

**As Passed by the Senate**

**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  
SENATORS Blessing, Mumper, Goodman**

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**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 20  
studies, and the supervision of the performance execution 21  
of projects involving the arranging of land and the elements thereon 22  
for public and private use and enjoyment, including the alignment 23  
of roadways and the location of buildings, service areas, parking 24  
areas, walkways, steps, ramps, pools, and other structures, and 25  
the grading of the land, surface and sub soil drainage, erosion 26  
control, planting, reforestation, and the preservation of the 27  
natural landscape, in accordance with the accepted professional 28  
standards of public health, welfare, and safety, where the 29  
dominant purpose of such service involves: 30~~

~~(a) The preservation, conservation, enhancement, or 31  
determination of proper land and water uses, natural land 32  
features, ground cover and plantings, naturalistic and aesthetic 33  
values, natural systems, reforestation, restoration, and 34  
reclamation; 35~~

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

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

(2) The preparation of construction documents, provided that these are limited to and are necessary for projects within the scope of the practice of landscape architecture as defined in divisions (B)(1)(a), (b), and (c) of this section; 50  
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(3) The following services as they relate to the practice of landscape architecture: 54  
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(a) Construction observation; 56

(b) Project coordination and review of technical submissions, plans, and construction documents; 57  
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(c) Collaboration with architects and professional engineers in the design of streets, highways, bridges, buildings, and structures with respect to the functional and aesthetic requirements of the area in which such facilities are to be placed. 59  
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(4) This practice shall include the location and arrangement of such tangible objects and features as are incidental and necessary to the purposes outlined in this section, but shall not include the design of structures or facilities with separate and self-contained purposes for habitation or industry, or the design of public streets and highways, utilities, storm and sanitary sewers, and water and sewage treatment facilities, such as are exclusive to the practice of engineering or architecture. A landscape architect shall undertake to perform professional services only when the landscape architect is qualified by education, training, and experience in the specific technical areas involved. This division shall not be construed to prohibit a landscape architect from engaging individuals performing services outside the scope of the landscape architect's qualifications as consultants. 64  
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(5) The practice of landscape architecture does not include the practice of surveying as defined in division (F) of section 79  
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4733.01 of the Revised Code. 81

(C) "Board" means the state board of landscape architect 82  
examiners. 83

**Sec. 4703.31.** (A) There is hereby created the state board of 84  
landscape architect examiners. ~~Said~~ The board shall consist of 85  
five members appointed by the governor. All appointments made to 86  
the board shall be for a five-year term commencing on the eleventh 87  
day of November and ending on the tenth day of November. Each 88  
member shall hold office from the date of appointment until the 89  
end of the term to which ~~he~~ the member was appointed. Any member 90  
shall continue in office subsequent to the expiration date of ~~his~~ 91  
the member's term until ~~a~~ the member's successor is appointed, or 92  
until a period of sixty days has elapsed, whichever occurs first. 93  
Three of the members shall be landscape architects registered 94  
under sections 4703.33 to 4703.37 of the Revised Code for not less 95  
than five years prior to appointment to the board. One member 96  
shall be appointed from ~~an allied~~ a licensed design profession and 97  
one member shall represent the public. Any member of the board may 98  
be removed by the governor at any time for cause. 99

(B) In the event of a vacancy in the office of a member of 100  
the board other than by reason of the expiration of a term, the 101  
governor, not later than ninety days after the occurrence of the 102  
vacancy, shall appoint a person to hold office for the remainder 103  
of the unexpired term. 104

(C) The board shall elect from its members a president and a 105  
secretary who shall hold ~~such~~ those offices for one year. 106

(D) Each member of the board shall receive as a part of the 107  
expense of the board an amount fixed pursuant to division (J) of 108  
section 124.15 of the Revised Code for each day actually employed 109  
in the discharge of ~~his~~ official duties, along with ~~his~~ other 110  
necessary expenses. 111

(E) The board shall meet at least twice each calendar year 112  
for purposes of transacting regular business and may hold other 113  
meetings upon the call of the president or a majority of the 114  
members of the board after reasonable notice to the other board 115  
members of the time and place of the meeting. Three members of the 116  
board shall constitute a quorum for the transaction of business. 117

(F) The board shall utilize the physical facilities and 119  
administrative staff of the state board of examiners of architects 120  
for the discharge of all the board's administrative duties in 121  
connection with the administration and enforcement of sections 122  
4703.30 to ~~4703.49~~ 4703.52 of the Revised Code. The state board of 123  
landscape architect examiners shall bear a proportionate share of 124  
the cost of ~~such~~ those administrative services, which shall not 125  
exceed its revenue. 126

