

As Passed by the House

**124th General Assembly
Regular Session
2001-2002**

Sub. H. B. No. 214

**REPRESENTATIVES Willamowski, Olman, Wolpert, Goodman, Collier,
Lendrum, Raga, Flowers, Schmidt, Hagan, G. Smith, Salerno**

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, ~~construction drawings, and specifications;~~ 19

~~(2) The the preparation of feasibility and site selection studies, and the supervision of the performance execution of 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 sub soil drainage, erosion control, planting, reforestation, and the preservation of the natural landscape where the dominant purpose of such service involves:~~ 20 21 22 23 24 25 26 27 28 29

~~(a) The preservation, conservation, enhancement, or determination of proper land and water uses, natural land features, ground cover and plantings, naturalistic and aesthetic values, natural systems, reforestation, restoration, and reclamation;~~ 30 31 32 33 34

~~(b) The determination of settings, grounds, and approaches for buildings and structures or other improvements; the determination of environmental problems of land relating to erosion and sediment control, flooding, blight and other hazards; the shaping and contouring of land and water forms; the determination of grades; and the determination of surface and ground water drainage and providing for drainage systems where such systems do not require structural design of system components or a hydraulic analysis of the receiving storm water conveyance system, in accordance with the accepted professional standards of public health, welfare, and safety;~~ 35 36 37 38 39 40 41 42 43 44 45

~~(c) The development of roadways and parkways, equestrian, bicycle, and pedestrian circulation systems, sidewalks, parking, planting, pools, irrigation systems and other ancillary elements, for public and private use and enjoyment.~~ 46 47 48 49

~~(2) The preparation of construction documents, provided that these are limited to and are necessary for projects within the~~ 50 51

scope of the practice of landscape architecture as defined in 52
divisions (B)(1)(a), (b), and (c) of this section; 53

(3) The following services as they relate to the practice of 54
landscape architecture: 55

(a) Construction observation; 56

(b) Project coordination and review of technical submissions, 57
plans, and construction documents; 58

(c) Collaboration with architects and professional engineers 59
in the design of streets, highways, bridges, buildings, and 60
structures with respect to the functional and aesthetic 61
requirements of the area in which such facilities are to be 62
placed. 63

(4) This practice shall include the location and arrangement 64
of such tangible objects and features as are incidental and 65
necessary to the purposes outlined in this section, but shall not 66
include the design of structures or facilities with separate and 67
self-contained purposes for habitation or industry, or the design 68
of public streets and highways, utilities, storm and sanitary 69
sewers, and water and sewage treatment facilities, such as are 70
exclusive to the practice of engineering or architecture. A 71
landscape architect shall undertake to perform professional 72
services only when the landscape architect is qualified by 73
education, training, and experience in the specific technical 74
areas involved. This division shall not be construed to prohibit a 75
landscape architect from engaging individuals performing services 76
outside the scope of the landscape architect's qualifications as 77
consultants. 78

(5) The practice of landscape architecture does not include 79
the practice of surveying as defined in division (F) of section 80
4733.01 of the Revised Code. 81

(C) "Board" means the state board of landscape architect 82

examiners.

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

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

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

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

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(E) The board shall meet at least twice each calendar year
for purposes of transacting regular business and may hold other

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meetings upon the call of the president or a majority of the
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

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affect the right of any individual to engage in the occupation of 145
growing or marketing nursery stock, or to use the title 146
"nurseryman nurseryperson," "landscape nurseryman nurseryperson," 147
or "gardener," "landscape gardener," "landscape designer," 148
"general contractor," "landscape contractor," "golf course 149
architect," or "golf course designer," provided that no individual 150
shall engage in the practice of landscape architecture or use the 151
title "landscape architect" unless ~~he~~ the person has complied with 152
sections 4703.30 to 4703.49 of the Revised Code. 153

(D) Nothing in sections 4703.30 to 4703.49 of the Revised 154
Code prevents a vendor of goods, services, or materials, including 155
nurserypersons, landscape nurserypersons, gardeners, landscape 156
gardeners, landscape designers, general or landscape contractors, 157
and golf course architects or golf course designers, from 158
providing drawings or graphic diagrams that are necessary for the 159
proper layout of the vendor's goods or materials for public or 160
private land or arranging for the installation of the goods or 161
materials. Nothing in sections 4703.30 to 4703.49 of the Revised 162
Code prevents a landscape designer from engaging in, for a fee, 163
the design of spaces utilizing plant materials and ancillary 164
paving and building materials or arranging for the installation of 165
the materials. Nothing in sections 4703.30 to 4703.49 of the 166
Revised Code shall be construed in any manner to prohibit a person 167
from designing or preparing drawings or specifications for any 168
real property owned by that person. 169

