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**ENGROSSED SUBSTITUTE SENATE BILL 5746**

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**State of Washington**

**60th Legislature**

**2008 Regular Session**

**By** Senate Committee on Labor, Commerce, Research & Development  
(originally sponsored by Senators Jacobsen, Kohl-Welles, Murray,  
Keiser and Poulsen)

READ FIRST TIME 02/28/07.

1           AN ACT Relating to the practice of landscape architecture; amending  
2 RCW 18.96.010, 18.96.020, 18.96.030, 18.96.040, 18.96.060, 18.96.070,  
3 18.96.080, 18.96.090, 18.96.100, 18.96.110, 18.96.120, 18.96.140,  
4 18.96.150, 18.96.180, and 18.96.190; adding new sections to chapter  
5 18.96 RCW; creating a new section; repealing RCW 18.96.050, 18.96.160,  
6 and 18.96.170; prescribing penalties; and providing an effective date.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

8           NEW SECTION.   **Sec. 1.** The legislature finds that in order to  
9 safeguard life, health, and property and to promote public welfare, it  
10 is necessary to regulate the practice of landscape architecture, based  
11 on the first action taken to regulate the profession in 1969, and  
12 subsequent review in year 1988 along with review and revisions in 2007.

13           **Sec. 2.** RCW 18.96.010 and 1969 ex.s. c 158 s 1 are each amended to  
14 read as follows:

15           In order to safeguard human health and property, and to promote the  
16 public welfare, any person in either public or private capacity  
17 practicing or offering to practice landscape architecture for hire((7))

1 shall be required to submit evidence that he or she is qualified so to  
2 practice and shall be (~~(registered)~~) licensed under the provisions of  
3 this chapter.

4 **Sec. 3.** RCW 18.96.020 and 1969 ex.s. c 158 s 2 are each amended to  
5 read as follows:

6 (1) It (~~(shall be)~~) is unlawful for any person to (~~(use, or~~  
7 ~~advertise the title landscape architect, landscape architecture, or~~  
8 ~~landscape architectural, unless such person has duly registered under~~  
9 ~~the provisions of this chapter)) practice or offer to practice in this~~  
10 ~~state, landscape architecture, or to use in connection with his or her~~  
11 ~~name or otherwise assume, use, or advertise any title or description~~  
12 ~~including the phrases "landscape architect," "landscape architecture,"~~  
13 ~~"landscape architectural," or language tending to imply that he or she~~  
14 ~~is a landscape architect, unless the person is licensed or authorized~~  
15 ~~to practice in the state of Washington under this chapter.~~

16 (2) A person may use the title "intern landscape architect" after  
17 graduation from an accredited degree program in landscape architecture  
18 and working under the direct supervision of a licensed landscape  
19 architect.

20 (3) This section does not affect the use of the phrases "landscape  
21 architect," "landscape architecture," or "landscape architectural"  
22 where a person does not practice or offer to practice landscape  
23 architecture.

24 **Sec. 4.** RCW 18.96.030 and 1979 c 158 s 73 are each amended to read  
25 as follows:

26 (~~The following words and phrases as hereinafter used in this~~  
27 ~~chapter shall have the following meanings:~~

28 ~~"Director" means the director of licensing of the state of~~  
29 ~~Washington.)) The definitions in this section apply throughout this  
30 chapter, unless the context clearly requires otherwise.~~

31 (1) "Administration of the construction contract" means the  
32 periodic observation of materials and work to observe the general  
33 compliance with the construction contract documents, and does not  
34 include responsibility for supervising construction methods and  
35 processes, site conditions, equipment operations, personnel, or safety  
36 on the worksite.

1       (2) "Board" means the state board of ((registration)) licensure for  
2 landscape architects.

3       (3) "Certificate of licensure" means the certificate issued by the  
4 director to newly licensed landscape architects.

5       (4) "Department" means the department of licensing.

6       (5) "Design" means the conceiving, planning, delineation, siting,  
7 and arrangement of natural and built features. Where applied to the  
8 discussion of structures or utility systems, design does not include  
9 the act of engineering such features.

10       (6) "Director" means the director of licensing.

11       (7) "Engineer" means an individual who is registered as an engineer  
12 under chapter 18.43 RCW.