**Sec. 4703.32.** (A) No person shall engage in the practice of 127  
landscape architecture or use the title of "landscape architect" 128  
or any title, sign, card, or device indicating, or tending to 129  
indicate, or represent in any manner that ~~he~~ the person is a 130  
landscape architect, unless ~~he~~ the person is registered under 131  
sections 4703.30 to 4703.49 of the Revised Code, ~~or holds a permit~~  
~~issued under section 4703.39 of the Revised Code.~~ 133

(B) Sections 4703.30 to 4703.49 of the Revised Code, are not 134  
intended to restrict or otherwise affect the right of any 135  
individual to practice architecture under sections 4703.01 to 136  
4703.19 of the Revised Code, or engineering under sections 4733.01 137  
to 4733.24 of the Revised Code. This division does not exclude a 138  
~~registered professional engineer or a~~ registered architect from 139  
~~such~~ the practice of landscape architecture ~~as~~ that is incidental 140  
to the practice of ~~engineering or~~ architecture or exclude a 141  
landscape architect from the practice of architecture that is 142

incidental to the practice of landscape architecture. 143

(C) Sections 4703.30 to 4703.49 of the Revised Code~~7~~ do not 144  
affect the right of any individual to engage in the occupation of 145  
growing or marketing nursery stock~~7~~ or to use the title 146  
~~"nurseryman nurseryperson," "landscape nurseryman nurseryperson,"~~ 147  
~~or "gardener," "landscape gardener," "landscape designer,"~~ 148  
~~"general contractor," "landscape contractor," "land developer,"~~ 149  
~~"golf course architect," or "golf course designer,"~~ provided that 150  
no individual shall engage in the practice of landscape 151  
architecture or use the title "landscape architect" unless ~~he~~ the 152  
person has complied with sections 4703.30 to 4703.49 of the 153  
Revised Code. 154

(D) Nothing in sections 4703.30 to 4703.49 of the Revised 155  
Code prevents a vendor of goods, services, or materials, including 156  
nurserypersons, landscape nurserypersons, gardeners, landscape 157  
gardeners, landscape designers, general or landscape contractors, 158  
land developers, and golf course architects or golf course 159  
designers, from providing drawings or graphic diagrams that are 160  
necessary for the proper layout of the vendor's goods or materials 161  
for public or private land or arranging for the installation of 162  
the goods or materials. Nothing in sections 4703.30 to 4703.49 of 163  
the Revised Code prevents a landscape designer from engaging in, 164  
for a fee, the design of spaces utilizing plant materials and 165  
ancillary paving and building materials or arranging for the 166  
installation of the materials. Nothing in sections 4703.30 to 167  
4703.49 of the Revised Code shall be construed in any manner to 168  
prohibit a person from designing or preparing drawings or 169  
specifications for any real property owned by that person. 170

(E) Each landscape architect, upon registration by the state 171  
board of landscape architect examiners, may obtain a stamp of the 172  
design authorized by the board, bearing the name of the 173  
registrant, date of registration, number of certificate, and the 174

legend "registered landscape architect." All professional 175  
documents, including maps, plans, designs, drawings, 176  
specifications, estimates, and reports, issued by a registrant may 177  
be stamped only while the registrant's certificate is in full 178  
force and effect. 179

**Sec. 4703.33.** (A) The state board of landscape architect 180  
examiners may adopt, ~~promulgate, modify~~ amend, and enforce rules 181  
governing the standards for education, experience, services, 182  
conduct, and practice to be followed in the practice of the 183  
profession of landscape architecture in accordance with Chapter 184  
119. of the Revised Code. 185

(B) The board shall hold examinations not less than once 186  
annually and shall register as a landscape architect each 187  
applicant who demonstrates to the satisfaction of the board that 188  
~~he~~ the applicant has met all the requirements of section 4703.34 189  
of the Revised Code ~~or, in lieu thereof, has complied with the~~ 190  
~~provisions of section 4703.341 of the Revised Code.~~ 191

(C) The board shall issue to each individual registered 192  
pursuant to this section a certificate of qualification. 193

(D) The board shall appoint at least one of its members as a 194  
delegate to each regional and annual meeting of the council of 195  
landscape architectural registration boards. 196

**Sec. 4703.332.** (A) Notwithstanding any other provision of 197  
sections 4703.30 to 4703.49 of the Revised Code, any person 198  
performing labor or providing services pursuant to a construction 199  
contract may offer or provide landscape architectural services in 200  
connection with the person's other labor or services if all of the 201  
following apply: 202

(1) The person employs a landscape architect registered under 203  
sections 4703.30 to 4703.49 of the Revised Code or enters into a 204

contract with a 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 to provide landscape architectural services.

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(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.

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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 section 4703.331 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.

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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.

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(C) As used in this section:

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(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.

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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

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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.