(E) Each landscape architect, upon registration by the state 170
board of landscape architect examiners, may obtain a stamp of the 171
design authorized by the board, bearing the name of the 172
registrant, date of registration, number of certificate, and the 173
legend "registered landscape architect." All professional 174
documents, including maps, plans, designs, drawings, 175
specifications, estimates, and reports, issued by a registrant may 176

be stamped only while the registrant's certificate is in full 177
force and effect. 178

Sec. 4703.33. (A) The state board of landscape architect 179
examiners may adopt, ~~promulgate, modify~~ amend, and enforce rules 180
governing the standards for education, experience, services, 181
conduct, and practice to be followed in the practice of the 182
profession of landscape architecture in accordance with Chapter 183
119. of the Revised Code. 184

(B) The board shall hold examinations not less than once 185
annually and shall register as a landscape architect each 186
applicant who demonstrates to the satisfaction of the board that 187
~~he~~ the applicant has met all the requirements of section 4703.34 188
of the Revised Code ~~or, in lieu thereof, has complied with the~~ 189
~~provisions of section 4703.341 of the Revised Code.~~ 190

(C) The board shall issue to each individual registered 191
pursuant to this section a certificate of qualification. 192

(D) The board shall appoint at least one of its members as a 193
delegate to each regional and annual meeting of the council of 194
landscape architectural registration boards. 195

Sec. 4703.332. (A) Notwithstanding any other provision of 196
sections 4703.30 to 4703.49 of the Revised Code, any person 197
performing labor or providing services pursuant to a construction 198
contract may offer or provide landscape architectural services in 199
connection with the person's other labor or services if all of the 200
following apply: 201

(1) The person employs a landscape architect registered under 202
sections 4703.30 to 4703.49 of the Revised Code or enters into a 203
contract with a firm, partnership, association, limited liability 204
company, or corporation with a valid certificate of authorization 205
granted under sections 4703.30 to 4703.49 of the Revised Code to 206

provide landscape architectural services. 207

(2) The person intending to perform the actual construction 208
of an improvement to real property as part of a design-build 209
contract offers the landscape architectural services. 210

(3) The contractor, the landscape architect registered under 211
sections 4703.30 to 4703.49 of the Revised Code or the firm, 212
partnership, association, limited liability company, or 213
corporation with a valid certificate of authorization granted 214
under sections 4703.30 to 4703.49 of the Revised Code meets the 215
requirements of section 153.70 of the Revised Code when 216
design-build services are provided to a public authority as 217
defined in section 153.65 of the Revised Code. 218

(B) Except as otherwise provided in this section, no person 219
without a certificate of authorization shall offer landscape 220
architectural services or engage in the practice of landscape 221
architecture pursuant to any construction contract whose terms are 222
to be performed by another person or represent to the public that 223
the person engages in the practice of landscape architecture or 224
provides landscape architectural services without a valid 225
certificate of authorization. 226

(C) As used in this section: 227

(1) "Construction contract" means any oral or written 228
agreement that involves any activity in connection with an 229
alteration, repair, replacement, renovation, or installation 230
project that is related to land or water resources. 231

(2) "Design-build" means a project delivery system for 232
improvements to real property by which a person is solely 233
responsible contractually as a contractor, as defined in section 234
4113.61 of the Revised Code, to an owner for both the design and 235
construction of the improvement, which design and construction may 236
include a performance-based specification established by the owner 237

rather than a specific design as an improvement goal. 238

Sec. 4703.34. (A) Any individual desiring to be registered as 239
a landscape architect may apply in writing to the state board of 240
landscape architect examiners in the manner prescribed by the 241
board. 242

(B) Except as provided in section 4703.35 of the Revised 243
Code, each application shall include, or be accompanied by, 244
evidence given under oath or affirmation and satisfactory to the 245
board that the applicant possesses the qualifications prescribed 246
by division (C) of this section. Each applicant shall include in 247
~~his~~ the application a request for examination. 248

(C) Except as provided in section 4703.35 of the Revised 249
Code, each applicant for registration as a landscape architect 250
shall pass, to the satisfaction of the board, an examination 251
conducted under the authority of the board, to determine the 252
fitness of the applicant for registration. ~~Such~~ The applicant 253
shall be at least eighteen years of age, ~~be~~ and of good moral 254
character, ~~and shall meet all of the following requirements:~~ 255

