

Act No. 490
Public Acts of 2008
Approved by the Governor
January 12, 2009
Filed with the Secretary of State
January 13, 2009
EFFECTIVE DATE: May 13, 2009

STATE OF MICHIGAN
94TH LEGISLATURE
REGULAR SESSION OF 2008

Introduced by Reps. Donigan, Kathleen Law, Jackson, Hopgood, Warren, Vagnozzi and Meisner

ENROLLED HOUSE BILL No. 5025

AN ACT to amend 1980 PA 299, entitled "An act to revise, consolidate, and classify the laws of this state regarding the regulation of certain occupations; to create a board for each of those occupations; to establish the powers and duties of certain departments and agencies and the boards of each occupation; to provide for the promulgation of rules; to provide for certain fees; to provide for penalties and civil fines; to establish rights, relationships, and remedies of certain persons under certain circumstances; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," by amending sections 2201, 2202, 2203, 2204, 2205, 2208, 2209, 2210, and 2211 (MCL 339.2201, 339.2202, 339.2203, 339.2204, 339.2205, 339.2208, 339.2209, 339.2210, and 339.2211), section 2204 as amended by 1981 PA 83 and sections 2205 and 2209 as amended by 1988 PA 463.

The People of the State of Michigan enact:

Sec. 2201. As used in this article:

(a) "Landscape architect" means a person qualified to engage in the practice of landscape architecture as provided in this article.

(b) "Practice of landscape architecture" means all of the following:

(i) The performance of professional services such as consultation, investigation, research, planning, design, or responsible field observation in connection with the development of land areas where, and to the extent that the dominant purpose of the services is the preservation, enhancement, or determination of proper land uses, natural land resources, ground cover and planting, naturalistic and aesthetic values, the settings and approaches to structures or other improvements, natural drainage, and the consideration and determination of inherent problems of the land relating to erosion, use and stress, blight, or other hazards.

(ii) The location and arrangement of tangible objects and features incidental and necessary to the purposes outlined in this article.

Sec. 2202. (1) This article does not prohibit a licensed landscape architect from performing any of the services described in section 2201(b)(i) in connection with the settings, approaches, or environment for buildings, structures, or facilities.

(2) This article does not authorize a landscape architect to engage in the practice of architecture, engineering, or land surveying as defined in article 20.

(3) The licensure requirement of this article does not prohibit a person from performing or offering services as a landscape designer, landscape gardener, landscape contractor, or landscape nursery operator as long as that person does not use the term "landscape architect".

Sec. 2203. (1) The director shall appoint 1 or more ad hoc committees to assist the director and the department in adopting rules regarding the setting of standards for continuing education and continuing competency courses and programs, providing for exceptions to the licensure standards in extraordinary cases, and establishing specific license sanction recommendations for certain violations.

(2) The committees shall consist of as many members as the director considers necessary but shall include at least a majority of members that are licensed under this article.

(3) The committees appointed under this section shall serve during the processing of the rules and may make recommendations and suggested revisions regarding the content of the rules.

Sec. 2204. An applicant for licensure as a landscape architect shall be of good moral character and shall pass a written examination developed by the department. In addition, each applicant shall have had not less than 7 years of training and experience in the actual implementation and practice of landscape architecture. Satisfactory completion of each year up to 5 years of an accredited course in landscape architecture in an accredited school shall be considered as equivalent to a year of experience.

Sec. 2205. (1) All requirements for licensure shall be completed within 10 years after receipt of the application by the department. If the requirements are not completed within the 10-year period, the application shall be void.

(2) A demonstration of continuing professional competence shall be required for renewal of a license as determined by the department and provided for by rule of the director.

Sec. 2208. Licensure under this article shall be on an individual basis. The department shall not license a partnership, association, corporation, or a public agency under this article.

Sec. 2209. The department may issue a license without examination to an applicant who is legally registered, licensed, or regulated as a landscape architect in any other state or country whose requirements for registration, licensure, or other regulation are at least substantially equivalent to the requirements of this state.

Sec. 2210. (1) Each landscape architect shall have a seal, approved by the department and the board, which shall contain the name of the landscape architect, the number of his or her license and the legend "landscape architect, state of Michigan" and other words or figures as the department considers necessary. Plans, specifications, and reports prepared by the landscape architect or under his or her supervision shall be stamped with his or her seal when filed with a public authority.

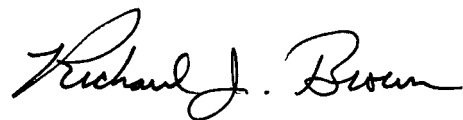
(2) A landscape architect who indorses a document with his or her seal while his or her license is not in full force and effect, or who indorses a document which the landscape architect did not actually prepare or supervise the preparation, is subject to the penalties prescribed in article 6.

Sec. 2211. A person shall not use or advertise the title "landscape architect" or any title or description tending to convey the impression that he or she is a landscape architect unless he or she is licensed under this article. This article does not restrict the use of the titles "landscape gardener", "landscape contractor", "landscape designer", or "landscape operator".

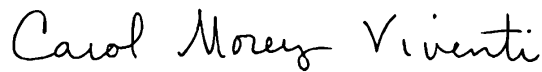
Enacting section 1. This amendatory act takes effect 120 days after the date it is enacted into law.

Enacting section 2. This amendatory act does not take effect unless House Bill No. 5026 of the 94th Legislature is enacted into law.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor