



Landscape Architecture Licensure Laws

ASLA Summary of Provisions

CALIFORNIA

California Statutes: Business and Professions Code, 5600

California Code of Regulations: Title 16, Division 26

Type of Law: Practice/title act. Sunset date: 7/1/2015

Landscape Architects Technical Committee

Advisory committee housed under the California Architects Board. Consists of five landscape architects, three of which are appointed by the Governor and one of each appointed by the Senate Rules Committee and the Assembly Speaker. Receives its funding through a dedicated fund.

Architects Board Powers: Adopt, amend, or repeal such rules and regulations as are reasonably necessary to: govern the examinations of applicants for licensure; establish criteria for approving schools of landscape architecture; establish rules of professional conduct that are not inconsistent with state or federal law, by which all licensees are governed and controlled; and carry out the provisions of the law generally.

The Architects Board may delegate its authority under the law to the Landscape Architect Technical Committee with the following exceptions:

- After review of proposed regulations, the board may direct the examining committee to notice and conduct hearings to adopt, amend, or repeal regulations, provided that the board itself shall take final action to adopt, amend, or repeal those regulations.
- The board shall not delegate its authority to discipline a landscape architect or to take action against a person who has violated the law.

LATC Powers: The committee may assist the board in the examination of candidates for licensure and, after investigation, evaluate and make recommendations regarding potential violations of this law; may investigate, assist and make recommendations to the board regarding the regulation of the profession; and perform other such duties and functions delegated to it by the board.

Definitions

Landscape architect: A person who holds a license to practice landscape architecture in the state.

Practice of landscape architecture: Performing or offering professional services, for the purpose of landscape preservation, development and enhancement, such as consultation, investigation, reconnaissance, research, planning, design, preparation of drawings, construction documents and specifications, and responsible construction observation. Landscape preservation, development and enhancement is the dominant purpose of services provided by landscape architects. Implementation of that purpose includes: the preservation and aesthetic and functional enhancement of land uses and natural land features; the location and construction of aesthetically pleasing and functional approaches and settings for structures and roadways; and, design for trails and pedestrian walkway systems, plantings, landscape irrigation, landscape lighting, landscape grading and landscape drainage.

Landscape architects perform professional work in planning and design of land for human use and enjoyment. Based on analyses of environmental physical and social characteristics, and economic considerations, they produce overall plans and landscape project designs for integrated land use.

The practice of a landscape architect may, for the purpose of landscape preservation, development and enhancement, include: investigation, selection, and allocation of land and water resources for appropriate uses; feasibility studies; formulation of graphic and written criteria to govern the planning and design of land construction programs; preparation review, and analysis of master plans for land use and development;

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production of overall site plans, landscape grading and landscape drainage plans, irrigation plans, planting plans, and construction details; specifications; cost estimates and reports for land development; collaboration in the design of roads, bridges, and structures with respect to the functional and aesthetic requirements of the areas on which they are to be placed; negotiation and arrangement for execution of land area projects; field observation and inspection of land area construction, restoration, and maintenance.

This practice shall include the location, arrangement, and design of such tangible objects and features as are incidental and necessary to the purposes outlined herein. Nothing herein shall preclude a duly licensed landscape architect from planning the development of land areas and elements used thereon or from performing any of the services described in this section in connection with the settings, approaches, or environment for buildings, structures, or facilities, in accordance with the accepted public standards of health, safety, and welfare.

This chapter shall not empower a landscape architect, registered under this chapter, to practice, or offer to practice, architecture or engineering in any of its various recognized branches.

Exemptions

Interprofessional practice: The law exempts licensed architects, professional engineers and land surveyors, but these professions may not use the title 'landscape architect' without a landscape architecture license.

