

1 House BILL NO. 512
 2 INTRODUCED BY FABR LOCKREN Bradley Kille
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE BOARD OF
 5 LANDSCAPE ARCHITECTS; AND PRESCRIBING ITS POWERS AND
 6 DUTIES."
 7

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Short title. This act shall be known and
 10 cited as the "Landscape Architect Registration and Licensing
 11 Act".

12 Section 2. Purpose. The purpose of this act is to
 13 safeguard life, health, property, and to promote the public
 14 welfare by requiring that only properly qualified persons
 15 shall practice landscape architecture in this state.

16 Section 3. Definitions. As used in this act:

17 (1) "Landscape architect" means a person who holds a
 18 certificate to practice landscape architecture in the state
 19 of Montana under the provisions of this act.

20 (2) "Practice of the profession of landscape
 21 architecture" means performing services in connection with
 22 the analysis or development of land areas where, and to the
 23 extent that, the dominant purpose of such services is the
 24 preservation, enhancement, or determination of proper land
 25 uses, natural land features, ground cover and planting,

1 or environment for structures or other improvements, natural
 2 drainage and the consideration and determination of inherent
 3 problems of the land relating to the erosion, wear and tear,
 4 blight or other hazards. This practice shall include the
 5 location and arrangement of such tangible objects and
 6 features as are incidental and necessary to the purposes
 7 outlined herein but shall not include the design of
 8 structures or facilities with separate and self-contained
 9 purposes that are ordinarily included in the practice of
 10 engineering or architecture; and shall not include the
 11 making of land surveys or final land plats for official
 12 approval or recording.

13 (3) "Experience" means full-time employment as a
 14 landscape architect or doing landscape architectural work
 15 under the supervision of a registered landscape architect or
 16 a landscape architect qualified for registration in Montana.
 17 All experience is subject to approval by the board.

18 (4) "Education" means time spent as a student enrolled
 19 in a college or school curriculum of landscape architecture
 20 approved by the board, or other college or university
 21 training the board may approve.

22 (5) "Training" means a period of experience and/or
 23 education of at least eight (8) years as defined herein.

24 (6) "Board" means the board of landscape architects.

25 (7) "Department" means the department of professional

1 and occupational licensing.

2 Section 4. Application and practice. In order to
3 safeguard human health and property, and to promote the
4 public welfare, any person in either public or private
5 capacity practicing or offering to practice landscape
6 architecture for hire, shall be required to submit evidence
7 that he is qualified to so practice and shall be registered
8 under the provisions of this act.

9 Section 5. Qualifications. Prior to being licensed as
10 a landscape architect each applicant shall submit evidence
11 to the board that his training includes at least eight (8)
12 years of experience and/or education as defined herein:
13 (1) Eight (8) years of experience of grade and character
14 satisfactory to the board shall be acceptable.

15 (2) One (1) academic year of education may be
16 substituted for one (1) year of actual practical experience
17 up to a maximum of five (5) academic years in landscape
18 architecture. Experience during a year of education may not
19 be applied toward the total training period of eight (8)
20 years. Each applicant shall have completed at least three
21 (3) years experience.

22 Section 6. Examinations. (1) Examinations for
23 licensure shall be given by the board at least once each
24 year.

25 (2) Each applicant for licensure as a landscape

1 architect (except the original board and those registered
2 under the grandfather clause) is required to establish by
3 written and/or oral examination his competency to practice
4 the profession of landscape architecture. The type of
5 examinations that will be given shall be determined by the
6 board.

7 Section 7. Grandfather clause. At any time within one
8 (1) year after this act becomes effective, upon application
9 therefor and payment of the application and certificate fee,
10 the board shall issue a certificate of registration without
11 oral or written examination to any practicing landscape
12 architect of good character who shall submit under oath
13 evidence satisfactory to the board that he was practicing
14 landscape architecture at the time this act became
15 effective, and has had responsible charge of work of
16 character satisfactory to the board.

17 Section 8. Board created. (1) There is a board of
18 landscape architects. The board consists of five (5)
19 members of which at least three (3) must be landscape
20 architects. Members of the board shall be appointed by the
21 governor and must be residents of this state. At least
22 three (3) shall have the qualifications of landscape
23 architects required by this act, and, except for the first
24 appointed members, three (3) members must be licensed
25 landscape architects.