13       (8) "Engineering" means the "practice of engineering" as defined in  
14 RCW 18.43.020.

15       (9) "Landscape architect" means ((a person who engages in the  
16 practice of landscape architecture as hereinafter defined. A person  
17 practices landscape architecture within the meaning and intent of this  
18 chapter who performs for hire professional services such as  
19 consultations, investigations, reconnaissance, research, planning,  
20 design or teaching supervision in connection with the development of  
21 land areas where, and to the extent that, the dominant purpose of such  
22 services is the preservation, enhancement, or determination of proper  
23 land uses, natural land features, ground cover and planting,  
24 naturalistic and aesthetic values, the settings and approaches to  
25 structures or other improvements, or natural drainage and erosion  
26 control. This practice shall include the location, design, and  
27 arrangement of such tangible objects as pools, walls, steps, trellises,  
28 canopies, and other nonhabitable structures, and such features as are  
29 incidental and necessary to the purposes outlined herein. It involves  
30 the design and arrangement of land forms and the development of outdoor  
31 space including, but not limited to, the design of public parks,  
32 playgrounds, cemeteries, home and school grounds, and the development  
33 of industrial and recreational sites)) an individual who engages in the  
34 practice of landscape architecture.

35       (10) "Landscape architecture" means the rendering of professional  
36 services in connection with consultations, investigations,  
37 reconnaissance, research, planning, design, construction document  
38 preparation, construction administration, or teaching supervision in

1 connection with the development of land areas where, and to the extent  
2 that, the dominant purpose of such services is the preservation,  
3 enhancement, or determination of proper land uses, natural land  
4 features, ground cover and planting, naturalistic and aesthetic values,  
5 the settings and approaches to structures or other improvements, or  
6 natural drainage and erosion control. This practice includes the  
7 location, design, and arrangement of such tangible objects as pools,  
8 walls, steps, trellises, canopies, and such features as are incidental  
9 and necessary to the purposes in this chapter. Landscape architecture  
10 involves the design and arrangement of land forms and the development  
11 of outdoor space including, but not limited to, the design of public  
12 parks, trails, playgrounds, cemeteries, home and school grounds, and  
13 the development of industrial and recreational sites.

14 (11) "Licensed" means holding a currently valid certificate of  
15 licensure issued by the director authorizing the practice of landscape  
16 architecture.

17 (12) "Person" means any individual, partnership, professional  
18 service corporation, corporation, joint stock association, joint  
19 venture, or any other entity authorized to do business in the state.

20 (13) "Practice of landscape architecture" means the rendering of  
21 services where landscape architectural education, training, experience,  
22 and the application of mathematical, physical, and social science  
23 principles are applied in consultation, evaluation, planning, design  
24 including, but not limited to, the preparation and filing of plans,  
25 drawings, specifications, and other contract documents, and  
26 administration of contracts relative to projects principally directed  
27 at the functional and aesthetic use and preservation of land.

28 **Sec. 5.** RCW 18.96.040 and 1993 c 35 s 1 are each amended to read  
29 as follows:

30 (1)(a) There is created a ((state)) licensure board ((of  
31 registration)) for landscape architects((. The board shall consist of  
32 four landscape architects and one member of the general public.  
33 Members of the board shall be)) consisting of five members appointed by  
34 the governor ((and must be residents of this state having the  
35 qualifications required by this chapter.

36 No public member of the board may be a past or present member of  
37 any other licensing board under this title. No public member may make

1 ~~his or her own livelihood from, nor have a parent, spouse, or child~~  
2 ~~make their respective livelihood from providing landscape architect~~  
3 ~~services, or from enterprises dealing in landscape architecture.~~

4 ~~The landscape architect members of the board must, while serving on~~  
5 ~~the board, be actively engaged in their profession or trade and,~~  
6 ~~immediately preceding appointment, have had at least five years~~  
7 ~~experience in responsible charge of work or teaching within their~~  
8 ~~profession or trade)).~~

9 (b) Four members shall be licensed landscape architects who are  
10 residents of the state and have at least eight years' experience in the  
11 practice of landscape architecture as registered or licensed landscape  
12 architects in responsible charge of landscape architectural work or  
13 responsible charge of landscape architectural teaching. One member  
14 shall be a public member, who is not and has never been a registered or  
15 licensed landscape architect and who does not employ and is not  
16 employed by or professionally or financially associated with a  
17 landscape architect.

