



# Landscape Architecture Licensure Laws

## ASLA Summary of Provisions

### NORTH CAROLINA

North Carolina Statutes: Chapter 89A

North Carolina Administrative Code: Title 21, Chapter 26

**Type of Law:** Practice/title act.

#### Board of Landscape Architects

The board consists of five landscape architects and two public members appointed by the Governor.

**Powers:** Adopt rules to administer and enforce the act; administer and enforce the provisions of the act; examine and determine the qualifications and fitness of applicants for licensure and renewal; determine the qualifications of firms, partnerships, or corporations applying for a certificate of registration; issue, renew, deny, suspend, or revoke certificates of registration and conduct disciplinary actions; establish and approve continuing education requirements; receive and investigate complaints from members of the public; conduct investigations for the purpose of determining whether violations or grounds for disciplining licensees exist; conduct administrative hearings; maintain a record of all proceedings; employ and fix the compensation of personnel that the Board determines is necessary; adopt and publish a code of professional conduct; adopt a seal; retain private counsel.

#### Definitions

**Landscape architect:** A person who, on the basis of demonstrated knowledge acquired by professional education or practical experience, or both, has been granted, and holds a current license entitling him or her to practice landscape architecture and to use the title landscape architect in North Carolina.

**Landscape architecture or the practice of landscape architecture:** The performance of services 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 features, ground cover and planting, naturalistic and aesthetic values, the settings, approaches or environment for structures or other improvements, natural drainage and the consideration and determination of inherent problems of the land relating to the erosion, wear and tear, blight or other hazards. This practice shall include the preparation of plans and specifications and supervising the execution of projects involving the arranging of land and the elements set forth in this subsection used in connection with the land for public and private use and enjoyment, embracing the following, all in accordance with the accepted professional standards of public health, safety and welfare:

- The location and orientation of buildings and other similar site elements.
- The location, routing and design of public and private streets, residential and commercial subdivision roads, or roads in and
- providing access to private or public developments. This does not include the preparation of construction plans for proposed roads classified as major thoroughfares or a higher classification.
- The location, routing and design of private and public pathways and other travelways.
- The preparation of planting plans.
- The design of surface or incidental subsurface drainage systems, soil conservation and erosion control measures necessary to an overall landscape plan and site design.

[Direct supervision: the level of supervision by a licensed professional overseeing the work of another in which both work in circumstances where professional contact is relevant and routine, and the supervisor has both control over and detailed professional knowledge of the work prepared under his/her supervision.]

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Summary of Licensure Laws: North Carolina

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Page 1

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## Exemptions

Interprofessional practice: The law exempts architects, engineers and land surveyors, however, these professionals are not allowed to use the title landscape architect.

Exempt persons:

- Any person engaging in the occupation of grading lands whether by hand tools or machinery.
- Any person engaged in the planting, maintaining, or marketing of plants or plant materials or the drafting of plans or specifications related to the location of plants on a site.
- Any person engaged in the preparation, sale, or furnishing of plans, specifications and related data, or engaged in the supervision of construction pursuant thereto, where the project involved is a single family residential site, or a residential, institutional, or commercial site of one acre or less, or the project involved is a site of more than one acre where only planting and mulching is required.
- Any person making plans or data for their own building site or for the supervision of construction pursuant thereto.

## Eligibility Requirements – Initial Licensure

Applicants must pass a written examination. To be eligible for examination applicants must be a graduate of a LAAB accredited collegiate curriculum in landscape architecture as approved by the board [and have at least 8,000 hours experience in landscape architecture under the direct supervision of a licensed landscape architect. An individual with 8,000 hours of other experience that is directly related to landscape architecture may petition the board to accept such experience. Experience credits are based upon a full-time work week of 40 hours and a work year of at least 2,000 hours. Experience credit will be given only when educational requirements are completed.] Alternatively, any person who has had a minimum of 10 years of education and experience in landscape architecture, in any combination deemed suitable by the board, may make application to the board for examination.

[Fee: Initial license, \$100. Annual renewal, \$100.]

## Eligibility Requirements – Reciprocal Licensure

Licensure in another state or country whose licensing requirements are deemed to be equal or equivalent to those of North Carolina. [The board will accept a CLARB certificate or proof of passage of the CLARB written examination. The board, in its discretion, may require an additional written or oral examination.]