~~(1) Has~~ have obtained a professional degree in landscape 256
architecture from a program ~~recognized~~ accredited by the national 257
landscape architect accrediting board. ~~The applicant may~~ 258
~~substitute two years or equivalent, practical experience in the~~ 259
~~office of, and under the direct supervision of, a registered~~ 260
~~landscape architect who is actively involved in the practice of~~ 261
~~landscape architecture, for each year of professional education as~~ 262
~~required by the board.~~ 263

~~(2)~~ In addition, the applicant shall meet either of the 264
following requirements: 265

(1) Has completed ~~two~~ three years of practical experience in 266
the office of or under the direct supervision of a registered 267
landscape architect who is actively involved in the practice of 268

landscape architecture, or equivalent experience, as determined by 269
the board, provided ~~however~~, that at least one year of the 270
practical experience or its equivalent as required by ~~this~~ 271
division (C)(1) of this section shall have been completed by the 272
applicant subsequent to the completion of the educational 273
requirements established by division (C)~~(1)~~ of this section; 274

(2) Has completed the requirements for training under an 275
internship program established or adopted by the board that 276
includes, but is not limited to, training in design and 277
construction documents and construction administration and office 278
management, or has equivalent experience that is acceptable to the 279
board. 280

Sec. 4703.36. (A) The state board of landscape architect 281
examiners shall register as a landscape architect each applicant 282
who demonstrates to the satisfaction of the board that the 283
applicant has met all requirements of section 4703.34 of the 284
Revised Code, or, in lieu thereof, has complied with ~~the~~ 285
~~provisions of section 4703.341 or~~ 4703.35 of the Revised Code. The 286
certificate issued to each individual shall be prima-facie 287
evidence of the right of the individual to whom it is issued to 288
represent self as a landscape architect and to enter the practice 289
of landscape architecture, subject to sections 4703.30 to 4703.49 290
of the Revised Code. 291

(B) Each certificate of qualification issued and registered 292
shall authorize the holder to practice landscape architecture as a 293
landscape architect in this state until the last day of October of 294
each odd-numbered calendar year, unless revoked or suspended for 295
cause as provided in this chapter or suspended pursuant to section 296
3123.47 of the Revised Code. License renewal shall be conducted in 297
accordance with the standard license renewal procedure in Chapter 298
4745. of the Revised Code. Each renewal shall be recorded in the 299
official register of the board. 300

(C) Each person registered by the board shall secure a seal 301
of the design prescribed by the board. All plans, specifications, 302
drawings, and other documents prepared by, or under the direct 303
supervision of, the landscape architect shall be imprinted with 304
~~such~~ the seal, in accordance with the requirements of the board. 305

(D) Each certificate of authorization issued under division 306
(F) of section 4703.331 of the Revised Code shall authorize the 307
holder to provide landscape architectural services, through the 308
landscape architect designated as being in responsible charge of 309
the landscape architectural activities and decisions, from the 310
date of issuance until the last day of June next succeeding the 311
date upon which the certificate was issued unless the certificate 312
has been suspended or revoked for cause as provided in section 313
4703.42 of the Revised Code. 314

Sec. 4703.41. The state board of landscape architect 315
examiners may refuse to register any applicant or refuse to issue 316
a certificate of authorization to any applicant, may refuse to 317
renew the registration of any landscape architect registered under 318
sections 4703.30 to 4703.49 or a certificate of authorization 319
issued under division (F) of section 4703.331 of the Revised Code, 320
or may suspend for a period not exceeding one year or revoke the 321
registration of any landscape architect registered under sections 322
4703.30 to 4703.49, or a certificate of authorization issued under 323
division (F) of section 4703.331, ~~or a permit issued under section~~ 324
~~4703.39~~ of the Revised Code when the registrant, ~~permit holder,~~ or 325
holder of a certificate of authorization does any of the 326
following: 327

(A) Has obtained or attempted to obtain registration, ~~a~~ 328
~~permit,~~ or a certificate of authorization under sections 4703.30 329
to 4703.49 of the Revised Code by fraud or material 330
misrepresentation; 331

(B) Is impersonating or has attempted to impersonate a 332
landscape architect or a former landscape architect; 333

(C) Is found by the board to have been guilty of fraud, 334
deceit, or gross negligence in the practice of landscape 335
architecture or in providing landscape architectural services; 336

(D) Has affixed ~~his~~ the registrant's or certificate holder's 337
signature to plans, drawings, specifications, or other 338
professional documents ~~which~~ that have not been prepared by ~~him~~ 339
the registrant or certificate holder or under ~~his~~ the registrant's 340
or certificate holder's immediate and responsible direction or has 341
permitted ~~his~~ the registrant's or certificate holder's name to be 342
used for the purpose of assisting any individual, not a landscape 343
architect, to evade sections 4703.30 to 4703.49 of the Revised 344
Code; 345