18 (c) The term of each newly appointed member shall be six years.

19 (2)(a) Every member of the board shall receive a certificate of  
20 appointment from the governor. On the expiration of the term of each  
21 member, the governor shall appoint a successor to serve for a term of  
22 six years or until the next successor has been appointed.

23 (b) The governor may remove any member of the board for cause.  
24 Vacancies in the board for any reason shall be filled by appointment  
25 for the unexpired term.

26 (3) The board shall elect a chairman, a vice-chairman, and a  
27 secretary. The secretary may delegate his or her authority to the  
28 executive director.

29 (4) Members of the board shall be compensated in accordance with  
30 RCW 43.03.240 and shall be reimbursed for travel expenses in accordance  
31 with RCW 43.03.050 and 43.03.060.

32 **Sec. 6.** RCW 18.96.060 and 2002 c 86 s 234 are each amended to read  
33 as follows:

34 (1) The board ((shall adopt rules for its own organization and  
35 procedure and such other rules as it may deem necessary to the proper  
36 performance of its duties. Three members of the board shall constitute  
37 a quorum for the conduct of any business of the board.

1       ~~The board may conduct hearings concerning alleged violations of the~~  
2 ~~provisions of this chapter)) may adopt such rules under chapter 34.05~~  
3 ~~RCW as are necessary for the proper performance of its duties under~~  
4 ~~this chapter.~~

5       (2) The director may employ an executive director subject to  
6 approval of the board.

7       **Sec. 7.** RCW 18.96.070 and 1969 ex.s. c 158 s 7 are each amended to  
8 read as follows:

9       ~~((The following will be considered as))~~ This section establishes  
10 the minimum evidence satisfactory to the board that the applicant is  
11 qualified for ~~((registration))~~ licensure as a professional landscape  
12 architect.

13       ~~((The applicant must have completed a course of study in landscape~~  
14 ~~architecture and have been graduated from a college or school approved~~  
15 ~~by the board as offering a curriculum in landscape architecture, or the~~  
16 ~~equivalent thereof, in any form of training, as determined by the~~  
17 ~~board. Each complete year of study in any registered college or school~~  
18 ~~of landscape architecture may be accepted in lieu of one year of~~  
19 ~~equivalent training.~~

20       ~~He must have a minimum of seven years in any combination of~~  
21 ~~training and experience, and shall present proof to the director of~~  
22 ~~passing such written examinations as may be prescribed by the board.~~

23       ~~Registration under this chapter shall be on an individual, personal~~  
24 ~~basis, and the director shall not register any firm, company,~~  
25 ~~partnership, corporation, nor any public agency. Corporate practice is~~  
26 ~~not permitted under the provisions of this chapter.))~~

27       (1) A certificate of licensure shall be granted by the director to  
28 all qualified applicants who are certified by the board as having  
29 passed the required examination and as having given satisfactory proof  
30 of completion of the required education and work experience.

31       (2) An applicant for licensure as a landscape architect shall be of  
32 a good moral character, at least eighteen years of age, and shall  
33 possess one of the following qualifications:

34       (a) Have a professional landscape architectural degree from an  
35 institution of higher education accredited by the national landscape  
36 architecture accreditation board, or an equivalent degree in landscape

1 architecture as determined by the board, and three years of practical  
2 landscape architectural work experience under the supervision of a  
3 registered or licensed architect;

4 (b) Have a baccalaureate degree from a college or university and  
5 have eight years of practical landscape architectural work experience  
6 under the supervision of a registered or licensed landscape architect;

7 (c) Have a high school diploma or equivalent and have fifteen years  
8 of practical landscape architectural work experience, at least eight  
9 years of which must be under the supervision of a registered or  
10 licensed landscape architect; or

11 (d) Have education and experience equivalent to the qualifications  
12 in (a), (b), or (c) of this subsection as approved by the board.