1 (2) The terms of the members of the board first
2 appointed are as follows:

- 3 (a) one member for one (1) year;
4 (b) two members for two (2) years;
5 (c) two members for three (3) years.

6 Future terms are for four (4) years. Each member shall
7 hold office until the appointment and qualification of his
8 successor. Vacancies occurring prior to the expiration of
9 the term shall be filled in the same manner as original
10 appointments. No member may serve more than eight (8)
11 consecutive years.

12 (3) The board may promulgate such rules, including
13 setting of fees, as are necessary in the performance of its
14 duties, and may hear contested cases arising under this act.

15 (4) The board shall elect annually, at its first
16 meeting of every calendar year, from its members, a
17 president who may appoint a secretary. The secretary may or
18 may not be a member of the board. In carrying out the
19 provisions of this act, all members of the board shall
20 receive only reimbursement for travel and actual expenses
21 incurred in the performance of board duties.

22 Section 9. License fees -- expiration -- reciprocity.

23 (1) Certification of licensure or renewal of registration
24 expire on the last day of June following their issuance or
25 renewal. Renewal may be effected during the month of June

1 by payment to the department of the required fee.

2 (2) Any registrant in good standing, upon ceasing to
3 practice landscape architecture, may suspend his license by
4 giving written notice to the board. Thereafter, he may
5 resume practice upon payment of the then current fee, and
6 upon approval by the board. Any registrant, other than a
7 properly withdrawn licensee, who fails to renew his
8 registration within a period of sixty (60) days may be
9 reinstated only on reexamination. The board shall issue
10 current renewal registration to each landscape architect
11 promptly upon payment of the annual renewal registration
12 fee.

13 (3) All fees received under the provisions of this act
14 shall be deposited in an earmarked revenue fund by the
15 department. The moneys collected shall be used by the
16 department to carry out the purpose, duties, and
17 responsibilities of the act, subject to section 82A-1603(6).

18 (4) The board may certify for licensure without
19 examination an applicant who is legally registered as a
20 landscape architect in any other state or country whose
21 requirements for licensure are substantially equivalent to
22 the requirements of this state and which extends the same
23 privilege of reciprocity to landscape architects from this
24 state.

25 Section 10. Exemptions. (1) None of the provisions

1 of this act prevent employees of those lawfully practicing
2 as landscape architects from acting under the instruction,
3 control, or supervision of their employers.

4 (2) None of the provisions of this act apply to any
5 business conducted in this state by any horticulturist,
6 nurseryman, or landscape nurseryman, plantsman, gardener,
7 landscape gardener, landscape designer, landscape
8 contractor, or land use planner, as these terms are
9 generally used, except that no such person shall use the
10 designation "landscape architect", "landscape architecture",
11 or any description tending to convey the impression that he
12 is a licensed landscape architect unless he is licensed as
13 provided in this act.

14 (3) This act does not apply to architects,
15 professional engineers, geologists, and land surveyors
16 licensed to practice their respective professions.

17 Section 11. Registrant status. (1) All certificates
18 of licensing shall be issued to natural persons only but
19 nothing contained in this act prevents a duly licensed
20 landscape architect from performing his services for a
21 corporation, firm, partnership, or association.

22 (2) Each partner in a partnership of landscape
23 architects shall be licensed to practice landscape
24 architecture. Subject to this requirement, a partnership of
25 landscape architects may use a partnership name if such name

1 consists of:

2 (a) the names of two (2) or more landscape architects.

3 (b) the names of one (1) or more landscape architects
4 and one (1) or more professional engineers, architects, or
5 planners.

6 (3) Any person applying to the licensing official of
7 any county or city for a business license to practice
8 landscape architecture shall at the time of such application
9 exhibit to such licensing official satisfactory evidence
10 under the seal of the board and the hand of its secretary
11 that the applicant possesses a current registration with the
12 board. The license may not be granted until such evidence
13 is presented.