[Fee: Initial license, \$150. Annual renewal, \$100.]

## Practice Entities

No firm, partnership, or corporation may engage in the practice of landscape architecture unless the entity is registered with the board. All landscape architecture performed by such entities must be under the direct supervision of a licensee.

[Fee: Initial certificate, \$200. Annual renewal, \$100.]

## Seal Requirements

[The seal(s) of the landscape architect(s) responsible for the work and the landscape architectural corporation seal, if appropriate, shall be applied to the following documents: drawings and specifications prepared for public agency approval; drawings and specifications issued for the purpose of bidding, negotiation or construction; reports of a technical nature; and letters and certificates of professional opinion. The seal(s) shall be applied only to documents prepared personally or under the immediate supervision of the

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Summary of Licensure Laws: North Carolina

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Page 2

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landscape architect whose seal is affixed, except that seals may be applied to documents that were not prepared by the landscape architect in the following circumstances: (1) documents that were initially sealed by an out of state individual who is a licensed landscape architect in the state of origin of such plans may then be reviewed by a North Carolina landscape architect for code conformance, design adequacy, and site adaptation for the specific application within North Carolina. Standard plans, which bear the seal of an individual who is a licensed landscape architect, shall be sealed by the North Carolina landscape architect who is assuming responsibility. In addition to the seal, a statement shall be included as follows: "These plans have been examined by the undersigned. I have determined that they comply with existing local North Carolina codes, and have been properly site adapted for use in this area." (2) Documents that are prepared by another licensed professional and obtained by the landscape architect may be used to prepare landscape architectural design documents provided the origin of the documents and information prepared by another licensed professional shall appear on each drawing or sheet of the documents sealed by the landscape architect.

When a document requiring seals has been co-authored by the landscape architect and another licensed design professional of another discipline, the landscape architect shall indicate by notation each portion for which he or she is responsible.

### **Enforcement**

**Board powers:** Conduct investigations and hold hearings, deny, suspend, or revoke licenses. The board may also take any of these actions against any firm, partnership, or corporation registered with the board. The board may assess a civil penalty not in excess of \$2,000. The board may require a licensee to take a written or oral examination if the board finds evidence that the person is not competent to practice landscape architecture.

**Prohibitions/penalties:** The Board may deny or refuse to renew a license, suspend, or revoke a license if the licensee or applicant: obtains a license by fraudulent misrepresentation; uses or attempts to use another's license; uses or attempts to use another's name for purposes of obtaining a license; has demonstrated gross malpractice or gross incompetency as determined by the board; has been convicted of or pled guilty or no contest to a crime that indicates that the person is unfit or incompetent to practice landscape architecture or that indicates the person has deceived or defrauded the public; has been declared mentally incompetent by a court of competent jurisdiction; or has willfully violated any of the provisions of the law or the board's rules.

**Prohibitions/penalties for unlicensed practice:** It is Class 2 misdemeanor for an unlicensed person to engage in the practice of landscape architecture or to use the designation landscape architect, landscape architecture, or landscape architectural, or advertise any title or description tending to convey the impression that he or she is a landscape architect. The board may petition the court for injunctions against unlicensed practice.

### **Mandatory Continuing Education**

North Carolina requires landscape architects to complete 10 contact hours of Board-approved continuing education for each annual renewal period. CE must have a direct relationship to the practice of landscape architecture and must have elements that will "enhance the health, safety, and welfare of the citizens of North Carolina."