13 **Sec. 8.** RCW 18.96.080 and 1993 c 35 s 2 are each amended to read  
14 as follows:

15 (1) Application for ((registration)) licensure shall be filed with  
16 the ((director prior to the date set for examination and shall contain  
17 statements made under oath showing the applicant's education and a  
18 detailed summary of practical experience, and shall contain not less  
19 than three references who are landscape architects having personal  
20 knowledge of the applicant's landscape architectural experience)) board  
21 as provided by rule.

22 (2) The application ((fee)) for ((initial)) examination shall be  
23 filed with the board as prescribed by rule.

24 (3) The application and examination fees shall be determined by the  
25 director ((as provided in)) under RCW 43.24.086. ((The application and  
26 fee must be submitted to the agency prior to the application deadline  
27 established by the director.

28 Fees for initial examination and reexamination shall be determined  
29 by the director as provided in RCW 43.24.086, and must be filed with  
30 the agency prior to the application deadline established by the  
31 director.))

32 **Sec. 9.** RCW 18.96.090 and 1993 c 35 s 3 are each amended to read  
33 as follows:

34 (1) Examinations of ((applicants)) landscape architects for  
35 certificates of ((registration)) licensure shall be held at least  
36 annually ((or)) at such time((s)) and place((s)) as the board ((may))

1 determines. ((The board shall determine from the examination and the  
2 material submitted with the applications whether or not the applicants  
3 possess sufficient knowledge, ability and moral fitness to safely and  
4 properly practice landscape architecture and to hold themselves out to  
5 the public as persons qualified for that practice.

6 The scope of the examination and methods of examination procedure  
7 shall be prescribed by the board with special reference to landscape  
8 construction materials and methods, grading and drainage, plant  
9 materials suited for use in the northwest, specifications and  
10 supervisory practice, history and theory of landscape architecture  
11 relative to landscape architectural design, site planning and land  
12 design, subdivision, urban design, and a practical knowledge of botany,  
13 horticulture and similar subjects related to the practice of landscape  
14 architecture. The board may adopt an appropriate national examination  
15 and grading procedure.

16 Applicants who fail to pass sections of the examination shall be  
17 permitted to retake the examination in the sections failed. A passing  
18 grade in a section shall exempt the applicant from examination in that  
19 subject for five years. The board may determine the standard for  
20 passing grades computed on a scale of one hundred percent. A  
21 certificate of registration shall be granted by the director to all  
22 qualified applicants who shall be certified by the board as having  
23 passed the required examination and as having given satisfactory proof  
24 of completion of the required experience.))

25 (2) The board shall determine the content, scope, and grading  
26 process of the examination. The board may adopt an appropriate  
27 national examination and grading procedure.

28 (3) Applicants who fail to pass any section of the examination  
29 shall be permitted to retake the parts failed as prescribed by the  
30 board. If the entire examination is not successfully completed within  
31 five years, a retake of the entire examination is required.

32 (4) Applicants for licensure may begin taking the examination upon  
33 graduating from an accredited landscape architecture program if the  
34 applicant is employed under the supervision of a registered or licensed  
35 landscape architect.

36 (5) The director shall issue a certificate of licensure to  
37 qualified applicants as provided in RCW 18.96.150.



1       **Sec. 10.** RCW 18.96.100 and 1993 c 35 s 4 are each amended to read  
2 as follows:

3       ~~(1) The director may, upon ((payment of a reciprocity application~~  
4 ~~fee and the current registration fee in an amount as determined by the~~  
5 ~~director as provided in RCW 43.24.086, grant a certificate of~~  
6 ~~registration, upon recommendation by the board, to any applicant who is~~  
7 ~~a registered landscape architect in any other state or country whose~~  
8 ~~requirements for registration are at least substantially equivalent to~~  
9 ~~the requirements of this state for registration by examination, and~~  
10 ~~which extends the same privileges of reciprocity to landscape~~  
11 ~~architects registered in this state)) receipt of the current licensure~~  
12 ~~fee, grant a certificate of licensure to an applicant who is a licensed~~  
13 ~~landscape architect in another state or territory of the United States,~~  
14 ~~the District of Columbia, or another country, if that individual's~~  
15 ~~qualifications and experience are determined by the board to be~~  
16 ~~equivalent to the qualifications and experience required of a person~~  
17 ~~licensed under RCW 18.96.070.~~

18       (2) A landscape architect licensed or registered in any other  
19 jurisdiction recognized by the board may offer to practice landscape  
20 architecture in this state if:

21       (a) It is clearly and prominently stated in any such offer that the  
22 landscape architect is not licensed to practice landscape architecture  
23 in Washington state; and

24       (b) Before practicing landscape architecture or signing a contract  
25 to provide landscape architectural services, the landscape architect  
26 obtains a certificate of licensure.