14 Section 12. Qualifications for practice -- seal.

15 (1) No person may use the designation "landscape architect"
16 or "landscape architecture", or advertise any title or
17 description tending to convey the impression that he is a
18 landscape architect, or practicing landscape architecture,
19 unless such person is a licensed landscape architect with
20 the board. Each holder of a license shall display it in his
21 principal office, place of business, or place of employment.

22 (2) Each landscape architect shall have a seal
23 approved by the board, which shall contain the name of the
24 landscape architect and the words "Licensed Landscape
25 Architect, State of Montana", and such other words or

1 figures as the board considers necessary. All drawings and
 2 title pages of specifications, prepared by such landscape
 3 architect or under the supervision of such landscape
 4 architect shall be stamped with his seal. Nothing contained
 5 herein shall be construed to permit the seal of a landscape
 6 architect to serve as a substitute for the seal of a
 7 licensed architect, a licensed professional engineer, or a
 8 licensed land surveyor.

9 Section 13. Disciplinary proceedings. The board may
 10 revoke or suspend the license of any landscape architect
 11 upon the following grounds: (1) fraud or deception in
 12 procuring the certification or in passing any of the
 13 examinations prescribed by this act;

14 (2) conviction of a felony by a court of competent
 15 jurisdiction, however, the right to a revoked or suspended
 16 license is regained upon termination of state supervision
 17 over the licensee;

18 (3) gross incompetency;

19 (4) fraud or deceit in the performance of official
 20 duties;

21 (5) for willful violation of any of the provisions of
 22 this act or any of the rules promulgated by the board under
 23 the authority of this act.

24 The board may reinstate any revoked or suspended
 25 certification upon such terms as it may impose.

1 Section 14. Violations -- penalties. (1) It shall be
 2 unlawful for any person to:

3 (a) offer to practice or hold himself out as entitled
 4 to practice landscape architecture, unless duly licensed and
 5 registered under this act;

6 (b) present as his own the license of another;

7 (c) give false or forged evidence to the board or any
 8 member thereof in obtaining a license;

9 (d) falsely impersonate any other practitioner, of
 10 like or different name;

11 (e) otherwise violate any of the provisions of this
 12 act.

13 (2) A person convicted of violating any of the
 14 provisions of this act shall be fined not to exceed five
 15 hundred dollars (\$500). Each violation is considered a
 16 separate offense for purposes of this subsection.

17 Section 15. Prosecution of violations. All violations
 18 of this act when reported to the board and duly
 19 substantiated by affidavits or other satisfactory evidence
 20 shall be investigated by it, and if the allegation is found
 21 to be true, the board shall report such violations to the
 22 county attorney of the county in which the violation
 23 occurred and request prompt prosecution.

-End-

Objection Raised to
Adverse Committee Report

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 15 jurisdiction, however, the right to a revoked or suspended
 16 license is regained upon termination of state supervision
 17 over the licensee;

18 (3) gross incompetency;

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 20 duties;

21 (5) for willful violation of any of the provisions of
 22 this act or any of the rules promulgated by the board under
 23 the authority of this act.

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-End-

1 HOUSE BILL NO. 512

2 INTRODUCED BY FAGG, LOCKREM, BRADLEY, KIMBLE

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25 uses, natural land features, ground cover and planting,1 naturalistic and aesthetic values, the settings, approaches
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8 ~~Section 7.--Grandfather-clause.--At-any-time-within-one~~
9 ~~(1)-year-after-this-act-becomes-effective,-upon--application~~
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12 ~~oral-or-written-examination--to--any--practicing--landscape~~
13 ~~architect--of--good--character--who--shall-submit-under-oath~~
14 ~~evidence-satisfactory-to-the-board-that--he--was--practicing~~
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 4 82A-108.

5 (2) The terms of the members of the board first
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16 (3) The board may promulgate such rules, including
 17 setting of fees, as are necessary in the performance of its
 18 duties, and may hear contested cases arising under this act.

19 (4) The board shall elect annually, at its first
 20 meeting of every calendar year, from its members, a
 21 president who may appoint a secretary. The secretary may or
 22 may not be a member of the board. In carrying out the
 23 provisions of this act, all members of the board shall
 24 receive only reimbursement for travel and actual expenses
 25 incurred in the performance of board duties.