Exempt persons:

- Any person preparing drawings for the conceptual design and placement of tangible objects or landscape features or plans, drawings or specifications for selection, placement, or use of plants for a single-family dwelling. If the activity requires grading and drainage plans, the construction documents, details and specifications must be done by a licensee.
- Any person from making any plans, drawings or specifications for any property owned by that person.
- Every person who holds a valid state license, under the Food and Agricultural Code, authorizing engagement in the business of selling nursery stock, may engage in the preparation of plans or drawings as an adjunct to merchandising nursery stock and related products, but may not use the title of landscape architect.
- A licensed landscape contractor may design systems and facilities legal under that license, as long as the individual works within the classification of their license.
- A person engaging in the practice of, or offering to practice as, a golf course architect, defined as a person who performs professional services such as consultation, investigation, reconnaissance, research, design, preparation of drawings and specifications and responsible supervision, where the dominant purpose of such service is the design of a golf course, in accordance with accepted professional standards of public health and safety.
- A person engaging in the practice of, or offering to practice as, an irrigation consultant, defined as a person who performs professional services such as consultation, investigation, reconnaissance, research, design, preparation of drawings and specifications and responsible supervision, where the dominant purpose of such service is the design of landscape irrigation, in accordance with accepted professional standards of public health and safety.

Eligibility Requirements – Initial Licensure

Requirements: To qualify for the written examination, applicants must have six years of training and educational experience in actual practice of landscape architecture. A degree from a school of landscape architecture approved by the board is deemed equivalent to four years of training and educational experience. [A degree in landscape architecture from a non-approved school is deemed equivalent to three years training and educational experience (partial completion of such programs is equivalent to one year). An extension certificate in landscape architecture from an approved school is equivalent to two years training and educational experience (partial completion of such programs is equivalent to one year). An associate

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degree in landscape architecture from a community college (with two-year curriculum) is deemed equivalent to one year of training and educational experience. A degree from an NAAB-accredited architecture program is deemed equivalent to one year of educational experience. All candidates must have had one year education credit and two years experience credit to take the exam. Candidates may take sections 1 and 2 of the LARE following meeting the education requirements, but must wait until meeting the full education/experience standard before taking sections 3 and 4. Candidates must also pass the California supplemental exam following passage of all sections of the LARE.]

Fee: Initial license and biennial renewal, \$400. (reduced to \$220 for renewals between July 1, 2015 and June 30, 2017)

Eligibility Requirements – Reciprocal Licensure

Requirements: Examination will be waived if the applicant: (1) is currently licensed by a United States jurisdiction, Canadian province or Puerto Rico; (2) has passed a written examination equivalent to that which was required in California at that time; (3) has submitted proof of job experience equivalent to that which was required in California at the time; and (4) has passed the California supplemental examination if, at the time of application, it is required of all California applicants.

Fee: Initial license and biennial renewal, \$400. (reduced to \$220 for renewals between July 1, 2015 and June 30, 2017)

Practice Entities

The law allows a landscape architect to form a partnership, firm, or corporation with, or employ, persons who are not landscape architects if the following requirements are met: the signature, date, and license number of the landscape architect shall appear on all instruments of service; in no case shall the other members of the partnership, firm, or corporation be designated or described as landscape architects; the name of the licensed landscape architect shall appear wherever the firm name is used in the professional practice of the partnership, firm or corporation, and the landscape architect shall reside in California when the partnership, firm or corporation maintains a California office or mailing address; the name of the licensee shall appear on all partnership, firm or corporation stationery, brochures, business cards and any instruments of service used or provided in the professional practice of the partnership, firm or corporation. No partnership, firm or corporation shall engage in the practice of landscape architecture unless the work is under the immediate and responsible direction of a licensee of the board.

Seal Requirements

Licensees shall sign and date and stamp/seal all plans, specifications, and other instruments of service and contracts therefore, prepared for others as evidence of the person's responsibility for those documents. Each licensee must use a seal or stamp of the design authorized by the board, bearing his or her name, license number, the legend "landscape architect" and the legend "State of California" and a means of providing a signature, the renewal date of the license, and the date of signing and sealing/stamping.

Enforcement

Board powers: Prosecute all persons guilty of violating the provisions of the law; employ inspectors, special agents and investigators; suspend for a period not exceeding one year, or revoke, licenses for acts or omissions constituting grounds for disciplinary action; deny or refuse to issue a certificate to an applicant based on any act or omission which would constitute grounds for disciplinary action if committed by a licensee; issue citations and assess civil penalties, of no more that \$5,000 per citation, upon licensees or unlicensed persons violating the law.