27       **Sec. 11.** RCW 18.96.110 and 1993 c 35 s 5 are each amended to read  
28 as follows:

29       ~~(1) The renewal dates and fees for certificates of ((registration~~  
30 ~~shall be set by the director. The director shall set the fee for~~  
31 ~~renewal which shall be determined as provided in RCW 43.24.086.~~

32       ~~If a registrant fails to pay the renewal fee within thirty days~~  
33 ~~after the renewal date, the renewal shall be delinquent. The renewal~~  
34 ~~fee for a delinquent renewal and the penalty fee for a delinquent~~  
35 ~~renewal shall be established by the director. Any registrant in good~~  
36 ~~standing, upon fully retiring from landscape architectural practice,~~  
37 ~~may withdraw from practice by giving written notice to the director,~~

1 ~~and may thereafter resume practice at any time upon payment of the then~~  
2 ~~current renewal fee. Any registrant, other than a properly withdrawn~~  
3 ~~licensee, who fails to renew his or her registration for a period of~~  
4 ~~more than five years may be reinstated under the)) licensure shall be~~  
5 ~~set by the director in accordance with RCW 43.24.086. Licensees who~~  
6 ~~fail to pay the renewal fee within thirty days of the due date shall~~  
7 ~~pay all delinquent fees plus a penalty fee equal to one-third of the~~  
8 ~~renewal fee. A licensee who fails to pay a renewal fee for a period of~~  
9 ~~five years may be reinstated under such circumstances as the board~~  
10 ~~determines.~~

11 (2) Any licensee in good standing may withdraw from the practice of  
12 landscape architecture by giving written notice to the director, and  
13 may within five years thereafter resume active practice upon payment of  
14 the then-current renewal fee. A licensee may be reinstated after a  
15 withdrawal of more than five years under such circumstances as the  
16 board determines.

17 (3) A licensed landscape architect must demonstrate continuing  
18 professional education activities since the landscape architect's last  
19 renewal or initial licensure, as the case may be; the board shall by  
20 rule describe the professional development activities required by the  
21 board. The board may decline to renew a license if the landscape  
22 architect's continuing professional education activities do not meet  
23 the standards in the board's rules. In the application of this  
24 subsection, the board shall strive to ensure that rules are consistent  
25 with the continuing professional education requirements in use by the  
26 national professional organizations representing landscape architects  
27 and in use by other cohort states. Cohort states are those other  
28 United States determined by the board to be comparable to Washington in  
29 natural factors and landscape architecture licensure.

30 **Sec. 12.** RCW 18.96.120 and 2002 c 86 s 235 are each amended to  
31 read as follows:

32 ~~((1) In addition to the conduct, acts, or conditions set out in~~  
33 ~~RCW 18.235.130, the following constitute unprofessional conduct for~~  
34 ~~which the director may impose discipline upon any license holder or~~  
35 ~~applicant under the jurisdiction of this chapter:~~

36 ~~(a) The holder of the certificate of registration is impersonating~~  
37 ~~a practitioner or former practitioner.~~

1       ~~(b) The holder of the certificate of registration permits his or~~  
2 ~~her seal to be affixed to any plans, specifications, or drawings that~~  
3 ~~were not prepared by him or her or under his or her personal~~  
4 ~~supervision by employees subject to his or her direction and control.~~

5       ~~(2) The director shall immediately suspend the certificate of~~  
6 ~~registration of a landscape architect who has been certified pursuant~~  
7 ~~to RCW 74.20A.320 by the department of social and health services as a~~  
8 ~~person who is not in compliance with a support order. If the person~~  
9 ~~has continued to meet all other requirements for certification during~~  
10 ~~the suspension, reissuance of the certificate of registration shall be~~  
11 ~~automatic upon the director's receipt of a release issued by the~~  
12 ~~department of social and health services stating that the person is in~~  
13 ~~compliance with the order.)) The board may impose any action in RCW~~  
14 ~~18.235.110 upon the following grounds:~~

