

**HOUSE . . . . . No. 03266**

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The Commonwealth of Massachusetts

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PRESENTED BY:

*Carolyn C. Dykema*

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*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to landscape architects.

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PETITION OF:

NAME:

*Jennifer E. Benson*

DISTRICT/ADDRESS:

*37th Middlesex*

# HOUSE . . . . . No. 03266

By Ms. Dykema of Holliston, a petition (accompanied by bill, House, No. 3266) of Jennifer E. Benson relative to regulating landscape architects. Consumer Protection and Professional Licensure.

## The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to landscape architects.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Section 98 of chapter 112 of the General Laws, as appearing in the 2008 Official  
2 Edition, is hereby amended by striking out, in line 4, the word “him” and inserting in place  
3 thereof the following word:- them .

4 SECTION 2. Said section 98 of said chapter, as so appearing, is hereby further amended by  
5 striking out, in line 24, the word “his”, and inserting in place thereof the following word:- their .

6 SECTION 3. Chapter 112 of the General Laws is hereby further amended by striking out section  
7 99, as appearing in the 2008 Official Edition, and inserting in place thereof the following section:

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9 Section 99. No person shall practice or offer to practice as a landscape architect in the  
10 commonwealth, unless such person shall have secured from the board a certificate of registration  
11 as a landscape architect. No person shall represent themselves to be a landscape architect or use

12 the title landscape architect in the commonwealth on any sign, title, card, or other device to  
13 indicate such person is a landscape architect, unless such person shall have secured from the  
14 board a certificate of registration as a landscape architect. Every holder of a certificate of such  
15 registration shall display it in a conspicuous place in their principal office or place of  
16 employment within the commonwealth.

17           The following persons and activities are exempted from the provisions of this chapter:  
18 any architect registered under chapter 112, and any professional engineer registered under  
19 section 45 of chapter 13.

20 Nothing in this chapter shall prevent a vendor of goods, services or materials, including, but not  
21 limited, to irrigation designers, irrigation auditors, horticulturists, arborists, nursery staff,  
22 gardeners, landscape gardeners, landscape preservationists, wetlands scientists, environmental  
23 consultants, stone masons, and general or landscape contractors, from providing drawings or  
24 graphic diagrams necessary for the proper layout of their goods or materials or as normally  
25 included as part of their services, and nothing in this chapter shall prevent a landscape designer  
26 from engaging in, for a fee, the design of outdoor spaces utilizing plants, grade alterations, soils,  
27 soil amendments, paving, drainage solutions, building materials, or other utilities and amenities  
28 normally included as a part of their work, or shall prevent them from arranging for installation of  
29 same.

30 Nothing in this chapter shall be construed as in any manner to prohibit a person from making  
31 plans, drawings, or specifications for the personal use and enjoyment of any property which they  
32 own. Nothing in this chapter shall prevent the improvement by any person of land in agriculture.

33 Notwithstanding the provisions of this section, no person exempted under this section or any  
34 person engaged in activities exempted under this section shall use the title “landscape architect”  
35 unless such person complies with the provisions of this chapter.

36 SECTION 4. Section 100 of said chapter 112, as so appearing, is hereby amended by striking  
37 out the second and third sentences and inserting in place thereof the following 2 sentences:- All  
38 plans, specifications and reports prepared by a registered landscape architect or prepared under  
39 their supervision, shall be stamped with the impression of such seal. A registered landscape  
40 architect shall impress their seal on any plans, specifications or reports only if their certificate of  
41 registration is in full force and if they were the author of such plans, specifications and reports or  
42 in responsible supervision of their preparation.

43 SECTION 5. Section 101 of said chapter, as so appearing, is hereby amended by striking out, in  
44 clause (a), the words “he is at least twenty-three years of age and” and inserting in place thereof  
45 the following words:- the applicant is .

46 SECTION 6. Said section 101 of said chapter, as so appearing, is hereby further amended by  
47 striking out clause (b) and inserting in place thereof the following clause:-

48 (b) the applicant is a citizen of the United States or has legally declared their intention of so  
49 becoming, or the applicant has a current visa issued by the Federal Bureau of Citizenship and  
50 Immigration Services;

51 SECTION 7. Clause (c) of said section 101 of said chapter, as so appearing, is hereby amended  
52 by striking out the first sentence and inserting in place thereof the following sentence:-

53 the applicant has completed the course of study and been graduated from a college or school of

54 landscape architecture approved by the board and the applicant has had 2 years of practical  
55 experience in landscape architectural work of a grade and character satisfactory to the board.

56 SECTION 8. Section 102 of said chapter, as so appearing, is hereby amended by striking out the  
57 third sentence and inserting in place thereof the following sentence:- Except as hereinafter  
58 provided, every applicant for registration as a landscape architect shall be required, in addition to  
59 all other requirements, to establish, by written examination, their competency to plan, design,  
60 specify and supervise the installation of landscape projects.

