703.19 of the Revised Code, or engineering under sections 4733.01
to 4733.24 of the Revised Code. This division does not exclude a
~~registered professional engineer or a~~ registered architect from
~~such the~~ practice of landscape architecture ~~as that is~~ incidental
to the practice of ~~engineering or~~ architecture or exclude a
landscape architect from the practice of architecture that is
incidental to the practice of landscape architecture.

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(C) Sections 4703.30 to 4703.49 of the Revised Code, do not
affect the right of any individual to engage in the occupation of

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growing or marketing nursery stock, or to use the title 114
"nurseryman nurseryperson," "landscape ~~nurseryman~~ nurseryperson," 115
or "gardener," "landscape gardener," "landscape designer," 116
"general contractor," "landscape contractor," "golf course 117
architect," or "golf course designer," provided that no individual 118
shall engage in the practice of landscape architecture or use the 119
title "landscape architect" unless ~~he~~ the person has complied with 120
sections 4703.30 to 4703.49 of the Revised Code. 121

(D) Nothing in sections 4703.30 to 4703.49 of the Revised 122
Code prevents a vendor of goods, services, or materials, including 123
nurserypersons, landscape nurserypersons, gardeners, landscape 124
gardeners, landscape designers, general or landscape contractors, 125
and golf course architects or golf course designers, from 126
providing drawings or graphic diagrams that are necessary for the 127
proper layout of the vendor's goods or materials for public or 128
private land or arranging for the installation of the goods or 129
materials. Nothing in sections 4703.30 to 4703.49 of the Revised 130
Code prevents a landscape designer from engaging in, for a fee, 131
the design of spaces utilizing plant materials and ancillary 132
paving and building materials or arranging for the installation of 133
the materials. Nothing in sections 4703.30 to 4703.49 of the 134
Revised Code shall be construed in any manner to prohibit a person 135
from designing or preparing drawings or specifications for any 136
real property owned by that person. 137

(E) Each landscape architect, upon registration by the state 138
board of landscape architect examiners, may obtain a stamp of the 139
design authorized by the board, bearing the name of the 140
registrant, date of registration, number of certificate, and the 141
legend "registered landscape architect." All professional 142
documents, including maps, plans, designs, drawings, 143
specifications, estimates, and reports, issued by a registrant may 144
be stamped only while the registrant's certificate is in full 145

force and effect. 146

Sec. 4703.33. (A) The state board of landscape architect 147
examiners may adopt, ~~promulgate, modify~~ amend, and enforce rules 148
governing the standards for education, experience, services, 149
conduct, and practice to be followed in the practice of the 150
profession of landscape architecture in accordance with Chapter 151
119. of the Revised Code. 152

(B) The board shall hold examinations not less than once 153
annually and shall register as a landscape architect each 154
applicant who demonstrates to the satisfaction of the board that 155
~~he the applicant~~ has met all the requirements of section 4703.34 156
of the Revised Code ~~or, in lieu thereof, has complied with the~~ 157
~~provisions of section 4703.341 of the Revised Code.~~ 158

(C) The board shall issue to each individual registered 159
pursuant to this section a certificate of qualification. 160

(D) The board shall appoint at least one of its members as a 161
delegate to each regional and annual meeting of the council of 162
landscape architectural registration boards. 163

Sec. 4703.332. (A) Notwithstanding any other provision of 164
sections 4703.30 to 4703.49 of the Revised Code, any person 165
performing labor or providing services pursuant to a construction 166
contract may offer or provide landscape architectural services in 167
connection with the person's other labor or services if all of the 168
following apply: 169

(1) The person employs a landscape architect registered under 170
sections 4703.30 to 4703.49 of the Revised Code or enters into a 171
contract with a firm, partnership, association, limited liability 172
company, or corporation with a valid certificate of authorization 173
granted under sections 4703.30 to 4703.49 of the Revised Code to 174
provide landscape architectural services. 175

(2) The person intending to perform the actual construction of an improvement to real property as part of a design-build contract offers the landscape architectural services. 176
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(3) The contractor, the landscape architect registered under sections 4703.30 to 4703.49 of the Revised Code or the firm, partnership, association, limited liability company, or corporation with a valid certificate of authorization granted under sections 4703.30 to 4703.49 of the Revised Code meets the requirements of section 153.70 of the Revised Code when design-build services are provided to a public authority as defined in section 153.65 of the Revised Code. 179
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(B) Except as otherwise provided in this section, no person without a certificate of authorization shall offer landscape architectural services or engage in the practice of landscape architecture pursuant to any construction contract whose terms are to be performed by another person or represent to the public that the person engages in the practice of landscape architecture or provides landscape architectural services without a valid certificate of authorization. 187
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(C) As used in this section: 195