(E) Fails the examination under section 4703.33 of the 346
Revised Code; 347

(F) Is found by the board to have violated any rule governing 348
the standards for education, experience, services, conduct, and 349
practice or any rule adopted by the board under sections 4703.30 350
to 4703.49 of the Revised Code. 351

Sec. 4703.42. (A) Under section 4703.41 of the Revised Code, 352
the state board of landscape architect examiners shall not refuse 353
to renew the registration of any landscape architect registered 354
under sections 4703.30 to 4703.49 or a certificate of 355
authorization issued under division (F) of section 4703.331 of the 356
Revised Code, or suspend or revoke the registration of any 357
landscape architect registered under ~~such~~ those sections, ~~a permit~~ 358
~~issued under section 4703.39,~~ or a certificate of authorization 359
issued under division (F) of section 4703.331 of the Revised Code, 360
without at least twenty days' notice to the applicant, registered 361
landscape architect, ~~individual who holds a permit,~~ or other 362

interested party, who shall be entitled to a hearing by the board 363
under sections 119.01 to 119.13 of the Revised Code. At least ten 364
days before the date of the hearing, the board shall notify the 365
applicant, registered landscape architect, ~~individual who holds a~~ 366
~~permit~~, or other interested party of the nature of the matters to 367
be presented at ~~such~~ the hearing. Within thirty days after the 368
hearing, the board shall give notice of its final decision to the 369
applicant, registered landscape architect, ~~individual who holds a~~ 370
~~permit~~, or other interested party. 371

(B) As used in this section, "other interested party" means 372
any firm, partnership, or association holding a certificate of 373
authorization issued under division (F) of section 4703.331 of the 374
Revised Code or, in the case of a corporation holding such a 375
certificate, the corporation's agent as described in section 376
1701.07 of the Revised Code. 377

Sec. 4703.44. Unless otherwise provided in section 4703.42 of 378
the Revised Code, the administrative procedures of the state board 379
of landscape architect examiners shall be governed by Chapter 119. 380
of the Revised Code, and the president of the board and ~~his~~ the 381
president's authorized representatives may administer oaths, take 382
depositions, and issue subpoenas to compel the attendance of 383
witnesses and the production of books, papers, records, memoranda, 384
or other information necessary to the carrying out of sections 385
4703.30 to ~~4703.49~~ 4703.52 of the Revised Code. 386

Sec. 4703.45. No person shall do either of the following: 387

(A) Obtain or attempt to obtain registration as a landscape 388
architect or a certificate of authorization under division (F) of 389
section 4703.331 of the Revised Code by fraud or material 390
misrepresentation; 391

(B) Willfully make a false oath or affirmation under section 392

4703.34, ~~4703.341~~, or 4703.35, ~~or 4703.39~~ of the Revised Code. 393

Sec. 4703.46. (A) The state board of landscape architect 394
examiners ~~may~~, upon its own motion or upon the verified complaint 395
in writing of any person, may investigate any alleged violation of 396
sections 4703.30 to ~~4703.49~~ 4703.52 of the Revised Code. The board 397
~~may~~, in its discretion, may disregard any complaint filed more 398
than two years after the act or omission alleged as a violation of 399
~~such~~ those sections. 400

(B) The board may apply to any court of competent 401
jurisdiction for relief by injunction or restraining order to 402
enjoin or restrain a person, firm, corporation, partnership, 403
limited liability company, or other group or combination of 404
persons from the commission of any act that is prohibited by 405
sections 4703.30 to 4703.52 of the Revised Code or by rules 406
governing the standards of service, conduct, and practice to be 407
followed in the practice of landscape architecture adopted by the 408
board under sections 4703.30 to 4703.49 of the Revised Code. 409

Sec. 4703.49. The attorney general is hereby designated as 410
the legal advisor of the state board of landscape architect 411
examiners. 412

The prosecuting attorney in each of the counties shall 413
prosecute by court action all violations of sections 4703.30 to 414
~~4703.49~~ 4703.52 of the Revised Code, occurring in ~~his~~ the 415
prosecuting attorney's jurisdiction as may be presented for 416
prosecution by the board. 417

Section 2. That existing sections 4703.30, 4703.31, 4703.32, 418
4703.33, 4703.34, 4703.36, 4703.41, 4703.42, 4703.44, 4703.45, 419
4703.46, and 4703.49, and sections 4703.341 and 4703.39 of the 420
Revised Code are hereby repealed. 421