1 Section 8. License fees -- expiration -- reciprocity.

2 (1) Certification of licensure or renewal of registration
 3 expire on the last day of June following their issuance or
 4 renewal. Renewal may be effected during the month of June
 5 by payment to the department of the required fee.

6 (2) Any registrant in good standing, upon ceasing to
 7 practice landscape architecture, may suspend his license by
 8 giving written notice to the board. Thereafter, he may
 9 resume practice upon payment of the then current fee, and
 10 upon approval by the board. Any registrant, other than a
 11 properly withdrawn licensee, who fails to renew his
 12 registration within a period of sixty (60) days may be
 13 reinstated only on reexamination. The board shall issue
 14 current renewal registration to each landscape architect
 15 promptly upon payment of the annual renewal registration
 16 fee.

17 (3) All fees received under the provisions of this act
 18 shall be deposited in an earmarked revenue fund by the
 19 department. The moneys collected shall be used by the
 20 department to carry out the purpose, duties, and
 21 responsibilities of the act, subject to section 82A-1603(6).

22 (4) The board may certify for licensure without
 23 examination an applicant who is legally registered as a
 24 landscape architect in any other state or country whose
 25 requirements for licensure are substantially equivalent to

1 the requirements of this state and which extends the same
2 privilege of reciprocity to landscape architects from this
3 state.

4 Section 9. Exemptions. (1) None of the provisions of
5 this act prevent employees of those lawfully practicing as
6 landscape architects from acting under the instruction,
7 control, or supervision of their employers.

8 (2) None of the provisions of this act apply to any
9 business conducted in this state by any horticulturist,
10 nurseryman, or landscape nurseryman, plantsman, gardener,
11 landscape gardener, landscape designer, landscape
12 contractor, or land use planner, as these terms are
13 generally used, except that no such person shall use the
14 designation "landscape architect", "landscape architecture",
15 or any description tending to convey the impression that he
16 is a licensed landscape architect unless he is licensed as
17 provided in this act.

18 (3) This act does not apply to architects,
19 professional engineers, ~~geologists~~, and land surveyors
20 licensed to practice their respective professions.

21 Section 10. Registrant status. (1) All certificates
22 of licensing shall be issued to natural persons only but
23 nothing contained in this act prevents a duly licensed
24 landscape architect from performing his services for a
25 corporation, firm, partnership, or association.

1 (2) Each partner in a partnership of landscape
2 architects shall be licensed to practice landscape
3 architecture. Subject to this requirement, a partnership of
4 landscape architects may use a partnership name if such name
5 consists of:

6 (a) the names of two (2) or more landscape architects.
7 (b) the names of one (1) or more landscape architects
8 and one (1) or more professional engineers, architects, or
9 planners.

10 (3) Any person applying to the licensing official of
11 any county or city for a business license to practice
12 landscape architecture shall at the time of such application
13 exhibit to such licensing official satisfactory evidence
14 under the seal of the board and the hand of its secretary
15 that the applicant possesses a current registration with the
16 board. The license may not be granted until such evidence
17 is presented.

18 Section 11. Qualifications for practice -- seal.
19 (1) No person may use the designation "landscape architect"
20 or "landscape architecture", or advertise any title or
21 description tending to convey the impression that he is a
22 landscape architect, or practicing landscape architecture,
23 unless such person is a licensed landscape architect with
24 the board. Each holder of a license shall display it in his
25 principal office, place of business, or place of employment.

1 (2) Each landscape architect shall have a seal
2 approved by the board, which shall contain the name of the
3 landscape architect and the words "Licensed Landscape
4 Architect, State of Montana", and such other words or
5 figures as the board considers necessary. All drawings and
6 title pages of specifications, prepared by such landscape
7 architect or under the supervision of such landscape
8 architect shall be stamped with his seal. Nothing contained
9 herein shall be construed to permit the seal of a landscape
10 architect to serve as a substitute for the seal of a
11 licensed architect, a licensed professional engineer, or a
12 licensed land surveyor.