15       (1) Offering to pay, paying, or accepting, either directly or  
16 indirectly, any substantial gift, bribe, or other consideration to  
17 influence the award of professional work;

18       (2) Being willfully untruthful or deceptive in any professional  
19 report, statement, or testimony;

20       (3) Having a financial interest in the bidding for or the  
21 performance of a contract to supply labor or materials for or to  
22 construct a project for which employed or retained as a landscape  
23 architect except with the consent of the client or employer after  
24 disclosure of such facts; or allowing an interest in any business to  
25 affect a decision regarding landscape architectural work for which  
26 retained, employed, or called upon to perform;

27       (4) Signing or permitting a seal to be affixed to any drawings or  
28 specifications that were not prepared or reviewed by the landscape  
29 architect or under the landscape architect's personal supervision by  
30 persons subject to the landscape architect's direction and control; or

31       (5) Willfully evading or trying to evade any law, ordinance, code,  
32 or regulation governing site or landscape construction.

33       **Sec. 13.** RCW 18.96.140 and 2002 c 86 s 236 are each amended to  
34 read as follows:

35       A new certificate of (~~registration~~) licensure to replace any  
36 certificate lost or destroyed, or mutilated may be issued by the

1 director, and a charge determined by the director as provided in RCW  
2 43.24.086 shall be made for such issuance.

3 **Sec. 14.** RCW 18.96.150 and 1993 c 35 s 6 are each amended to read  
4 as follows:

5 ~~((The director shall issue a certificate of registration upon  
6 payment of the registration fee as provided in this chapter to any  
7 applicant who has satisfactorily met all requirements for registration.  
8 All certificates of registration shall show the full name of the  
9 registrant, shall have a serial number and shall be signed by the  
10 chairman and the executive secretary of the board, and by the director.~~

11 ~~Each registrant shall obtain a seal of a design authorized by the  
12 board, bearing the registrant's name and the legend, "registered  
13 landscape architect". All sheets of drawings and title pages of  
14 specifications prepared by the registrant shall be stamped with said  
15 seal.))~~

16 (1) The director shall issue a certificate of licensure to any  
17 applicant who has, to the satisfaction of the board, met all the  
18 requirements for licensure upon payment of the licensure fee as  
19 provided in this chapter. All certificates of licensure shall show the  
20 full name of the licensee, have the license number, and shall be signed  
21 by the chair of the board and by the director. The issuance of a  
22 certificate of licensure by the director is prima facie evidence that  
23 the person named therein is entitled to all the rights and privileges  
24 of a licensed landscape architect.

25 (2) Each licensee shall obtain a seal of the design authorized by  
26 the board bearing the landscape architect's name, license number, the  
27 legend "Licensed Landscape Architect," and the name of this state.  
28 Drawings prepared by the licensee shall be sealed and signed by the  
29 licensee when filed with public authorities. It is unlawful to seal  
30 and sign a document after a licensee's certificate of licensure or  
31 authorization has expired, been revoked, or is suspended. A landscape  
32 architect shall not seal and sign technical submissions not prepared by  
33 the landscape architect or his or her regularly employed subordinates,  
34 or individuals under his or her direct control, or if prepared by a  
35 landscape architect licensed in any jurisdiction recognized by the  
36 board, reviewed and accepted as the sealing landscape architect's own  
work; a landscape architect who signs or seals drawings or

1 specifications that he or she has reviewed is responsible to the same  
2 extent as if prepared by that landscape architect.

