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SENATE BILL 5746

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State of Washington                      60th Legislature                      2007 Regular Session

By Senators Jacobsen, Kohl-Welles, Murray, Keiser, McCaslin and Poulsen

Read first time 01/30/2007.                      Referred to Committee on Labor,  
Commerce, Research & Development.

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, 18.96.170, 18.96.180, and 18.96.190; adding new sections to  
5 chapter 18.96 RCW; creating a new section; repealing RCW 18.96.050 and  
6 18.96.160; and prescribing penalties.

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-build" means a single business entity, joint venture,  
7 or partnership providing landscape architectural and construction  
8 services consisting of at least a licensed landscape architect and a  
9 licensed general contractor and in which the design services are  
10 provided by a landscape architect who has independent and responsible  
11 control over the designs.

12       (6) "Detached accessory structure" means any small size  
13 nonhabitable construction consisting of load-bearing members such as  
14 the foundation, roof, floors, walls, columns, girders, and beams or a  
15 combination of any number of these parts, with or without other parts  
16 or appurtenances. Detached accessory structures include a small barn,  
17 shed, cabana, playhouse, garden structure such as pergola, trellis, or  
18 shade structure generally exempt from building permit under local  
19 codes.

20       (7) "Director" means the director of licensing.

21       (8) "Engineer" means an individual who is registered as an engineer  
22 under chapter 18.43 RCW.

23       (9) "Landscape architect" means ((a person who engages in the  
24 practice of landscape architecture as hereinafter defined. A person  
25 practices landscape architecture within the meaning and intent of this  
26 chapter who performs for hire professional services such as  
27 consultations, investigations, reconnaissance, research, planning,  
28 design or teaching supervision in connection with the development of  
29 land areas where, and to the extent that, the dominant purpose of such  
30 services is the preservation, enhancement, or determination of proper  
31 land uses, natural land features, ground cover and planting,  
32 naturalistic and aesthetic values, the settings and approaches to  
33 structures or other improvements, or natural drainage and erosion  
34 control. This practice shall include the location, design, and  
35 arrangement of such tangible objects as pools, walls, steps, trellises,  
36 canopies, and other nonhabitable structures, and such features as are  
37 incidental and necessary to the purposes outlined herein. It involves  
38 the design and arrangement of land forms and the development of outdoor

1 ~~space including, but not limited to, the design of public parks,~~  
2 ~~playgrounds, cemeteries, home and school grounds, and the development~~  
3 ~~of industrial and recreational sites)) an individual who engages in the  
4 practice of landscape architecture.~~

5 (10) "Landscape architecture" means the rendering of professional  
6 services in connection with consultations, investigations,  
7 reconnaissance, research, planning, design, construction document  
8 preparation, construction administration, or teaching supervision in  
9 connection with the development of land areas where, and to the extent  
10 that, the dominant purpose of such services is the preservation,  
11 enhancement, or determination of proper land uses, natural land  
12 features, ground cover and planting, naturalistic and aesthetic values,  
13 the settings and approaches to structures or other improvements, or  
14 natural drainage and erosion control. This practice includes the  
15 location, design, and arrangement of such tangible objects as pools,  
16 walls retaining a surcharge less than four feet in height, steps,  
17 trellises, canopies, and other detached accessory structures, and such  
18 features as are incidental and necessary to the purposes in this  
19 chapter. Landscape architecture involves the design and arrangement of  
20 land forms and the development of outdoor space including, but not  
21 limited to, the design of public parks, trails, playgrounds,  
22 cemeteries, home and school grounds, and the development of industrial  
23 and recreational sites.

24 (11) "Licensed" means holding a currently valid certificate of  
25 licensure or certificate of authorization issued by the director  
26 authorizing the practice of landscape architecture.