61 SECTION 9. Said section 102 of said chapter, as so appearing, is hereby further amended by  
62 adding the following paragraph:-

63 All persons holding a certificate of registration as a landscape architect in the commonwealth  
64 shall participate in a mandatory continuing education program, to be overseen and managed by  
65 the board or by a subcommittee designated by said board in accordance with the following:

66 (a) all persons holding a certificate of registration as a landscape architect in the  
67 commonwealth under this chapter shall apply to the board for renewal of their certificate on or  
68 before the anniversary of the date of birth of the holder of said certificate next occurring more  
69 than 36 months after the date of issuance of the license and every 3 years thereafter. An  
70 application for renewal of license shall be approved for those applicants who provide evidence of  
71 successful completion of at least 36 contact hours triennially of continuing education for licensed  
72 landscape architects as approved by the board, and provide evidence of compliance with such  
73 other requirements or equivalent requirements as approved by the board. One contact hour shall  
74 be considered equal to 50 minutes of instruction. At least 12 contact hours must be earned by

75 attendance of a live presentation. Holders of said certificates shall not be permitted to carry over  
76 continuing education from one triennial period to the next;

77 (b) the board may draft regulations to determine the value in contact hours of various  
78 activities as shall qualify for credit as continuing education;

79 (c) acceptable activities for consideration by the board for eligibility for credit as contact hours  
80 for continuing education for the purpose of renewal of certification of registration as a landscape  
81 architect in the commonwealth may include those that increase the landscape architect's  
82 knowledge and understanding of technical subjects and contribute directly to the improvement of  
83 the landscape architect's professional knowledge and competence to practice landscape  
84 architecture; Such subjects include, but are not limited to: legal issues that influence the design  
85 of land areas, the construction of land areas or that influence any construction that impacts land  
86 areas; administrative and professional topics that pertain to the practice of landscape architecture;  
87 land use and land use history; sociological, behavioral and cultural influence on design or land  
88 use; natural conditions and ecosystems; resource preservation; wetland protection, preservation  
89 and remediation; topology; hydrology; hydraulics; natural vegetation and succession; principles  
90 of sustainability; soils sciences and analysis; design and planning principles and techniques;  
91 universal-accessible design; transportation systems and roadway design; pedestrian and vehicular  
92 circulation; planting design; landscape maintenance practices; playground safety standards and  
93 guidelines; irrigation design; lighting design; construction methods and techniques; building  
94 materials; construction and land use permitting; construction sequencing; principles and practice  
95 of grading, drainage, erosion and sedimentation control; utility system design and requirements;  
96 design, structural requirements, construction and permitting of site amenities including small  
97 structures; teaching a graduate or undergraduate level course, seminar or workshop at an

98 accredited institution on such a topic as listed above; delivering a lecture or presenting a paper on  
99 such a topic as listed above; publishing articles or books on such a topic as listed above, or one  
100 otherwise determined by the board to be appropriate for credit as continuing education contact  
101 hours;

102 (d) courses, programs, seminars, workshops or similar events that provide opportunity for  
103 continuing education contact hours as set forth in this section must provide the individual  
104 participant with documentation for recordkeeping and reporting; it is the responsibility of the  
105 applicant for renewal of a certificate of registration as landscape architect to maintain a written  
106 record of all continuing education relevant to application for renewal of said certificate for a 6-  
107 year period; such records must include: certificates of attendance, activities descriptions, records  
108 of credits maintained by providers who may qualify or certify such records and activities, and  
109 other documentation that verifies the content, date, time and duration of the activity or event;

110 (e) continuing education credits obtained in other states shall be accepted if the credits meet  
111 the standards of the commonwealth as set forth in this section;

112 (f) the board may make exemptions from the continuing education provisions of this section  
113 for:

114 i. holders of certificates on temporary active duty in the U.S. Armed Forces for a period  
115 greater than 90 days in one year, where such activity restricts participation in continuing  
116 education activities; and

117 ii. holders of certificates experiencing physical or mental disability, serious illness, or other  
118 extenuating circumstances that prevent professional practice of landscape architecture for an

119 extended period of time. Such hardship cases shall be considered by the board on an individual  
120 basis.

121 SECTION 10. Section 103 of said chapter, as so appearing, is hereby amended by striking out  
122 clause (b) and inserting in place thereof the following clause:-

123 (b) Failure to renew a certificate of registration within 60 days after notification by the board  
124 that their certificate has expired, shall, before again using the title of landscape architect within  
125 the commonwealth, be required to reregister, and may be required by the board to be  
126 reexamined.

127 SECTION 11. Section 106 of said chapter, as so appearing, is hereby amended by striking out  
128 clause(f) and inserting in place thereof the following clause:-

129 (f) that the holder of such certificate of registration has permitted or suffered their official seal to  
130 be affixed to any plans, specifications, drawings or reports, if such plans, specifications,  
131 drawings or reports were not prepared by them or under their personal supervision by their  
132 employed subordinates.

133 SECTION 12. Section 107 of said chapter, as so appearing, is hereby amended, by striking out  
134 clause (a) and inserting in place thereof the following clause:-

135 (a) hold themselves as a landscape architect unless they are registered under the provisions of  
136 sections 98 to 106, inclusive;

137 SECTION 13. Said section 107 of said chapter, as so appearing, is hereby further amended by  
138 striking out clause (b) and inserting in place thereof the following clause:-

139 (b) present as their own the certificate of registration of another;



140 SECTION 14. Said section 107 of said chapter, as so appearing, is hereby further amended by  
141 striking out the last sentence and inserting in place thereof the following sentence:-Each such  
142 violation shall be punished by a fine of not less than \$100 nor more than \$5,000, or by  
143 imprisonment in a jail or house of correction for not more than 1 year, or by both such fine and  
144 imprisonment.