

IN THE SENATE

SENATE BILL NO. 1232

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

1 RELATING TO ARCHITECTS AND LANDSCAPE ARCHITECTS; AMENDING SECTION 54-303,
2 IDAHO CODE, TO REVISE A DEFINITION AND TO MAKE A TECHNICAL CORRECTION;
3 AMENDING SECTION 54-307, IDAHO CODE, TO PROVIDE FOR THE BOARD OF ARCHI-
4 TECTS AND LANDSCAPE ARCHITECTS; AMENDING SECTION 54-3002, IDAHO CODE,
5 TO REVISE A DEFINITION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SEC-
6 TION 54-3003, IDAHO CODE, TO PROVIDE FOR THE BOARD OF ARCHITECTS AND
7 LANDSCAPE ARCHITECTS AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING
8 AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
9

10 Be It Enacted by the Legislature of the State of Idaho:

11 SECTION 1. That Section 54-303, Idaho Code, be, and the same is hereby
12 amended to read as follows:

13 54-303. DEFINITIONS. As used in this chapter:

14 (1) "Architect" means a person who engages in the practice of architec-
15 ture as defined in this section and is licensed under the provisions of this
16 chapter.

17 (2) "Architectural intern" means a person enrolled in a national coun-
18 cil of architectural registration boards' architectural experience program
19 and who, in fulfillment of the requirements of that program, is working under
20 the direct supervision of an architect licensed under this chapter.

21 (3) "Board" means the board of ~~architectural examiners~~ architects and
22 landscape architects.

23 (4) "Building" means an enclosure, including related improvements,
24 that has as its principal purpose the adaptation of space for occupancy or
25 habitation by human beings.

26 (5) "Practice of architecture" means rendering or offering those
27 services described in this subsection in connection with the design, con-
28 struction, enlargement or alteration of a building or a group of buildings.
29 The services covered within this definition include architectural planning,
30 advice and consultation; providing preliminary studies; architectural
31 designs, drawings and specifications; technical submissions; and adminis-
32 tration of construction contracts.

33 (6) "Prototypical building" means any commercial building or space
34 within a commercial building that is intended to be constructed in multiple
35 locations, that has been constructed in multiple locations and that conveys
36 an owner's intended uniform business program, plan or image.

37 (7) "Prototypical building documents" means technical submissions for
38 prototypical buildings that:

39 (a) Are prepared by or under the responsible control of an architect
40 then licensed in any jurisdiction and holding the certification issued
41 by the national council of architectural registration boards;

1 (b) Identify the architect, together with the architect's license num-
 2 ber and jurisdiction or the architect's license and national council of
 3 architectural registration boards certification number; and

4 (c) Are marked "prototypical design documents not for construction."
 5 Prototypical building documents do not comprise a final, comprehensive
 6 set of design and construction documents because a prototypical build-
 7 ing also requires adaptations for local conditions, including site con-
 8 ditions, and may require additional design.

9 (8) "Responsible control" means that amount of control over and de-
 10 tailed knowledge of the content of technical submissions during their
 11 preparation as is ordinarily exercised by registered architects applying
 12 the required professional standard of care. Reviewing, or reviewing and
 13 correcting, technical submissions after they have been prepared by others
 14 does not constitute the exercise of responsible control because the reviewer
 15 has neither control over nor detailed knowledge of the content of such sub-
 16 missions throughout their preparation.

17 (9) "Technical submissions" involving the practice of architecture
 18 consist of designs, drawings, specifications, studies and other technical
 19 reports prepared in the course of practicing architecture.

20 SECTION 2. That Section 54-307, Idaho Code, be, and the same is hereby
 21 amended to read as follows:

22 54-307. BOARD -- ORGANIZATION AND MEETINGS. (1) There is hereby cre-
 23 ated in the division of occupational and professional licenses a board of
 24 ~~architectural examiners architects and landscape architects.~~

25 (2) The board shall consist of ~~six seven (67)~~ members, ~~five four (54)~~
 26 of whom shall be licensed architects and shall have been residents of and
 27 lawfully practicing architects within the state of Idaho for a period of at
 28 least five (5) years directly preceding appointment, and one (1) of whom
 29 shall be a member of the public with an interest in the rights of the con-
 30 sumers of architectural services. At all times, the board shall have at
 31 least one (1) member who is engaged primarily in professional architectural
 32 education, two (2) of whom shall be licensed landscape architects, and one
 33 (1) of whom shall be a member of the public with an interest in the rights of
 34 the consumers of architectural services.