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

30 (13) "Practice of landscape architecture" means the rendering of  
31 services where landscape architectural education, training, experience,  
32 and the application of mathematical, physical, and social science  
33 principles are applied in consultation, evaluation, planning, design  
34 including, but not limited to, the preparation and filing of plans,  
35 drawings, specifications, and other contract documents, and  
36 administration of contracts relative to projects principally directed  
37 at the functional and aesthetic use and preservation of land. These  
38 services include, but are not limited to:

1 (a) Investigation, selection, and allocation of land and water  
2 resources for appropriate uses;

3 (b) Formulation of feasibility studies, and graphic and written  
4 criteria to govern the planning, design, and management of land and  
5 water resources;

6 (c) Preparation, review, and analysis of land use master plans,  
7 subdivision plans, and preliminary plats;

8 (d) Determining the location and siting of improvements, including  
9 buildings and other features, as well as the access and environs for  
10 those improvements; and

11 (e) Design of land forms, storm water drainage, soil conservation  
12 and erosion control methods, site lighting, water features, irrigation  
13 systems, plantings, pedestrian and vehicular circulation systems, and  
14 related construction details.

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

17 (1)(a) There is created a ((state)) licensure board ((of  
18 registration)) for landscape architects((. The board shall consist of  
19 four landscape architects and one member of the general public.  
20 Members of the board shall be)) consisting of five members appointed by  
21 the governor ((and must be residents of this state having the  
22 qualifications required by this chapter.

23 ~~No public member of the board may be a past or present member of~~  
24 ~~any other licensing board under this title. No public member may make~~  
25 ~~his or her own livelihood from, nor have a parent, spouse, or child~~  
26 ~~make their respective livelihood from providing landscape architect~~  
27 ~~services, or from enterprises dealing in landscape architecture.~~

28 ~~The landscape architect members of the board must, while serving on~~  
29 ~~the board, be actively engaged in their profession or trade and,~~  
30 ~~immediately preceding appointment, have had at least five years~~  
31 ~~experience in responsible charge of work or teaching within their~~  
32 ~~profession or trade)).~~

33 (b) Four members shall be licensed landscape architects who are  
34 residents of the state and have at least eight years' experience in the  
35 practice of landscape architecture as registered or licensed landscape  
36 architects in responsible charge of landscape architectural work or  
37 responsible charge of landscape architectural teaching. One member

1 shall be a public member, who is not and has never been a registered or  
2 licensed landscape architect and who does not employ and is not  
3 employed by or professionally or financially associated with a  
4 landscape architect.

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

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

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

13 (3) The board shall elect a chairman, a vice-chairman, and a  
14 secretary. The secretary may delegate his or her authority to the  
15 executive secretary.

16 (4) Members of the board shall be compensated in accordance with  
17 RCW 43.03.240 and shall be reimbursed for travel expenses in accordance  
18 with RCW 43.03.050 and 43.03.060.

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

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

25 ~~The board may conduct hearings concerning alleged violations of the~~  
26 ~~provisions of this chapter)) may adopt such rules under chapter 34.05~~  
27 ~~RCW as are necessary for the proper performance of its duties under~~  
28 ~~this chapter.~~

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

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

33 ~~((The following will be considered as)) This section establishes~~  
34 ~~the minimum evidence satisfactory to the board that the applicant is~~  
35 ~~qualified for ((registration)) licensure as a professional landscape~~  
36 ~~architect.~~

1       ~~((The applicant must have completed a course of study in landscape~~  
2 ~~architecture and have been graduated from a college or school approved~~  
3 ~~by the board as offering a curriculum in landscape architecture, or the~~  
4 ~~equivalent thereof, in any form of training, as determined by the~~  
5 ~~board. Each complete year of study in any registered college or school~~  
6 ~~of landscape architecture may be accepted in lieu of one year of~~  
7 ~~equivalent training.~~

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

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

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

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

22       (a) Have a professional landscape architectural degree from an  
23 institution of higher education accredited by the national landscape  
24 architecture accreditation board, or an equivalent degree in landscape  
25 architecture as determined by the board, and three years of practical  
26 landscape architectural work experience under the supervision of a  
27 registered or licensed architect;

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

32       (c) Have a high school diploma or equivalent and have fifteen years  
33 of practical landscape architectural work experience, at least eight  
34 years of which must be under the supervision of a registered or  
35 licensed landscape architect.

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

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

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

10       (3) The application and examination fees shall be determined by the  
11 director ((as provided in)) under RCW 43.24.086. ((The application and  
12 fee must be submitted to the agency prior to the application deadline  
13 established by the director.

14       Fees for initial examination and reexamination shall be determined  
15 by the director as provided in RCW 43.24.086, and must be filed with  
16 the agency prior to the application deadline established by the  
17 director.))

