

SENATE BILL No. 1303

June 14, 2006, Introduced by Senator KUIPERS and referred to the Committee on Economic Development, Small Business and Regulatory Reform.

A bill to amend 1980 PA 299, entitled
"Occupational code,"
by amending sections 2201, 2202, 2203, 2204, 2205, 2208, 2209,
2210, and 2211 (MCL 339.2201, 339.2202, 339.2203, 339.2204,
339.2205, 339.2208, 339.2209, 339.2210, and 339.2211), section 2204
as amended by 1981 PA 83 and sections 2205 and 2209 as amended by
1988 PA 463, and by adding section 2202a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2201. As used in this article:

2 (a) "Landscape architect" means a person qualified to **ENGAGE**
3 **IN THE** practice **OF** landscape architecture as provided in this
4 article.

(b) "Practice of landscape architecture" means **ALL OF THE FOLLOWING:**

(i) The performance of professional services such as consultation, investigation, research, planning, design, or responsible field observation in connection with the development of land areas where, and to the extent that the dominant purpose of the services is the preservation, enhancement, or determination of proper land uses, natural land resources, ground cover and planting, naturalistic and aesthetic values, the settings and approaches to structures or other improvements, natural drainage, **GRADING, STORM WATER MANAGEMENT**, and the consideration and determination of inherent problems of the land relating to erosion, use and stress, blight, or other hazards.

(ii) The location and arrangement of tangible objects and features incidental and necessary to the purposes outlined in this article.

Sec. 2202. (1) This article shall not preclude a ~~—registered~~ **LICENSED** landscape architect from performing any of the services described in section 2201(b)(i) in connection with the settings, approaches, or environment for buildings, structures, or facilities.

(2) This article shall not be construed as authorizing a landscape architect to engage in the practice of architecture, engineering, or land surveying as defined in article 20.

(3) THE LICENSURE REQUIREMENTS OF THIS ARTICLE DO NOT APPLY TO ANY OF THE FOLLOWING:

(A) A PERSON LICENSED UNDER ARTICLE 20 AS AN ARCHITECT,

1 PROFESSIONAL ENGINEER, OR PROFESSIONAL SURVEYOR OR ANY OTHER
2 INDIVIDUAL LICENSED UNDER THIS ACT OR ANOTHER ACT WHILE ENGAGED IN
3 ACTIVITIES WITHIN THE SCOPE OF HIS OR HER PRACTICE.

4 (B) AN OWNER DOING LANDSCAPE ARCHITECTURAL WORK UPON, OR IN
5 CONNECTION WITH, CONSTRUCTION ON THE OWNER'S PROPERTY FOR THE
6 OWNER'S OWN USE AND TO WHICH EMPLOYEES AND THE PUBLIC DO NOT
7 GENERALLY HAVE ACCESS.

8 (C) A PERSON WHO IS LICENSED TO ENGAGE IN THE PRACTICE OF
9 LANDSCAPE ARCHITECTURE IN ANOTHER STATE WHILE TEMPORARILY IN THIS
10 STATE TO PRESENT A PROPOSAL FOR SERVICES.

11 (D) A PERSON OFFERING SERVICES AS A LANDSCAPE DESIGNER,
12 LANDSCAPE GARDENER, LANDSCAPE CONTRACTOR, OR LANDSCAPE NURSERY
13 OPERATOR, WHERE THE SERVICES RENDERED ARE NOT CONSIDERED SERVICES
14 WITHIN THE SCOPE OF THE PRACTICE OF LANDSCAPE ARCHITECTURE AND DO
15 NOT IMPACT THE PUBLIC HEALTH, SAFETY, AND WELFARE.

16 SEC. 2202A. (1) A PERSON SHALL NOT ENGAGE IN, OFFER TO ENGAGE
17 IN, OR ATTEMPT TO ENGAGE IN THE PRACTICE OF LANDSCAPE ARCHITECTURE
18 UNLESS LICENSED UNDER THIS ARTICLE OR EXEMPT FROM LICENSURE UNDER
19 THIS ARTICLE.

20 (2) A PERSON SHALL NOT USE OR ADVERTISE ANY TITLE OR
21 DESCRIPTION TENDING TO CONVEY THE IMPRESSION THAT HE OR SHE IS A
22 LANDSCAPE ARCHITECT OR HE OR SHE OFFERS LANDSCAPE ARCHITECT
23 SERVICES UNLESS HE OR SHE IS LICENSED UNDER THIS ARTICLE.