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

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(B) Except as provided in section 4703.35 of the Revised Code, each application shall include, or be accompanied by, evidence given under oath or affirmation and satisfactory to the board that the applicant possesses the qualifications prescribed by division (C) of this section and also possesses, or is in the process of obtaining, one of the qualifications required by division (D) of this section. Each applicant shall include in his the application a request for examination. The board shall permit an applicant who is in the process of completing the requirement specified in division (D) of this section to take an examination, but the board shall not register such an applicant until the applicant completes the requirement.

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

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~~(1) Has~~ have obtained a professional degree in landscape architecture from a program ~~recognized~~ accredited by the national landscape architect accrediting board. ~~The applicant may substitute two years or equivalent, practical experience in the~~

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~~office of, and under the direct supervision of, a registered  
landscape architect who is actively involved in the practice of  
landscape architecture, for each year of professional education as  
required by the board.~~

(2)(D) In addition to the qualifications required by division  
(C) of this section, the applicant shall meet either of the  
following requirements:

(1) Has completed two three years of practical experience in  
the office of or under the direct supervision of a registered  
landscape architect who is actively involved in the practice of  
landscape architecture, or equivalent experience, as determined by  
the board, provided however, that at least one year of the  
practical experience or its equivalent as required by this  
division (D)(1) of this section shall have been completed by the  
applicant subsequent to the completion of the educational  
requirements established by division (C)(1) of this section;

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

**Sec. 4703.36.** (A) The state board of landscape architect  
examiners shall register as a landscape architect each applicant  
who demonstrates to the satisfaction of the board that the  
applicant has met all requirements of section 4703.34 of the  
Revised Code, or, in lieu thereof, has complied with the  
provisions of section 4703.341 or 4703.35 of the Revised Code. The  
certificate issued to each individual shall be prima-facie  
evidence of the right of the individual to whom it is issued to  
represent self as a landscape architect and to enter the practice

of landscape architecture, subject to sections 4703.30 to 4703.49 298  
of the Revised Code. 299

(B) Each certificate of qualification issued and registered 300  
shall authorize the holder to practice landscape architecture as a 301  
landscape architect in this state until the last day of October of 302  
each odd-numbered calendar year, unless revoked or suspended for 303  
cause as provided in this chapter or suspended pursuant to section 304  
3123.47 of the Revised Code. License renewal shall be conducted in 305  
accordance with the standard license renewal procedure in Chapter 306  
4745. of the Revised Code. Each renewal shall be recorded in the 307  
official register of the board. 308

(C) Each person registered by the board shall secure a seal 309  
of the design prescribed by the board. All plans, specifications, 310  
drawings, and other documents prepared by, or under the direct 311  
supervision of, the landscape architect shall be imprinted with 312  
~~such~~ the seal, in accordance with the requirements of the board. 313

(D) Each certificate of authorization issued under division 314  
(F) of section 4703.331 of the Revised Code shall authorize the 315  
holder to provide landscape architectural services, through the 316  
landscape architect designated as being in responsible charge of 317  
the landscape architectural activities and decisions, from the 318  
date of issuance until the last day of June next succeeding the 319  
date upon which the certificate was issued unless the certificate 320  
has been suspended or revoked for cause as provided in section 321  
4703.42 of the Revised Code. 322

**Sec. 4703.41.** The state board of landscape architect 323  
examiners may refuse to register any applicant or refuse to issue 324  
a certificate of authorization to any applicant, may refuse to 325  
renew the registration of any landscape architect registered under 326  
sections 4703.30 to 4703.49 or a certificate of authorization 327  
issued under division (F) of section 4703.331 of the Revised Code, 328

or may suspend for a period not exceeding one year or revoke the 329  
registration of any landscape architect registered under sections 330  
4703.30 to 4703.49, or a certificate of authorization issued under 331  
division (F) of section 4703.331, ~~or a permit issued under section~~ 332  
~~4703.39~~ of the Revised Code when the registrant, ~~permit holder,~~ or 333  
holder of a certificate of authorization does any of the 334  
following: 335

(A) Has obtained or attempted to obtain registration, ~~a~~ 336  
~~permit,~~ or a certificate of authorization under sections 4703.30 337  
to 4703.49 of the Revised Code by fraud or material 338  
misrepresentation; 339

(B) Is impersonating or has attempted to impersonate a 340  
landscape architect or a former landscape architect; 341

(C) Is found by the board to have been guilty of fraud, 342  
deceit, or gross negligence in the practice of landscape 343  
architecture or in providing landscape architectural services; 344

(D) Has affixed ~~his~~ the registrant's or certificate holder's 345  
signature to plans, drawings, specifications, or other 346  
professional documents ~~which that~~ have not been prepared by ~~him~~ 347  
the registrant or certificate holder or under ~~his~~ the registrant's 348  
or certificate holder's immediate and responsible direction, or 349  
has permitted ~~his~~ the registrant's or certificate holder's name to 350  
be used for the purpose of assisting any individual, not a 351  
landscape architect, to evade sections 4703.30 to 4703.49 of the 352  
Revised Code; 353