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

20       (1) Examinations of ((applicants)) landscape architects for  
21 certificates of ((registration)) licensure shall be held at least  
22 annually ((or)) at such time((s)) and place((s)) as the board ((may))  
23 determines. ((The board shall determine from the examination and the  
24 material submitted with the applications whether or not the applicants  
25 possess sufficient knowledge, ability and moral fitness to safely and  
26 properly practice landscape architecture and to hold themselves out to  
27 the public as persons qualified for that practice.

28       The scope of the examination and methods of examination procedure  
29 shall be prescribed by the board with special reference to landscape  
30 construction materials and methods, grading and drainage, plant  
31 materials suited for use in the northwest, specifications and  
32 supervisory practice, history and theory of landscape architecture  
33 relative to landscape architectural design, site planning and land  
34 design, subdivision, urban design, and a practical knowledge of botany,  
35 horticulture and similar subjects related to the practice of landscape  
36 architecture. The board may adopt an appropriate national examination  
37 and grading procedure.



1 Applicants who fail to pass sections of the examination shall be  
2 permitted to retake the examination in the sections failed. A passing  
3 grade in a section shall exempt the applicant from examination in that  
4 subject for five years. The board may determine the standard for  
5 passing grades computed on a scale of one hundred percent. A  
6 certificate of registration shall be granted by the director to all  
7 qualified applicants who shall be certified by the board as having  
8 passed the required examination and as having given satisfactory proof  
9 of completion of the required experience.))

10 (2) The board shall determine the content, scope, and grading  
11 process of the examination. The board may adopt an appropriate  
12 national examination and grading procedure.

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

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

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

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

25 (1) The director may, upon ((payment of a reciprocity application  
26 fee and the current registration fee in an amount as determined by the  
27 director as provided in RCW 43.24.086, grant a certificate of  
28 registration, upon recommendation by the board, to any applicant who is  
29 a registered landscape architect in any other state or country whose  
30 requirements for registration are at least substantially equivalent to  
31 the requirements of this state for registration by examination, and  
32 which extends the same privileges of reciprocity to landscape  
33 architects registered in this state)) receipt of the current licensure  
34 fee, grant a certificate of licensure to an applicant who is a licensed  
35 landscape architect in another state or territory of the United States,  
36 the District of Columbia, or another country, if that individual's

1 qualifications and experience are determined by the board to be  
2 equivalent to the qualifications and experience required of a person  
3 licensed under RCW 18.96.070.

4 (2) A landscape architect or landscape architectural firm licensed  
5 or registered in any other jurisdiction recognized by the board may  
6 offer to practice landscape architecture in this state if:

7 (a) It is clearly and prominently stated in any such offer that the  
8 landscape architect or firm is not licensed to practice landscape  
9 architecture in Washington state; and

10 (b) Before practicing landscape architecture or signing a contract  
11 to provide landscape architectural services, the landscape architect or  
12 firm obtains a certificate of authorization.

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

15 (1) The renewal dates for certificates of ((registration shall be  
16 set by the director. The director shall set the fee for renewal which  
17 shall be determined as provided in RCW 43.24.086.

18 If a registrant fails to pay the renewal fee within thirty days  
19 after the renewal date, the renewal shall be delinquent. The renewal  
20 fee for a delinquent renewal and the penalty fee for a delinquent  
21 renewal shall be established by the director. Any registrant in good  
22 standing, upon fully retiring from landscape architectural practice,  
23 may withdraw from practice by giving written notice to the director,  
24 and may thereafter resume practice at any time upon payment of the then  
25 current renewal fee. Any registrant, other than a properly withdrawn  
26 licensee, who fails to renew his or her registration for a period of  
27 more than five years may be reinstated under the)) licensure shall be  
28 set by the director in accordance with RCW 43.24.086. Licensees who  
29 fail to pay the renewal fee within thirty days of the due date shall  
30 pay all delinquent fees plus a penalty fee equal to one-third of the  
31 renewal fee. A licensee who fails to pay a renewal fee for a period of  
32 five years may be reinstated under such circumstances as the board  
33 determines. The renewal and penalty fees and the frequency of renewal  
34 assessment shall be authorized under this chapter. Renewal date for  
35 certificates of authorization are the anniversary of the date of  
36 authorization.