24 Sec. 2203. (1) The board of landscape architects is created.

25 (2) WITHIN 1 YEAR AFTER THE EFFECTIVE DATE OF THE AMENDATORY
26 ACT THAT ADDED THIS SUBSECTION, ANY BOARD MEMBER REPRESENTING
27 LANDSCAPE ARCHITECTS AND SERVING ON THAT DATE SHALL OBTAIN

1 **LICENSURE UNDER THIS ARTICLE IN ORDER TO CONTINUE TO SERVE ON THE**
2 **BOARD.**

3 Sec. 2204. An applicant for ~~registration~~ **LICENSURE** as a
4 landscape architect shall be of good moral character and shall pass
5 a written examination developed by the department and the board. In
6 addition, each applicant shall have had not less than 7 years of
7 training and experience in the actual practice of landscape
8 architecture. Satisfactory completion of each year up to 5 years of
9 an accredited course in landscape architecture in an accredited
10 school shall be considered as equivalent to a year of experience.

11 Sec. 2205. (1) All requirements for ~~registration~~ **LICENSURE**
12 shall be completed within 10 years after receipt of the application
13 by the department. If the requirements are not completed within the
14 10-year period, the application shall be void.

15 (2) **A DEMONSTRATION OF CONTINUING PROFESSIONAL COMPETENCE**
16 **SHALL BE REQUIRED FOR RENEWAL OF A LICENSE AS DETERMINED BY THE**
17 **BOARD OF LANDSCAPE ARCHITECTS AND PROVIDED FOR BY RULE OF THE**
18 **DIRECTOR.**

19 Sec. 2208. ~~Registration~~ **LICENSURE** under this article shall
20 be on an individual basis. The department shall not ~~register~~
21 **LICENSE** a partnership, association, corporation, or a public agency
22 under this article.

23 Sec. 2209. (1) **BEGINNING THE LICENSE CYCLE AFTER THE EFFECTIVE**
24 **DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION, THE**
25 **DEPARTMENT SHALL ISSUE A LICENSE AS A LANDSCAPE ARCHITECT TO AN**
26 **INDIVIDUAL REGISTERED UNDER THIS ARTICLE UPON APPLICATION AND**
27 **PAYMENT OF THE RENEWAL FEE.**

1 (2) The department may issue a ~~registration~~ **LICENSE** without
2 examination to an applicant who is legally registered, ~~or~~
3 licensed, **OR REGULATED** as a landscape architect in any other state
4 or country whose requirements for registration, ~~or~~ licensure, **OR**
5 **OTHER REGULATION** are at least substantially equivalent to the
6 requirements of this state.

7 Sec. 2210. (1) Each landscape architect shall have a seal,
8 approved by the department and the board, which shall contain the
9 name of the landscape architect, the ~~serial~~ number of his or her
10 ~~certificate of registration~~ **LICENSE** and the legend "landscape
11 architect, state of Michigan" and other words or figures as the
12 department considers necessary. Plans, specifications, and reports
13 prepared by the landscape architect or under his or her supervision
14 shall be stamped with his or her seal when filed with a public
15 authority.

16 (2) A landscape architect who indorses a document with his or
17 her seal while his or her ~~certificate of registration~~ **LICENSE** is
18 not in full force and effect, or who indorses a document which the
19 landscape architect did not actually prepare or supervise the
20 preparation, is subject to the penalties prescribed in article 6.

21 Sec. 2211. (1) A person shall not use or advertise any title
22 or description tending to convey the impression that he or she is a
23 landscape architect unless he or she is ~~registered as provided in~~
24 **LICENSED UNDER** this article. This article does not restrict the use
25 of the titles "landscape gardener", "landscape contractor",
26 "landscape designer", or "landscape nursery man".

27 **(2) A PERSON IS SUBJECT TO THE PENALTIES SET FORTH IN ARTICLE**

1 6 WHO COMMITS 1 OF THE FOLLOWING:

2 (A) ENGAGES IN THE PRACTICE OF LANDSCAPE ARCHITECTURE OR USES
3 THE TERM "LANDSCAPE ARCHITECT", OR A SIMILAR TERM IN CONNECTION
4 WITH THE PERSON'S NAME UNLESS THE PERSON IS LICENSED OR EXEMPT FROM
5 LICENSURE UNDER THIS ARTICLE.

6 (B) PRESENTS OR ATTEMPTS TO USE AS THE PERSON'S OWN THE
7 LICENSE OR SEAL OF ANOTHER.

8 (C) USES OR ATTEMPTS TO USE AN EXPIRED, SUSPENDED, OR REVOKED
9 LICENSE.

10 Enacting section 1. This amendatory act does not take effect
11 unless Senate Bill No. 1304

12 of the 93rd Legislature is enacted into law.