(E) Fails the examination under section 4703.33 of the 354  
Revised Code; 355

(F) Is found by the board to have violated any rule governing 356  
the standards for education, experience, services, conduct, and 357  
practice or any rule adopted by the board under sections 4703.30 358  
to 4703.49 of the Revised Code. 359

**Sec. 4703.42.** (A) Under section 4703.41 of the Revised Code, 360  
the state board of landscape architect examiners shall not refuse 361  
to renew the registration of any landscape architect registered 362  
under sections 4703.30 to 4703.49 or a certificate of 363  
authorization issued under division (F) of section 4703.331 of the 364  
Revised Code, or suspend or revoke the registration of any 365  
landscape architect registered under ~~such those~~ sections, ~~a permit~~ 366  
~~issued under section 4703.39~~, or a certificate of authorization 367  
issued under division (F) of section 4703.331 of the Revised Code, 368  
without at least twenty days' notice to the applicant, registered 369  
landscape architect, ~~individual who holds a permit~~, or other 370  
interested party, who shall be entitled to a hearing by the board 371  
under sections 119.01 to 119.13 of the Revised Code. At least ten 372  
days before the date of the hearing, the board shall notify the 373  
applicant, registered landscape architect, ~~individual who holds a~~ 374  
~~permit~~, or other interested party of the nature of the matters to 375  
be presented at ~~such the~~ hearing. Within thirty days after the 376  
hearing, the board shall give notice of its final decision to the 377  
applicant, registered landscape architect, ~~individual who holds a~~ 378  
~~permit~~, or other interested party. 379

(B) As used in this section, "other interested party" means 380  
any firm, partnership, or association holding a certificate of 381  
authorization issued under division (F) of section 4703.331 of the 382  
Revised Code or, in the case of a corporation holding such a 383  
certificate, the corporation's agent as described in section 384  
1701.07 of the Revised Code. 385

**Sec. 4703.44.** Unless otherwise provided in section 4703.42 of 386  
the Revised Code, the administrative procedures of the state board 387  
of landscape architect examiners shall be governed by Chapter 119. 388  
of the Revised Code, and the president of the board and ~~his~~ the 389  
president's authorized representatives may administer oaths, take 390

depositions, and issue subpoenas to compel the attendance of 391  
witnesses and the production of books, papers, records, memoranda, 392  
or other information necessary to the carrying out of sections 393  
4703.30 to ~~4703.49~~ 4703.52 of the Revised Code. 394

**Sec. 4703.45.** No person shall do either of the following: 395

(A) Obtain or attempt to obtain registration as a landscape 396  
architect or a certificate of authorization under division (F) of 397  
section 4703.331 of the Revised Code by fraud or material 398  
misrepresentation; 399

(B) Willfully make a false oath or affirmation under section 400  
4703.34, ~~4703.341~~, or 4703.35, ~~or 4703.39~~ of the Revised Code. 401

**Sec. 4703.46.** (A) The state board of landscape architect 402  
examiners ~~may~~, upon its own motion or upon the verified complaint 403  
in writing of any person, may investigate any alleged violation of 404  
sections 4703.30 to ~~4703.49~~ 4703.52 of the Revised Code. The board 405  
~~may~~, in its discretion, may disregard any complaint filed more 406  
than two years after the act or omission alleged as a violation of 407  
~~such~~ those sections. 408

(B) The board may apply to any court of competent 409  
jurisdiction for relief by injunction or restraining order to 410  
enjoin or restrain a person, firm, corporation, partnership, 411  
limited liability company, or other group or combination of 412  
persons from the commission of any act that is prohibited by 413  
sections 4703.30 to 4703.52 of the Revised Code or by rules 414  
adopted by the board under sections 4703.30 to 4703.49 of the 415  
Revised Code that govern the standards of service, conduct, and 416  
practice to be followed in the practice of landscape architecture. 417

**Sec. 4703.49.** The attorney general is hereby designated as 418  
the legal advisor of the state board of landscape architect 419

examiners. 420

The prosecuting attorney in each of the counties shall 421  
prosecute by court action all violations of sections 4703.30 to 422  
~~4703.49~~ 4703.52 of the Revised Code, occurring in ~~his~~ the 423  
prosecuting attorney's jurisdiction as may be presented for 424  
prosecution by the board. 425

**Section 2.** That existing sections 4703.30, 4703.31, 4703.32, 426  
4703.33, 4703.34, 4703.36, 4703.41, 4703.42, 4703.44, 4703.45, 427  
4703.46, and 4703.49, and sections 4703.341 and 4703.39 of the 428  
Revised Code are hereby repealed. 429