(1) "Construction contract" means any oral or written agreement that involves any activity in connection with an alteration, repair, replacement, renovation, or installation project that is related to land or water resources. 196
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(2) "Design-build" means a project delivery system for improvements to real property by which a person is solely responsible contractually as a contractor, as defined in section 4113.61 of the Revised Code, to an owner for both the design and construction of the improvement, which design and construction may include a performance-based specification established by the owner rather than a specific design as an improvement goal. 200
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Sec. 4703.34. (A) Any individual desiring to be registered as 207
a landscape architect may apply in writing to the state board of 208
landscape architect examiners in the manner prescribed by the 209
board. 210

(B) Except as provided in section 4703.35 of the Revised 211
Code, each application shall include, or be accompanied by, 212
evidence given under oath or affirmation and satisfactory to the 213
board that the applicant possesses the qualifications prescribed 214
by division (C) of this section. Each applicant shall include in 215
~~his~~ the application a request for examination. 216

(C) Except as provided in section 4703.35 of the Revised 217
Code, each applicant for registration as a landscape architect 218
shall pass, to the satisfaction of the board, an examination 219
conducted under the authority of the board, to determine the 220
fitness of the applicant for registration. ~~Such~~ The applicant 221
shall be at least eighteen years of age, ~~be~~ and of good moral 222
character, and shall meet all of the following requirements: 223

(1) Has obtained a professional degree in landscape 224
architecture from a program ~~recognized~~ accredited by the national 225
landscape architect accrediting board. ~~The applicant may~~ 226
~~substitute two years or equivalent, practical experience in the~~ 227
~~office of, and under the direct supervision of, a registered~~ 228
~~landscape architect who is actively involved in the practice of~~ 229
~~landscape architecture, for each year of professional education as~~ 230
~~required by the board.~~ 231

(2) Has completed ~~two~~ three years of practical experience in 232
the office of or under the direct supervision of a registered 233
landscape architect who is actively involved in the practice of 234
landscape architecture, or equivalent experience, as determined by 235
the board, provided ~~however,~~ that at least one year of the 236
practical experience or its equivalent as required by ~~this~~ 237

division (C)(2) of this section shall have been completed by the 238
applicant subsequent to the completion of the educational 239
requirements established by division (C)(1) of this section; 240

(3) Has completed the requirements for training under an 241
internship program established or adopted by the board that 242
includes, but is not limited to, training in design and 243
construction documents and construction administration and office 244
management, or has equivalent experience that is acceptable to the 245
board. 246

Sec. 4703.36. (A) The state board of landscape architect 247
examiners shall register as a landscape architect each applicant 248
who demonstrates to the satisfaction of the board that the 249
applicant has met all requirements of section 4703.34 of the 250
Revised Code, or, in lieu thereof, has complied with the 251
~~provisions of section 4703.341 or 4703.35~~ of the Revised Code. The 252
certificate issued to each individual shall be prima-facie 253
evidence of the right of the individual to whom it is issued to 254
represent self as a landscape architect and to enter the practice 255
of landscape architecture, subject to sections 4703.30 to 4703.49 256
of the Revised Code. 257

(B) Each certificate of qualification issued and registered 258
shall authorize the holder to practice landscape architecture as a 259
landscape architect in this state until the last day of October of 260
each odd-numbered calendar year, unless revoked or suspended for 261
cause as provided in this chapter or suspended pursuant to section 262
3123.47 of the Revised Code. License renewal shall be conducted in 263
accordance with the standard license renewal procedure in Chapter 264
4745. of the Revised Code. Each renewal shall be recorded in the 265
official register of the board. 266

(C) Each person registered by the board shall secure a seal 267
of the design prescribed by the board. All plans, specifications, 268

drawings, and other documents prepared by, or under the direct supervision of, the landscape architect shall be imprinted with ~~such~~ the seal, in accordance with the requirements of the board.

(D) Each certificate of authorization issued under division (F) of section 4703.331 of the Revised Code shall authorize the holder to provide landscape architectural services, through the landscape architect designated as being in responsible charge of the landscape architectural activities and decisions, from the date of issuance until the last day of June next succeeding the date upon which the certificate was issued unless the certificate has been suspended or revoked for cause as provided in section 4703.42 of the Revised Code.

Sec. 4703.41. The state board of landscape architect examiners may refuse to register any applicant or refuse to issue a certificate of authorization to any applicant, may refuse to renew the registration of any landscape architect registered under sections 4703.30 to 4703.49 or a certificate of authorization issued under division (F) of section 4703.331 of the Revised Code, or may suspend for a period not exceeding one year or revoke the registration of any landscape architect registered under sections 4703.30 to 4703.49, or a certificate of authorization issued under division (F) of section 4703.331, ~~or a permit issued under section 4703.39~~ of the Revised Code when the registrant, ~~permit holder,~~ or holder of a certificate of authorization does any of the following:

(A) Has obtained or attempted to obtain registration, ~~a permit,~~ or a certificate of authorization under sections 4703.30 to 4703.49 of the Revised Code by fraud or material misrepresentation;

(B) Is impersonating or has attempted to impersonate a landscape architect or a former landscape architect;