3 **Sec. 15.** RCW 18.96.180 and 1969 ex.s. c 158 s 18 are each amended  
4 to read as follows:

5 The board (~~(is authorized to apply for relief by injunction without~~  
6 ~~bond to restrain a person from the commission of any act which is~~  
7 ~~prohibited by this chapter. The members of the board shall not be~~  
8 ~~personally liable for their action in any such proceeding or in any~~  
9 ~~other proceeding instituted by the board under the provisions of this~~  
10 ~~chapter. The board, in any proper case, shall cause prosecution to be~~  
11 ~~instituted in any county or counties where any violation of this~~  
12 ~~chapter occurs, and shall aid in the prosecution of the violator))~~  
13 shall immediately suspend the certificate of licensure to practice  
14 landscape architecture of a person who has been certified under RCW  
15 74.20A.320 by the department of social and health services as a person  
16 who is not in compliance with a support order or a residential or  
17 visitation order. If the person has continued to meet other  
18 requirements for reinstatement during the suspension, reissuance of the  
19 certificate shall be automatic upon the board's receipt of a release  
20 issued by the department of social and health services stating that the  
21 individual is in compliance with the order.

22 **Sec. 16.** RCW 18.96.190 and 1996 c 293 s 15 are each amended to  
23 read as follows:

24 The (~~(director))~~ board shall suspend the certificate of  
25 (~~(registration))~~ licensure of any person who has been certified by a  
26 lending agency and reported to the (~~(director))~~ board for nonpayment or  
27 default on a federally or state-guaranteed educational loan or service-  
28 conditional scholarship. (~~(Prior to))~~ Before the suspension, the  
29 agency must provide the person an opportunity for a brief adjudicative  
30 proceeding under RCW 34.05.485 through 34.05.494 and issue a finding of  
31 nonpayment or default on a federally or state-guaranteed educational  
32 loan or service-conditional scholarship. The person's certificate of  
33 (~~(registration))~~ licensure shall not be reissued until the person  
34 provides the (~~(director))~~ board a written release issued by the lending  
35 agency stating that the person is making payments on the loan in  
36 accordance with a repayment agreement approved by the lending agency.

1 If the person has continued to meet all other requirements for  
2 certification of licensure during the suspension, reinstatement shall  
3 be automatic upon receipt of the notice and payment of any  
4 reinstatement fee the director may impose.

5 NEW SECTION. **Sec. 17.** All receipts from fees under this chapter  
6 must be deposited into the business and professions account in RCW  
7 43.24.150.

8 NEW SECTION. **Sec. 18.** This chapter does not affect or prevent:

9 (1) The practice of architecture as authorized in chapter 18.08  
10 RCW, land surveying, engineering as authorized in chapter 18.43 RCW,  
11 geology, forestry, or any legally recognized profession by persons not  
12 licensed as landscape architects;

13 (2) Drafters, clerks, project managers, superintendents, and other  
14 employees of landscape architects from acting under the instructions,  
15 control, or supervision of their employers;

16 (3) The construction, alteration, or supervision of sites by  
17 contractors or superintendents employed by contractors or the  
18 preparation of shop drawings in connection therewith;

19 (4) Owners or contractors under chapter 18.27 RCW from engaging  
20 persons who are not landscape architects to observe and supervise site  
21 construction of a project;

22 (5) Qualified professional biologists as referenced in chapter  
23 36.70 RCW from providing services for natural site areas that also fall  
24 within the definition of the practice of landscape architecture without  
25 a violation of this chapter;

26 (6) The preparation of planting plans or other horticulture-related  
27 designs for the private or public sector;

28 (7) Individuals from making plans, drawings, or specifications for  
29 any property owned by them and for their own personal use;

30 (8) The design of irrigation systems;

31 (9) Landscape design on residential properties; and

32 (10) Landscape design and installation of nonresidential projects  
33 implemented in accordance and compliance with the local regulations of  
34 governing jurisdictions.

1        NEW SECTION.    **Sec. 19.**    The following acts or parts of acts are  
2 each repealed:

3        (1) RCW 18.96.050 (Board--Terms of office--Removal--Compensation  
4 and travel expenses) and 2005 c 25 s 2, 1984 c 287 s 52, 1975-'76 2nd  
5 ex.s. c 34 s 54, & 1969 ex.s. c 158 s 5;

6        (2) RCW 18.96.160 (Misuse of seal) and 1969 ex.s. c 158 s 16; and

7        (3) RCW 18.96.170 (Penalty) and 1969 ex.s. c 158 s 17.

8        NEW SECTION.    **Sec. 20.**    Sections 17 and 18 of this act are each  
9 added to chapter 18.96 RCW.

10       NEW SECTION.    **Sec. 21.**    This act takes effect July 1, 2009.

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