

**As Reported by the Senate Insurance, Commerce and Labor
Committee**

124th General Assembly

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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

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(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 of 21
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~~

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(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

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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

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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

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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. 205
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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. 209
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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. 212
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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. 220
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(C) As used in this section: 228

(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. 229
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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 233
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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~~ 267
~~landscape architect who is actively involved in the practice of~~ 268
~~landscape architecture, for each year of professional education as~~ 269
~~required by the board.~~ 270

(2)(D) In addition to the qualifications required by division 271
(C) of this section, the applicant shall meet either of the 272
following requirements: 273

(1) Has completed two three years of practical experience in 274
the office of or under the direct supervision of a registered 275
landscape architect who is actively involved in the practice of 276
landscape architecture, or equivalent experience, as determined by 277
the board, provided ~~however,~~ that at least one year of the 278
practical experience or its equivalent as required by ~~this~~ 279
division (D)(1) of this section shall have been completed by the 280
applicant subsequent to the completion of the educational 281
requirements established by division ~~(C)(1)~~ of this section; 282

(2) Has completed the requirements for training under an 283
internship program established pursuant to rules adopted by the 284
board that includes, but is not limited to, training in design and 285
construction documents and construction administration and office 286
management, or has equivalent experience that is acceptable to the 287
board. 288

Sec. 4703.36. (A) The state board of landscape architect 289
examiners shall register as a landscape architect each applicant 290
who demonstrates to the satisfaction of the board that the 291
applicant has met all requirements of section 4703.34 of the 292
Revised Code, or, in lieu thereof, has complied with the 293
~~provisions of section 4703.341 or 4703.35~~ of the Revised Code. The 294
certificate issued to each individual shall be prima-facie 295
evidence of the right of the individual to whom it is issued to 296
represent self as a landscape architect and to enter the practice 297

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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

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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