13 Section 12. Disciplinary proceedings. The board may
14 revoke or suspend the license of any landscape architect
15 upon the following grounds: (1) fraud or deception in
16 procuring the certification or in passing any of the
17 examinations prescribed by this act;

18 (2) conviction of a felony by a court of competent
19 jurisdiction, however, the right to a revoked or suspended
20 license is regained upon termination of state supervision
21 over the licensee;

22 (3) gross incompetency;

23 (4) fraud or deceit in the performance of official
24 duties;

25 (5) for willful violation of any of the provisions of

1 this act or any of the rules promulgated by the board under
2 the authority of this act.

3 The board may reinstate any revoked or suspended
4 certification upon such terms as it may impose.

5 Section 13. Violations -- penalties. (1) It shall be
6 unlawful for any person to:

7 (a) offer to practice or hold himself out as entitled
8 to practice landscape architecture, unless duly licensed and
9 registered under this act;

10 (b) present as his own the license of another;

11 (c) give false or forged evidence to the board or any
12 member thereof in obtaining a license;

13 (d) falsely impersonate any other practitioner, of
14 like or different name;

15 (e) otherwise violate any of the provisions of this
16 act.

17 (2) A person convicted of violating any of the
18 provisions of this act shall be fined not to exceed five
19 hundred dollars (\$500). Each violation is considered a
20 separate offense for purposes of this subsection.

21 Section 14. Prosecution of violations. All violations
22 of this act when reported to the board and duly
23 substantiated by affidavits or other satisfactory evidence
24 shall be investigated by it, and if the allegation is found
25 to be true, the board shall report such violations to the

1 county attorney of the county in which the violation
2 occurred and request prompt prosecution.

-End-

March 13, 1975

SENATE COMMITTEE ON STATE ADMINISTRATION

AMENDMENTS TO HOUSE BILL NO. 512

That House Bill No. 512, third reading, be amended as follows:

1. Amend page 4, section 6, line 2.

Following: "board"

Insert: "and those registered under the grandfather clause"

2. Amend page 4, section 6, line 7.

Following: line 7

Insert: "Section 7. Grandfather clause. At any time within one (1) year after this act becomes effective, upon application therefor and payment of the application and certificate fee, the board shall issue a certificate of registration without oral or written examination to any practicing landscape architect of good character who shall submit under oath evidence satisfactory to the board that he was practicing landscape architecture at the time this act became effective, and has had responsible charge of work of character satisfactory to the board."

Renumber: All subsequent sections

March 17, 1975

SENATE COMMITTEE OF THE WHOLE
AMENDMENTS TO HOUSE BILL NO. 512

That House Bill No. 512, third reading, be amended as follows:

1. Amend page 1, section 2, line 15.
Following: "shall"
Insert: "be licensed to"
2. Amend page 2, section 2, line 21.
Strike: "approved by the board, or"
Insert: "accredited by the American Society of Landscape Architects, and"
3. Amend page 2, section 2, line 24.
Following: "least"
Strike: "eight (8)"
Insert: "six (6)"
4. Amend page 3, section 5, line 12.
Following: "least"
Strike: "eight (8)"
Insert: "six (6)"
5. Amend page 3, section 5, line 14.
Following: "(1)"
Strike: "Eight (8)"
Insert: "Six (6)"
6. Amend page 3, section 5, line 20.
Following: "of"
Strike: "eight (8)"
Insert: "six (6)"
7. Amend page 3, section 5, lines 21 and 22.
Following: "least"
Strike: "three (3)"
Insert: "one (1)"
8. Amend page 7, section 9, line 11.
Following: "designer,"
Insert: "landscape artist,"
9. Amend page 7, section 9, line 14.
Strike: "designation"
Insert: "title"
10. Amend page 7, section 9, line 20.
Following: line 20
Insert: "(4) None of the provisions of this act shall apply to any person performing any of the services mentioned in this act upon his own property."

"(5) None of the provisions of this act shall require the hiring of a landscape architect."

HOUSE BILL NO. 512

INTRODUCED BY FAGG, LOCKREM, BRADLEY, KIMBLE

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE BOARD OF LANDSCAPE ARCHITECTS; AND PRESCRIBING ITS POWERS AND DUTIES."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Short title. This act shall be known and cited as the "Landscape Architect Registration and Licensing Act".

Section 2. Purpose. The purpose of this act is to safeguard life, health, property, and to promote the public welfare by requiring that only properly qualified persons shall BE LICENSED TO practice landscape architecture in this state.