Prohibitions/penalties: Practicing in violation of the law; obtaining a license by fraud or misrepresentation; impersonating a landscape architect or former landscape architect of the same or similar name, or practicing under an assumed, fictitious or corporate name; aiding or abetting unlicensed practice; being guilty of fraud or deceit in the practice of landscape architecture; being guilty of negligence or willful misconduct in the

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practice of landscape architecture; failing of any person to comply with requirements for partnership and corporate practice requirements; being guilty of gross incompetence; conviction of a felony in connection with the practice of landscape architecture; and having had disciplinary action taken by any public agency for any act substantially related to the qualifications, functions or duties as a landscape architect constitute grounds for disciplinary action.

Failure to comply with sealing requirements includes instances of a licensee affixing his or her signature, or his or her stamp, or permitting the use of his or her name to or on plans, drawings, specifications or other instruments of service which have not been prepared by him or her or under his or her immediate and responsible direction or permitting his or her name or his or her signature or his or her stamp to be used for the purpose of assisting an unlicensed person to evade the law and constitute a grounds for disciplinary action.

Prohibitions/penalties for unlicensed practice: (1) engaging in the practice of landscape architecture; (2) using the title or term "landscape architect", "landscape architecture", "landscape architectural" or any other titles, words, or abbreviations that would imply or indicate that an unlicensed person is a landscape architect; (3) use the stamp of a licensed landscape architect; and (4) advertise or put out a sign, card, or other device that might indicate to the public that he or she is a licensed landscape architect or qualified to engage in the practice of landscape architecture. Such activity is a misdemeanor, punishable by a fine of not less than \$[750] nor more than \$5,000 and/or by imprisonment in the county jail not exceeding six months.

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Mandatory Continuing Education

California does not mandate continuing education for landscape architects.

Written contract requirement

When providing professional services, landscape architects must provide every client with a detailed written contract (can be electronic) executed by the landscape architect and the client (or their representatives), prior to commencing work. Work may begin if the client states in writing that it is permitted prior to executing the contract. The contract must include, but is not limited to: a description of services to be provided by the landscape architect description of any basis of compensation applicable to the contract, including the total price that is required to complete the contract, and method of payment agreed upon by both parties; the name, address, and license number of the landscape architect and the name and address of the client; a description of the procedure that the landscape architect and client will use to accommodate additional services; a description of the procedure to be used by either party to terminate the contract; a notice which reads: "Landscape architects are licensed by the State of California."

This requirement is not applicable if the client waives the requirement in writing after full disclosure. The requirement also does not apply when:

- Professional services are rendered by a landscape architect without compensation.
- An arrangement for as to the basis for compensation and manner of providing professional services implied by the fact that the landscape architect's services are of the same general individual that the landscape architect has previously rendered to and received payment form the same client.
- Professional services rendered by a landscape architect to any of the following:
 - Another California-licensed landscape architect
 - A California-licensed architect
 - A California-licensed professional engineer
 - A California-licensed land surveyor
 - A California-licensed contractor
 - A California-licensed geologist or geophysicist
 - A manufacturing, mining, public utility, research or development, or other industrial corporation, if the services are provided in connection with, or incidental to, the products, systems, or services of that corporation or its affiliates
 - A public agency

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Advertising

Licensees must include name & words "landscape architect" in all ads or presentments to the public in connection with the offer for landscape architectural services, including advertisements, cards, letterhead or contract proposals. Until April 2002, this provision also required licensees to include the valid CA license number, but that provision has been repealed. It is illegal to advertise in the phone directory under the heading 'landscape architect' without a valid license.

Liability insurance settlement reporting requirement

Insurers and licensees must report to the board any settlement or arbitration award in excess of \$5,000 of a claim or action for damages caused by the certificate holder's fraud, deceit, negligence, incompetency, or recklessness in practice. When the licensee does not possess professional liability insurance as to the claim he or she is responsible for filling the report with the board and the claimant within specified timelines. If the claimant does not receive a copy of the report in that timeframe, he or she becomes responsible to make the report. Failure of the licensee or claimant or, if represented by counsel, their counsel, to comply with this requirement is a misdemeanor punishable by a fine of not less than \$100 or more than \$1,000. Knowing and intentional failure to comply with this requirement, or conspiracy or collusion not to comply with the requirement, or to hinder or impede any other person in compliance is a misdemeanor punishable by a fine of not less than \$10,000 nor more than \$100,000.

Last updated March 30, 2015

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