(C) Is found by the board to have been guilty of fraud, 300
deceit, or gross negligence in the practice of landscape 301
architecture or in providing landscape architectural services; 302

(D) Has affixed ~~his~~ the registrant's or certificate holder's 303
signature to plans, drawings, specifications, or other 304
professional documents ~~which~~ that have not been prepared by ~~him~~ 305
the registrant or certificate holder or under ~~his~~ the registrant's 306
or certificate holder's immediate and responsible direction or has 307
permitted ~~his~~ the registrant's or certificate holder's name to be 308
used for the purpose of assisting any individual, not a landscape 309
architect, to evade sections 4703.30 to 4703.49 of the Revised 310
Code; 311

(E) Fails the examination under section 4703.33 of the 312
Revised Code; 313

(F) Is found by the board to have violated any rule governing 314
the standards for education, experience, services, conduct, and 315
practice or any rule adopted by the board under sections 4703.30 316
to 4703.49 of the Revised Code. 317

Sec. 4703.42. (A) Under section 4703.41 of the Revised Code, 318
the state board of landscape architect examiners shall not refuse 319
to renew the registration of any landscape architect registered 320
under sections 4703.30 to 4703.49 or a certificate of 321
authorization issued under division (F) of section 4703.331 of the 322
Revised Code, or suspend or revoke the registration of any 323
landscape architect registered under ~~such those~~ sections, ~~a permit~~ 324
~~issued under section 4703.39,~~ or a certificate of authorization 325
issued under division (F) of section 4703.331 of the Revised Code, 326
without at least twenty days' notice to the applicant, registered 327
landscape architect, ~~individual who holds a permit,~~ or other 328
interested party, who shall be entitled to a hearing by the board 329
under sections 119.01 to 119.13 of the Revised Code. At least ten 330

days before the date of the hearing, the board shall notify the 331
applicant, registered landscape architect, ~~individual who holds a~~ 332
~~permit~~, or other interested party of the nature of the matters to 333
be presented at ~~such~~ the hearing. Within thirty days after the 334
hearing, the board shall give notice of its final decision to the 335
applicant, registered landscape architect, ~~individual who holds a~~ 336
~~permit~~, or other interested party. 337

(B) As used in this section, "other interested party" means 338
any firm, partnership, or association holding a certificate of 339
authorization issued under division (F) of section 4703.331 of the 340
Revised Code or, in the case of a corporation holding such a 341
certificate, the corporation's agent as described in section 342
1701.07 of the Revised Code. 343

Sec. 4703.44. Unless otherwise provided in section 4703.42 of 344
the Revised Code, the administrative procedures of the state board 345
of landscape architect examiners shall be governed by Chapter 119. 346
of the Revised Code, and the president of the board and ~~his~~ the 347
president's authorized representatives may administer oaths, take 348
depositions, and issue subpoenas to compel the attendance of 349
witnesses and the production of books, papers, records, memoranda, 350
or other information necessary to the carrying out of sections 351
4703.30 to ~~4703.49~~ 4703.52 of the Revised Code. 352

Sec. 4703.45. No person shall do either of the following: 353

(A) Obtain or attempt to obtain registration as a landscape 354
architect or a certificate of authorization under division (F) of 355
section 4703.331 of the Revised Code by fraud or material 356
misrepresentation; 357

(B) Willfully make a false oath or affirmation under section 358
4703.34, ~~4703.341~~, or 4703.35, ~~or 4703.39~~ of the Revised Code. 359

Sec. 4703.46. (A) The state board of landscape architect examiners ~~may~~, upon its own motion or upon the verified complaint in writing of any person, ~~may~~ investigate any alleged violation of sections 4703.30 to ~~4703.49~~ 4703.52 of the Revised Code. The board ~~may~~, in its discretion, ~~may~~ disregard any complaint filed more than two years after the act or omission alleged as a violation of ~~such~~ those sections.

(B) The board may apply to any court of competent jurisdiction for relief by injunction or restraining order to enjoin or restrain a person, firm, corporation, partnership, limited liability company, or other group or combination of persons from the commission of any act that is prohibited by sections 4703.30 to 4703.52 of the Revised Code or by rules governing the standards of service, conduct, and practice to be followed in the practice of landscape architecture adopted by the board under sections 4703.30 to 4703.49 of the Revised Code.

Sec. 4703.49. The attorney general is hereby designated as the legal advisor of the state board of landscape architect examiners.

The prosecuting attorney in each of the counties shall prosecute by court action all violations of sections 4703.30 to ~~4703.49~~ 4703.52 of the Revised Code, occurring in ~~his~~ the prosecuting attorney's jurisdiction as may be presented for prosecution by the board.

Section 2. That existing sections 4703.30, 4703.31, 4703.32, 4703.33, 4703.34, 4703.36, 4703.41, 4703.42, 4703.44, 4703.45, 4703.46, and 4703.49, and sections 4703.341 and 4703.39 of the Revised Code are hereby repealed.