Section 3. Definitions. As used in this act:

(1) "Landscape architect" means a person who holds a certificate to practice landscape architecture in the state of Montana under the provisions of this act.

(2) "Practice of the profession of landscape architecture" means performing services in connection with the analysis or development of land areas where, and to the extent that, the dominant purpose of such services is the preservation, enhancement, or determination of proper land

uses, natural land features, ground cover and planting, naturalistic and aesthetic values, the settings, approaches or environment for structures or other improvements, natural drainage and the consideration and determination of inherent problems of the land relating to the erosion, wear and tear, blight or other hazards. This practice shall include the location and arrangement of such tangible objects and features as are incidental and necessary to the purposes outlined herein but shall not include the design of structures or facilities with separate and self-contained purposes that are ordinarily included in the practice of engineering or architecture; and shall not include the making of land surveys or final land plats for official approval or recording.

(3) "Experience" means full-time employment as a landscape architect or doing landscape architectural work under the supervision of a registered landscape architect or a landscape architect qualified for registration in Montana. All experience is subject to approval by the board.

(4) "Education" means time spent as a student enrolled in a college or school curriculum of landscape architecture ~~approved-by-the-board-or~~ ACCREDITED BY THE AMERICAN SOCIETY OF LANDSCAPE ARCHITECTS, AND other college or university training the board may approve.

(5) "Training" means a period of experience and/or

1 education of at least ~~eight-(8)~~ SIX (6) years as defined
2 herein.

3 (6) "Board" means the board of landscape architects.

4 (7) "Department" means the department of professional
5 and occupational licensing.

6 Section 4. Application and practice. In order to
7 safeguard human health and property, and to promote the
8 public welfare, any person in either public or private
9 capacity practicing or offering to practice landscape
10 architecture for hire, shall be required to submit evidence
11 that he is qualified to so practice and shall be registered
12 under the provisions of this act.

13 Section 5. Qualifications. Prior to being licensed as
14 a landscape architect each applicant shall submit evidence
15 to the board that his training includes at least ~~eight-(8)~~
16 SIX (6) years of experience and/or education as defined
17 herein: (1) ~~Eight-(8)~~ SIX (6) years of experience of grade
18 and character satisfactory to the board shall be acceptable.

19 (2) One (1) academic year of education may be
20 substituted for one (1) year of actual practical experience
21 up to a maximum of five (5) academic years in landscape
22 architecture. Experience during a year of education may not
23 be applied toward the total training period of ~~eight-(8)~~ SIX
24 (6) years. Each applicant shall have completed at least
25 ~~three-(3)~~ ONE (1) years experience.

1 Section 6. Examinations. (1) Examinations for
2 licensure shall be given by the board at least once each
3 year.

4 (2) Each applicant for licensure as a landscape
5 architect ~~(except the original board and those registered~~
6 ~~under the grandfather clause)~~ AND THOSE REGISTERED UNDER THE
7 GRANDFATHER CLAUSE is required to establish by written
8 and/or oral examination his competency to practice the
9 profession of landscape architecture. The type of
10 examinations that will be given shall be determined by the
11 board.

12 ~~Section 7. Grandfather clause. At any time within one~~
13 ~~(1) year after this act becomes effective, upon application~~
14 ~~therefor and payment of the application and certificate fee,~~
15 ~~the board shall issue a certificate of registration without~~
16 ~~oral or written examination to any practicing landscape~~
17 ~~architect of good character who shall submit under oath~~
18 ~~evidence satisfactory to the board that he was practicing~~
19 ~~landscape architecture at the time this act became~~
20 ~~effective, and has had responsible charge of work of~~
21 ~~character satisfactory to the board.~~

22 SECTION 7. GRANDFATHER CLAUSE. AT ANY TIME WITHIN ONE
23 (1) YEAR AFTER THIS ACT BECOMES EFFECTIVE, UPON APPLICATION
24 THEREFOR AND PAYMENT OF THE APPLICATION AND CERTIFICATE FEE,
25 THE BOARD SHALL ISSUE A CERTIFICATE OF REGISTRATION WITHOUT

1 ORAL OR WRITTEN EXAMINATION TO ANY PRACTICING LANDSCAPE
 2 ARCHITECT OF GOOD CHARACTER WHO SHALL SUBMIT UNDER OATH
 3 EVIDENCE SATISFACTORY TO THE BOARD THAT HE WAS PRACTICING
 4 LANDSCAPE ARCHITECTURE AT THE TIME THIS ACT BECAME
 5 EFFECTIVE, AND HAS HAD RESPONSIBLE CHARGE OF WORK OF
 6 CHARACTER SATISFACTORY TO THE BOARD.