35 (3) The regular term of office of a member shall begin as of the first
 36 Monday immediately following the date of his appointment and shall continue
 37 for five (5) years thereafter and until his successor shall have been ap-
 38 pointed and accepted his appointment. A member appointed to fill a vacancy
 39 occasioned otherwise than by expiration of a term shall serve the unexpired
 40 term of his predecessor. No members shall be appointed for a period exceed-
 41 ing two (2) consecutive terms. Any member who has served two (2) consecutive
 42 terms may be reappointed after a lapse of five (5) years from the termination
 43 date of his last term.

44 (4) Board members shall be appointed by the governor and shall serve at
 45 the pleasure of the governor.

46 (5) In the event of death, resignation, incapacity, disqualification
 47 or removal, a vacancy in membership shall be declared by the board and filled
 48 for the unexpired portion of the term in the same manner as the original ap-
 49 pointment.

1 (6) The board shall, at least annually, hold a meeting and elect a
2 chairman. The board may hold additional meetings at the call of the chairman
3 or at the request of any two (2) members of the board.

4 (7) A majority of the members of the board shall constitute a quorum.

5 (8) Members of the board shall receive an honorarium and be reimbursed
6 for expenses as provided in section 59-509(p), Idaho Code.

7 SECTION 3. That Section 54-3002, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 54-3002. DEFINITIONS. As used in this chapter:

10 (1) "Landscape architect" means a person who holds a license to prac-
11 tice landscape architecture in the state of Idaho under the authority of this
12 chapter.

13 (2) "Landscape architecture" means the performance of professional
14 services such as consultations, investigation, reconnaissance, research,
15 planning, design or responsible supervision in connection with the de-
16 velopment of land and incidental water areas where, and to the extent that
17 the dominant purpose of such services is the preservation, enhancement
18 or determination of proper land uses, natural land features, ground cover
19 and planting, naturalistic and aesthetic values, approaches to buildings,
20 structures, facilities or other improvements, natural drainage and the
21 consideration and determination of inherent problems of the land relating
22 to erosion, wear and tear, light or other hazards, but shall not include
23 the application of geological principles. This practice shall include the
24 location, design and arrangement of such tangible objects as pools, walls,
25 steps, trellises, canopies, and features as are incidental and necessary to
26 the purposes outlined herein, but shall not include the design of structures
27 or facilities with separate and self-contained purposes for habitation or
28 industry, such as are ordinarily included in the practice of engineering or
29 architecture; and shall not include the making of cadastral surveys or final
30 land plats for official recording or approval. It involves the design and
31 arrangement of land forms and the development of outdoor space, including,
32 but not limited to, the design of public parks, playgrounds, cemeteries,
33 home and school grounds, and the development of industrial and recreational
34 sites.

35 (3) "Board" means the ~~Idaho state~~ board of architects and landscape ar-
36 chitects.

37 (4) "Department" means the department of self-governing agencies of
38 the state of Idaho.

39 (5) "Landscape architect-in-training" means a person who has met the
40 qualifications of section 54-3003(2) (a) and (b), Idaho Code, and is working
41 under the supervision of a licensed landscape architect. A landscape archi-
42 tect-in-training shall use the title "landscape architect-in-training" in
43 accordance with board rule.

44 (6) "Public" means any person, firm, corporation, partnership, com-
45 pany, government agency, institution or any other entity recognized by law.

46 (7) "Rules of professional responsibility" means those rules, if any,
47 promulgated by the board.

1 SECTION 4. That Section 54-3003, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 54-3003. QUALIFICATIONS -- EXAMINATIONS -- BOARD -- LICENSES -- FEES
4 -- ENDORSEMENT -- EXEMPTIONS -- INDIVIDUALS, PARTNERSHIPS AND CORPORATIONS
5 -- RESTRICTION ON USE OF NAME -- SEAL. (1) Application and practice. In or-
6 der to safeguard human health and property, and to promote the public wel-
7 fare, any person in either public or private capacity practicing or offer-
8 ing to practice landscape architecture shall be required to submit evidence
9 of qualifications to practice and shall be issued a license under the provi-
10 sions of this chapter.

11 (2) Qualifications. For licensure as a landscape architect, evidence
12 must be submitted to the board that the applicant:

13 (a) Is eighteen (18) years of age or older;

14 (b) Has graduated from a college or school of landscape architecture
15 approved by the board. In lieu of graduation from an approved college or
16 school of landscape architecture, an applicant may present evidence of
17 at least eight (8) years of actual, practical experience in landscape
18 architecture of a grade and character satisfactory to the board, as
19 established by rule, that the applicant is competent to practice land-
20 scape architecture; and

21 (c) Has successfully passed an examination approved by the board.

22 (3) Examinations. The board shall adopt rules covering the subjects
23 and scope of the examinations. Every applicant for license as a landscape
24 architect shall be required, in addition to all other requirements, to es-
25 tablish by written examination his competency to plan, design, specify and
26 supervise the installation and construction of landscape architectural
27 projects. Each written examination may be supplemented by such oral exami-
28 nations as the board may determine.