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

7       (3) A licensed landscape architect must demonstrate continuing  
8 professional education activities since the landscape architect's last  
9 renewal or initial licensure, as the case may be; the board shall by  
10 rule describe the professional development activities required by the  
11 board. The board may decline to renew a license if the landscape  
12 architect's continuing professional education activities do not meet  
13 the standards in the board's rules. In the application of this  
14 subsection, the board shall strive to ensure that rules are consistent  
15 with the continuing professional education requirements in use by the  
16 national professional organizations representing landscape architects  
17 and in use by other cohort states. Cohort states are those other  
18 United States determined by the board to be comparable to Washington in  
19 demographics and natural factors.

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

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

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

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

32       ~~(2) The director shall immediately suspend the certificate of~~  
33 ~~registration of a landscape architect who has been certified pursuant~~  
34 ~~to RCW 74.20A.320 by the department of social and health services as a~~  
35 ~~person who is not in compliance with a support order. If the person~~  
36 ~~has continued to meet all other requirements for certification during~~  
37 ~~the suspension, reissuance of the certificate of registration shall be~~

1 ~~automatic upon the director's receipt of a release issued by the~~  
2 ~~department of social and health services stating that the person is in~~  
3 ~~compliance with the order.)) The board may impose any action in RCW  
4 18.235.110 upon the following grounds:~~

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

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

10 (3) Having a financial interest in the bidding for or the  
11 performance of a contract to supply labor or materials for or to  
12 construct a project for which employed or retained as a landscape  
13 architect except with the consent of the client or employer after  
14 disclosure of such facts; or allowing an interest in any business to  
15 affect a decision regarding landscape architectural work for which  
16 retained, employed, or called upon to perform;

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

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

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

25 A new certificate of (~~registration~~) licensure to replace any  
26 certificate lost or destroyed, or mutilated may be issued by the  
27 director, and a charge determined by the director as provided in RCW  
28 43.24.086 shall be made for such issuance.

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

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

1       ~~Each registrant shall obtain a seal of a design authorized by the~~  
2 ~~board, bearing the registrant's name and the legend, "registered~~  
3 ~~landscape architect". All sheets of drawings and title pages of~~  
4 ~~specifications prepared by the registrant shall be stamped with said~~  
5 ~~seal-.)~~ (1) The director shall issue a certificate of licensure to any  
6 applicant who has, to the satisfaction of the board, met all the  
7 requirements for licensure upon payment of the licensure fee as  
8 provided in this chapter. All certificates of licensure shall show the  
9 full name of the licensee, have the license number, and shall be signed  
10 by the chair of the board and by the director. The issuance of a  
11 certificate of licensure by the director is prima facie evidence that  
12 the person named therein is entitled to all the rights and privileges  
13 of a licensed landscape architect.

14       (2) Each licensee shall obtain a seal of the design authorized by  
15 the board bearing the landscape architect's name, license number, the  
16 legend "Licensed Landscape Architect," and the name of this state.  
17 Drawings prepared by the licensee shall be sealed and signed by the  
18 licensee when filed with public authorities. It is unlawful to seal  
19 and sign a document after a licensee's certificate of licensure or  
20 authorization has expired, been revoked, or is suspended. A landscape  
21 architect shall not seal and sign technical submissions not prepared by  
22 the landscape architect or his or her regularly employed subordinates,  
23 or if prepared by a landscape architect licensed in any jurisdiction  
24 recognized by the board, reviewed and accepted as the sealing landscape  
25 architect's own work; a landscape architect who signs or seals drawings  
26 or specifications that he or she has reviewed is responsible to the  
27 same extent as if prepared by that landscape architect.

28       (3) The following documents must be signed and sealed:

29       (a) All technical submissions prepared and filed with the  
30 authorities having jurisdiction;

31       (b) Copies of all technical submissions prepared and filed with the  
32 authorities having jurisdiction or prepared for use in construction  
33 that are given to the landscape architect's client or retained by the  
34 landscape architect; and

35       (c) All revisions or other modifications to the technical  
36 submissions requiring sealing and signing as identified in (a) and (b)  
37 of this subsection.

1       (4) Of the technical submissions submitted under subsection (3)(a)  
2 of this section, only the drawings must be sealed and signed on each  
3 sheet; specifications and other technical submissions need only be  
4 sealed and signed on the cover, title page, and all pages of the table  
5 of contents.