7 Section 8. Board created. (1) There is a board of
 8 landscape architects. The board consists of five (5)
 9 members of which at least three (3) must be landscape
 10 architects. Members of the board shall be appointed by the
 11 governor and must be residents of this state. At least
 12 three (3) shall have the qualifications of landscape
 13 architects required by this act, and, except for the first
 14 appointed members, three (3) members must be licensed
 15 landscape architects. THE BOARD IS ALLOCATED TO THE
 16 DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL LICENSING FOR
 17 ADMINISTRATIVE PURPOSES ONLY AS PRESCRIBED IN SECTION
 18 32A-108.

19 (2) The terms of the members of the board first
 20 appointed are as follows:

- 21 (a) one member for one (1) year;
- 22 (b) two members for two (2) years;
- 23 (c) two members for three (3) years.

24 Future terms are for four (4) years. Each member shall
 25 hold office until the appointment and qualification of his

1 successor. Vacancies occurring prior to the expiration of
 2 the term shall be filled in the same manner as original
 3 appointments. No member may serve more than eight (8)
 4 consecutive years.

5 (3) The board may promulgate such rules, including
 6 setting of fees, as are necessary in the performance of its
 7 duties, and may hear contested cases arising under this act.

8 (4) The board shall elect annually, at its first
 9 meeting of every calendar year, from its members, a
 10 president who may appoint a secretary. The secretary may or
 11 may not be a member of the board. In carrying out the
 12 provisions of this act, all members of the board shall
 13 receive only reimbursement for travel and actual expenses
 14 incurred in the performance of board duties.

15 Section 9. License fees -- expiration -- reciprocity.

16 (1) Certification of licensure or renewal of registration
 17 expire on the last day of June following their issuance or
 18 renewal. Renewal may be effected during the month of June
 19 by payment to the department of the required fee.

20 (2) Any registrant in good standing, upon ceasing to
 21 practice landscape architecture, may suspend his license by
 22 giving written notice to the board. Thereafter, he may
 23 resume practice upon payment of the then current fee, and
 24 upon approval by the board. Any registrant, other than a
 25 properly withdrawn licensee, who fails to renew his

1 registration within a period of sixty (60) days may be
 2 reinstated only on reexamination. The board shall issue
 3 current renewal registration to each landscape architect
 4 promptly upon payment of the annual renewal registration
 5 fee.

6 (3) All fees received under the provisions of this act
 7 shall be deposited in an earmarked revenue fund by the
 8 department. The moneys collected shall be used by the
 9 department to carry out the purpose, duties, and
 10 responsibilities of the act, subject to section 82A-1603(6).

11 (4) The board may certify for licensure without
 12 examination an applicant who is legally registered as a
 13 landscape architect in any other state or country whose
 14 requirements for licensure are substantially equivalent to
 15 the requirements of this state and which extends the same
 16 privilege of reciprocity to landscape architects from this
 17 state.

18 Section 10. Exemptions. (1) None of the provisions
 19 of this act prevent employees of those lawfully practicing
 20 as landscape architects from acting under the instruction,
 21 control, or supervision of their employers.

22 (2) None of the provisions of this act apply to any
 23 business conducted in this state by any horticulturist,
 24 nurseryman, or landscape nurseryman, plantsman, gardener,
 25 landscape gardener, landscape designer, LANDSCAPE ARTIST,

1 landscape contractor, or land use planner, as these terms
 2 are generally used, except that no such person shall use the
 3 **designation** TITLE "landscape architect", "landscape
 4 architecture", or any description tending to convey the
 5 impression that he is a licensed landscape architect unless
 6 he is licensed as provided in this act.