- Contact hour is defined as 60 continuous minutes
- "Landscape architecture or the practice of landscape architecture" is defined by statute: The performance of services 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 features, ground cover and planting, naturalistic and aesthetic values, the settings, approaches or environment for structures or other improvements, natural drainage and

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the consideration and determination of inherent problems of the land relating to the erosion, wear and tear, blight or other hazards. This practice shall include the preparation of plans and specifications and supervising the execution of projects involving the arranging of land and the elements set forth in this subsection used thereon in connection with the land for public and private use and enjoyment, embracing the following, all drainage, soil planting plans and erosion control, in accordance with the accepted professional standards of public health, safety and welfare:

- a. The location and orientation of buildings and other similar site elements.
  - b. The location, routing and design of public and private streets, residential and commercial subdivision roads, or roads in and providing access to private or public developments. This does not include the preparation of construction plans for proposed roads classified as major thoroughfares or a higher classification.
  - c. The location, routing and design of private and public pathways and other travelways.
  - d. The preparation of planting plans.
  - e. The design of surface or incidental subsurface drainage systems, soil conservation and erosion control measures necessary to an overall landscape plan and site design.
- Subjects that relate to HSW include, but are not limited to: building codes related to site development; code of ethics; codes, acts, laws, and regulations governing the practice of landscape architecture; construction administration, including construction contracts related to site development; construction documents related to site development; design of environmental systems; environmental process and analysis; erosion control methods; grading; graphic skills development, including advanced AutoCAD and other electronic drafting and graphics programs; horticulture; irrigation methods; land planning and land use analysis; landscape preservation, landscape restoration and adaptive reuse; lateral forces related to site development; natural hazards-impact of earthquake, hurricane, fire, or flood related to site design; pedestrian and vehicular circulation; planting design; resource conservation and management; roadway design principles; site accessibility, including Americans with Disabilities Act standards for accessible site design; site and soils analysis; site design and engineering, including materials, methods, technologies, and applications; site security and safety; storm water management , surface and subsoil drainage; structural systems considerations relevant to site development; surveying methods and techniques as they affect landscape architecture; sustainable design, including techniques related to energy efficiency, environmental quality, reuse and recycling of materials; use of site materials and methods of site construction; vegetative management; wetlands; zoning as it relates to the improvement and/or protection of the public health, safety, and welfare; other matters of law and ethics that contribute to the health, safety, and welfare of the public.
  - The following topics are not considered HSW topics: accounting/financial planning; basic AutoCAD (although this can be considered for self-directed study for those who were in school prior to the instruction of AutoCAD by landscape architecture programs); expanding a design professional's business; general office management; insurance laws relating to arbitration, mediation, liens (unless they relate to safeguarding the HSW of the public), real estate, real estate development; marketing and public relations; personal development; project management related to profitability and maximizing fees; risk management; or succession planning.

#### Administration:

- Board appoints CE Advisory Committee with five members that is directed to recommend courses, seminars, webinars, sessions or programs for board approval. Requires the committee to meet quarterly and act on each program submitted
- Each program will be recommended for approval, recommended for disapproval or deferred for lack of information.
- Programs may be recommended for pre-approval by the committee before they actually occur

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#### Activities:

- Education activity is defined as activities that increase the professional knowledge or skills of a licensee and relate to the protection or enhancement of the health, safety, welfare of the public and are approved by the board.
- Courses, seminars, webinars, sessions, programs, self-directed activities and/or educationally related activities that have a direct relationship to the practice of landscape architecture (see below) and contain elements that will enhance the public health, safety and welfare.
- Self-directed activities that result in a book draft, published article, delivered paper, workshop, symposium, or public address. When submitted for review, the licensee must be aware that self-directed activities must be followed by a documented public presentation of the self-directed activity (or the results of the activity) by the licensee within the current year reporting period. Self-directed activities may include literature reviews, research, field studies or tours as they relate to the profession of Landscape Architecture. Full-time academics may not include studies customarily associated with their usual college instructional teaching loads. Full-time academics may include studies required for innovative college courses, or for studies required for courses beyond the usual college audience. Full-time academics may submit academic research to satisfy continuing education requirements as long as the licensee can provide documentation that the academic research follows all of the norms of the relevant academic institution and the relevant academic peer community.

Recordkeeping: [Documentation of compliance](#) is by affidavit provided on the application for license renewal.

#### Exemptions:

- New licensees in the first renewal period
- Licensees on temporary active duty in the U.S. Armed Forces for a period of time exceeding 90 consecutive days in a year
- Licensees experiencing physical disability or illness may request exemption from board with statement from physicians or medical records that show that the issue prevented the licensee's participation in a course in which the licensee had enrolled, or prevented the licensee from participating in the CE program for at least 90 consecutive days in a year
- Emeritus status licensees

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