6       (5) Except as required for compliance with a federal or other  
7 governmental contract, a signature shall not be placed on reproducible  
8 or electronic drawings that are used for multiple copies or on  
9 reproducible or electronic drawings that are transferred away from the  
10 landscape architect's possession and supervision.

11       **Sec. 15.** RCW 18.96.170 and 1969 ex.s. c 158 s 17 are each amended  
12 to read as follows:

13       ~~((Any person violating any of the provisions of this chapter shall~~  
14 ~~be guilty of a misdemeanor.))~~ (1) Any person who violates any provision  
15 of this chapter or any rule adopted under it is guilty of a misdemeanor  
16 and may also be subject to a civil penalty in an amount not to exceed  
17 one thousand dollars for each offense.

18       (2) It is the duty of all officers in the state or any political  
19 subdivision thereof to enforce this chapter. Any public officer may  
20 initiate an action before the board to enforce this chapter.

21       (3) The board may apply for relief by injunction without bond to  
22 restrain a person from committing any act that is prohibited by this  
23 chapter. In such proceedings, it is not necessary to allege or prove  
24 either that an adequate remedy at law does not exist or that  
25 substantial irreparable damage would result from the continued  
26 violation thereof. The members of the board shall not be personally  
27 liable for their actions in any such proceeding or in any other  
28 proceeding instituted by the board under this chapter. The board in  
29 any proper case shall cause prosecution to be instituted in any county  
30 or counties where any violation of this chapter occurs, and shall aid  
31 the prosecution of the violator.

32       (4) No person practicing landscape architecture may maintain a  
33 proceeding in any court of this state relating to services in the  
34 practice of landscape architecture unless it is alleged and proved that  
35 the person was licensed or authorized under this chapter to practice or  
36 offer to practice landscape architecture at the time the architecture  
37 services were offered or provided.

1       **Sec. 16.** RCW 18.96.180 and 1969 ex.s. c 158 s 18 are each amended  
2 to read as follows:

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

20       **Sec. 17.** RCW 18.96.190 and 1996 c 293 s 15 are each amended to  
21 read as follows:

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

1 be automatic upon receipt of the notice and payment of any  
2 reinstatement fee the director may impose.

3 NEW SECTION. **Sec. 18.** The landscape architects' license account  
4 is created in the state treasury. All receipts from fees under this  
5 chapter must be deposited into the account. Moneys in the account may  
6 be spent only after appropriation. Expenditures from the account may  
7 be used only for purposes under this chapter.

8 NEW SECTION. **Sec. 19.** This chapter does not affect or prevent:

9 (1) The practice of architecture, land surveying, engineering,  
10 geology, hydrogeology, or any legally recognized profession or trade  
11 such as certified irrigation designers, certified arborists,  
12 professional foresters, certified landscape professionals, certified  
13 landscape technicians, and certified irrigation auditors by persons not  
14 licensed as landscape architects;

15 (2) The practice of architecture as authorized in chapter 18.08  
16 RCW, engineering as authorized in chapter 18.43 RCW, space planning,  
17 interior design, or any legally recognized profession or trade by  
18 persons not licensed as landscape architects;

19 (3) Drafters, clerks, project managers, superintendents, and other  
20 employees of landscape architects from acting under the instructions,  
21 control, or supervision of their employers;

22 (4) The construction, alteration, or supervision of sites by  
23 contractors or superintendents employed by contractors or the  
24 preparation of shop drawings in connection therewith;

25 (5) Owners or contractors under chapter 18.27 RCW from engaging  
26 persons who are not landscape architects to observe and supervise site  
27 construction of a project;

28 (6) Qualified professional biologists as referenced in chapter  
29 36.70 RCW from providing services for natural site areas that also fall  
30 within the definition of the practice of landscape architecture without  
31 a violation of this chapter;

32 (7) A nurseryman, gardener, landscape designer, or landscape  
33 contractor from preparing planting plans or installing plant material  
34 if the project scope does not impact the public health, safety, or  
35 welfare; and



1           (8) Individuals from making plans, drawings, or specifications for  
2 any property owned by them and for their own personal use.

3           NEW SECTION.   **Sec. 20.** The following acts or parts of acts are  
4 each repealed:

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

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

9           NEW SECTION.   **Sec. 21.** Sections 18 and 19 of this act are each  
10 added to chapter 18.96 RCW.

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