7 (3) This act does not apply to architects,
 8 professional engineers, ~~geologists~~, and land surveyors
 9 licensed to practice their respective professions.

10 (4) NONE OF THE PROVISIONS OF THIS ACT SHALL APPLY TO
 11 ANY PERSON PERFORMING ANY OF THE SERVICES MENTIONED IN THIS
 12 ACT UPON HIS OWN PROPERTY.

13 (5) NONE OF THE PROVISIONS OF THIS ACT SHALL REQUIRE
 14 THE HIRING OF A LANDSCAPE ARCHITECT.

15 Section 11. Registrant status. (1) All certificates
 16 of licensing shall be issued to natural persons only but
 17 nothing contained in this act prevents a duly licensed
 18 landscape architect from performing his services for a
 19 corporation, firm, partnership, or association.

20 (2) Each partner in a partnership of landscape
 21 architects shall be licensed to practice landscape
 22 architecture. Subject to this requirement, a partnership of
 23 landscape architects may use a partnership name if such name
 24 consists of:

25 (a) the names of two (2) or more landscape architects.

1 (b) the names of one (1) or more landscape architects
 2 and one (1) or more professional engineers, architects, or
 3 planners.

4 (3) Any person applying to the licensing official of
 5 any county or city for a business license to practice
 6 landscape architecture shall at the time of such application
 7 exhibit to such licensing official satisfactory evidence
 8 under the seal of the board and the hand of its secretary
 9 that the applicant possesses a current registration with the
 10 board. The license may not be granted until such evidence
 11 is presented.

12 Section 12. Qualifications for practice -- seal.

13 (1) No person may use the designation "landscape architect"
 14 or "landscape architecture", or advertise any title or
 15 description tending to convey the impression that he is a
 16 landscape architect, or practicing landscape architecture,
 17 unless such person is a licensed landscape architect with
 18 the board. Each holder of a license shall display it in his
 19 principal office, place of business, or place of employment.

20 (2) Each landscape architect shall have a seal
 21 approved by the board, which shall contain the name of the
 22 landscape architect and the words "Licensed Landscape
 23 Architect, State of Montana", and such other words or
 24 figures as the board considers necessary. All drawings and
 25 title pages of specifications, prepared by such landscape

1 architect or under the supervision of such landscape
 2 architect shall be stamped with his seal. Nothing contained
 3 herein shall be construed to permit the seal of a landscape
 4 architect to serve as a substitute for the seal of a
 5 licensed architect, a licensed professional engineer, or a
 6 licensed land surveyor.

7 Section 13. Disciplinary proceedings. The board may
 8 revoke or suspend the license of any landscape architect
 9 upon the following grounds: (1) fraud or deception in
 10 procuring the certification or in passing any of the
 11 examinations prescribed by this act;

12 (2) conviction of a felony by a court of competent
 13 jurisdiction, however, the right to a revoked or suspended
 14 license is regained upon termination of state supervision
 15 over the licensee;

16 (3) gross incompetency;

17 (4) fraud or deceit in the performance of official
 18 duties;

19 (5) for willful violation of any of the provisions of
 20 this act or any of the rules promulgated by the board under
 21 the authority of this act.

22 The board may reinstate any revoked or suspended
 23 certification upon such terms as it may impose.

24 Section 14. Violations -- penalties. (1) It shall be
 25 unlawful for any person to:

1 (a) offer to practice or hold himself out as entitled
2 to practice landscape architecture, unless duly licensed and
3 registered under this act;

4 (b) present as his own the license of another;

5 (c) give false or forged evidence to the board or any
6 member thereof in obtaining a license;

7 (d) falsely impersonate any other practitioner, of
8 like or different name;

9 (e) otherwise violate any of the provisions of this
10 act.

11 (2) A person convicted of violating any of the
12 provisions of this act shall be fined not to exceed five
13 hundred dollars (\$500). Each violation is considered a
14 separate offense for purposes of this subsection.

15 Section 15. Prosecution of violations. All violations
16 of this act when reported to the board and duly
17 substantiated by affidavits or other satisfactory evidence
18 shall be investigated by it, and if the allegation is found
19 to be true, the board shall report such violations to the
20 county attorney of the county in which the violation
21 occurred and request prompt prosecution.

-End-