29 (4) ~~The board.~~

30 ~~(a) There is hereby created in the division of occupational and pro-~~
31 ~~fessional licenses an Idaho state board of landscape architects. The~~
32 ~~board shall consist of two (2) landscape architects and one (1) member~~
33 ~~of the public with an interest in the rights of the consumers of land-~~
34 ~~scape architect services. Members of the board shall be appointed by~~
35 ~~and shall serve at the pleasure of the governor and must be residents of~~
36 ~~this state. The terms of the members of the board shall be for four (4)~~
37 ~~years. Each member shall hold office until the appointment and qualifi-~~
38 ~~cation of his successor. Vacancies occurring prior to the expiration of~~
39 ~~the term shall be filled by appointment in like manner for the unexpired~~
40 ~~term.~~

41 ~~(b) Board powers.~~ The board shall have, in addition to the powers set
42 forth elsewhere in this chapter, the following powers and duties:

43 (i)a) To authorize, by written agreement, the division of occupational
44 and professional licenses to act as agent in its interest, and to make
45 such rules as shall be necessary in the performance of its duties;

46 (iib) To adopt rules of professional responsibility;

47 (iiic) To adopt rules requiring the completion of continuing education
48 by each licensee on an annual basis;

1 (~~ivd~~) The board, or its duly appointed hearing officer, shall have
2 the power in any disciplinary proceeding against a licensee under this
3 chapter, to administer oaths, take depositions of witnesses within or
4 outside of the state in the manner provided by law in civil cases, and to
5 apply to any district court of this state for a subpoena to require the
6 attendance of such witnesses and the production of such books, records
7 and papers as the board deems necessary in a disciplinary proceeding
8 against a licensee. The fees and mileage of the witnesses shall be the
9 same as that allowed in the district courts in criminal cases, which
10 fees and mileage shall be paid in the same manner as other board ex-
11 penses. In any case of disobedience to, or neglect of, any subpoena or
12 subpoena duces tecum served upon any person, or refusal of any witness
13 to testify to any matter about which he may lawfully be interrogated, it
14 shall be the duty of any district court in this state on application by
15 the board to compel compliance with the subpoena by conducting proceed-
16 ings for contempt, as in the case of disobedience of the requirements of
17 a subpoena issued from such court or for refusal to testify therein. The
18 licensed person accused in such proceedings shall have the same right of
19 subpoena.

20 ~~(c) The board shall elect, at its first meeting of every calendar year,~~
21 ~~a chairman from its members. In carrying out the provisions of this~~
22 ~~chapter, all members of the board shall be compensated as provided by~~
23 ~~section 59-509(m), Idaho Code. Payment of travel and other expenses~~
24 ~~shall be made from the occupational licenses fund.~~

25 (5) Renewal and reinstatement -- Rrevenue.

26 (a) All licenses issued under the provisions of this chapter shall be
27 subject to annual renewal and shall expire unless renewed in the manner
28 prescribed by the board regarding applications for renewal, continuing
29 education, and fees. License renewal and reinstatement shall be in ac-
30 cordance with section 67-2614, Idaho Code.

31 (b) Amounts. The amount of fees shall be as determined by the board
32 within the following stated limits:

33 (i) The application fee not to exceed one hundred dollars (\$100).

34 (ii) The fee for examination to be established by board rule not to
35 exceed that charged by the council of landscape architectural reg-
36 istration boards plus a fifty-dollar (\$50.00) processing fee. The
37 board may recover the actual costs associated with an applicant's
38 review of a failed examination.

39 (iii) The fee for an original license and the annual license fee
40 not to exceed two hundred dollars (\$200).

41 (c) Refund. Fees shall be nonrefundable.

42 (d) Deposit. All fees received under the provisions of this chapter
43 shall be deposited in the state treasury to the credit of the occupa-
44 tional licenses fund, and all costs and expenses incurred by the board
45 under the provisions of this chapter shall be a charge against and paid
46 from said fund for such purposes, and the funds collected hereunder
47 shall be immediately available for the administration of this chapter,
48 the provisions of any other law notwithstanding. In no instance will
49 the occupational licenses fund be obligated to pay any claims that in
50 aggregate with claims already paid exceed the income to the occupa-

1 tional licenses fund, which has been derived by the application of this
2 chapter.

3 (e) Appropriation. The money paid into the occupational licenses fund
4 is continuously appropriated to the board for expenditure in the manner
5 prescribed herein to defray the expenses of the board and in carrying
6 out and enforcing the provisions of this chapter.

7 (6) Endorsement provisions. The board may approve for licensure:

8 (a) An individual with a current council of landscape architectural
9 registration boards (CLARB) certification; or

10 (b) With limited examination, an applicant who is legally registered
11 or licensed as a landscape architect in any other state or country whose
12 requirements for registration or licensure are at least substantially
13 equivalent to the requirements of this state.

14 (7) Exemptions.

15 (a) None of the provisions of this chapter shall prevent employees of
16 those lawfully practicing as landscape architects from acting under the
17 instruction, control or supervision of their employers.

18 (b) None of the provisions of this chapter shall apply to the business
19 conducted in this state by any land use planner, horticulturist, nurs-
20 eryman, or landscape nurseryman, gardener, landscape gardener, land-
21 scape designer, or landscape contractor, as these terms are generally
22 used, or any other person, including, but not limited to, their right to
23 plan and supervise in connection therewith, except that no such person
24 shall use the designation "landscape architect," "landscape architec-
25 ture," or any description tending to convey the impression that they are
26 a licensed landscape architect unless they are registered as provided
27 in this chapter.

28 (c) This chapter shall not apply to architects, professional en-
29 gineers, geologists, and land surveyors licensed to practice their
30 respective professions.

31 (8) This chapter applies to individuals only.

32 (a) All licenses shall be issued to individuals only, but nothing
33 contained in this chapter shall prevent a duly licensed landscape ar-
34 chitect from rendering professional services for a corporation, firm,
35 partnership or association.

36 (b) Partners. Each partner in a partnership of landscape architects
37 shall be licensed to practice landscape architecture or to provide al-
38 lied professional services as defined in section 30-21-901, Idaho Code.
39 Subject to this requirement, a partnership of landscape architects may
40 use a partnership name if such name consists of:

41 (i) The names of two (2) or more landscape architects; ~~or~~ or

42 (ii) The names of one (1) or more landscape architects and one (1)
43 or more professional engineers or architects.

44 (c) Any person applying to the official of any county or city for a
45 business license to practice landscape architecture shall at the time
46 of such application exhibit to such official satisfactory evidence that
47 such applicant possesses a current Idaho license. The business license
48 shall not be granted until such evidence is presented, any contrary pro-
49 vision of any special act or general act notwithstanding.

50 (9) Qualifications for practice -- ~~Seal~~ seal.

1 (a) No person shall use the designation "landscape architect" or "land-
2 scape architecture" or advertise any title or description tending to
3 convey the impression that the person is a landscape architect, or
4 practicing landscape architecture, unless such person is a licensed
5 landscape architect. Every holder of a license shall display it in the
6 principal office, place of business, or place of employment.

7 (b) Every landscape architect shall have a seal approved by the board,
8 ~~which shall contain~~ that contains the name of the landscape architect
9 and the words "Licensed Landscape Architect, State of Idaho," and such
10 other words or figures as the board may deem necessary and prescribe.

11 (i) The seal may be a rubber stamp or an electronically applied
12 seal. Whenever the seal is applied, the licensee's written sig-
13 nature and the date shall be adjacent to or across the seal. The
14 seal, signature and date shall be placed on all final reports,
15 drawings and title pages of specifications, design information
16 and calculations. Whenever presented to a client or to the public,
17 such documents that are not final and do not contain a seal, signa-
18 ture and date, shall be clearly marked as "preliminary," "draft,"
19 "not for construction" or similar words to distinguish the docu-
20 ments from a finished product.

21 (ii) The application of the licensee's seal, signature and the
22 date shall constitute certification that the work thereon was
23 prepared by such landscape architect or under the supervision of
24 such landscape architect. Each plan or drawing sheet shall be
25 sealed and signed by the licensee or the licensee's agent respon-
26 sible for each sheet. The principal landscape architect in charge
27 shall sign and seal the title or first sheet. Copies of electron-
28 ically produced documents listed in subparagraph (b)(i) of this
29 ~~subsection~~ paragraph that are distributed for informational use,
30 such as for bidding purposes or working copies, may be issued with
31 the licensee's seal and a notice that the original document is on
32 file with the licensee's signature and date. The words "origi-
33 nal signed by:" and "date signed:" shall be placed adjacent to or
34 across the seal of the electronic original. The storage location
35 of the original documents shall also be provided. Only the title
36 page of reports, specifications and like documents need bear the
37 seal and signature of the licensee and the date.

38 (iii) Nothing contained herein shall be construed to permit a
39 landscape architect to practice as a licensed architect, a li-
40 censed professional engineer or a licensed land surveyor as these
41 professions are defined by Idaho Code; provided however, nothing
42 contained herein shall be construed to prevent a landscape archi-
43 tect from practicing landscape architecture.

44 SECTION 5. An emergency existing therefor, which emergency is hereby
45 declared to exist, this act shall be in full force and effect on and after
46 July 1, 2022.