



# Landscape Architecture Licensure Laws

## ASLA Summary of Provisions

### WEST VIRGINIA

West Virginia Statutes: Chapter 30, Article 1, and Article 22

Legislative Rules: Title 9

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

#### **Board of Landscape Architects**

Board consists of three landscape architects appointed by the Governor with the advice and consent of the Senate. Financed through a separate fund.

Powers: (1) Holding meetings, conducting hearings and administering examinations and reexaminations; (2) Setting the requirements for a license, temporary permit and certificate of authorization; (3) Establishing procedures for submitting, approving and rejecting applications for a license, temporary permit and certificate of authorization; (4) Determining the qualifications of any applicant for a license, temporary permit and certificate of authorization; (5) Preparing, conducting, administering and grading written, oral or written and oral examinations and reexaminations for a license; (6) Contracting with third parties to prepare and/or administer the examinations and reexaminations required under the provisions of this article; (7) Determining the passing grade for the examinations; (8) Maintaining records of the examinations and reexaminations the board or a third party administers, including the number of persons taking the examination or reexamination and the pass and fail rate; (9) Maintaining an accurate registry of names and addresses of all persons and firms regulated by the board; (10) Defining, by legislative rule, the fees charged under the provisions of this article; (11) Issuing, renewing, denying, suspending, revoking or reinstating licenses, temporary permits and certificates of authorization; (12) Establishing, by legislative rule, the continuing education requirements for licensees; (13) Suing and being sued in its official name as an agency of this state; (14) Maintaining an office, and hiring, discharging, setting the job requirements and fixing the compensation of employees and investigators necessary to enforce the provisions of this article; (15) Keeping accurate and complete records of its proceedings, and certifying the same as may be appropriate; and (16) Proposing rules in accordance with state law to implement the provisions of this article.

#### **Definitions**

**Landscape architect:** A person licensed under the provisions of this article to practice landscape architecture.

**Landscape architecture:** The analysis, planning, design, management and stewardship of the natural and built environments.

**Practice of landscape architecture:** The performance of professional services, including but not limited to, analysis, consultations, evaluations, research, planning, design, management or responsible supervision of projects principally directed at the functional, aesthetic use, preservation and stewardship of the land and natural and built environments, including: (1) Investigation, selection and allocation of land and water resources for appropriate uses; (2) Formulation of feasibility studies and graphic and written criteria to govern the planning, design and management of land and water resources; (3) Preparation, review and analysis of those aspects of land use master plans, subdivision plans and preliminary plats as are related to landscape architecture; (4) Determination of the location and siting of improvements, including buildings and other features, as well as the access and environs for those improvements associated with the practice of landscape architecture; (5) Design of land forms, soil conservation and erosion control methods, site lighting, water features, irrigation systems, plantings, pedestrian and vehicular circulation systems and related construction details, and natural drainage, surface and ground water drainage systems: Provided, that such systems do not require structural design of system components or a hydraulic analysis of the receiving storm

Note: Bracketed [ ] material is drawn from regulations.

Summary of Licensure Laws: West Virginia

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American Society of Landscape Architects

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AMERICAN  
SOCIETY OF  
LANDSCAPE  
ARCHITECTS  
636 EYE STREET, NW  
WASHINGTON, DC  
20001-3736

[www.asla.org](http://www.asla.org)  
1.888.999.ASLA  
T 202.898.2444  
F 202.898.1185



water conveyance system; and (6) Preparation, filing and administration of plans, drawings, specifications and other related construction documents.

### **Exemptions**

Interprofessional practice: The law exempts architects, engineers, land surveyors and foresters, when performing landscape architectural work that is incidental to their normal practice.

Exempt persons:

- State, county, city or other municipal, urban and regional planners and designers preparing plans or diagrams necessary to the planning, design and management of communities or regions.
- Any agriculturist, horticulturist, landscape contractor, nursery person, gardener, garden or lawn caretaker, a grader or cultivator of land engaged in the occupation of growing or marketing nursery stock, preparing planting plans, installing plant material, providing drawings or graphic diagrams necessary for the proper layout of goods or materials or arranging for the installation of goods or materials on private or public land.
- Any person making any landscape plans, drawings or specifications for any property owned, leased or rented by the person for his/her personal use.

None of these exempt persons may use the title landscape architect.

### **Eligibility Requirements – Initial Licensure**

Candidates must pass [the LARE, a plant materials exam, and the board may require an oral examination.] To be eligible for examination, candidates must meet one of the following requirements:

- An undergraduate degree from an accredited institution and at least two years' experience in landscape architecture under the supervision of a landscape architect or a person having qualifications acceptable to the board similar to the qualifications of a landscape architect.
- A graduate degree from an accredited institution and at least one year's experience in landscape architecture under the supervision of a landscape architect or a person having qualifications acceptable to the board and similar to the qualifications of a landscape architect.
- Prior to December 31, 2006, has completed at least 10 years' experience in landscape architecture, including at least 6 years experience under the supervision of a landscape architect or a person having qualifications acceptable to the board and similar to the qualifications of a landscape architect.
- Prior to December 31, 2006, has begun the 10 years' experience in landscape architecture (see paragraph above), and has not completed the experience requires prior to 12/31/2006, the person must notify the board that he/she will be making application under this condition.
- On and after January 1, 2007, has completed at least 10 years' of experience in landscape architecture under the supervision of a landscape architect or a person having qualifications acceptable to the board and similar to the qualifications of a landscape architect.

Candidates may not have had a license to practice landscape architecture refused, suspended or revoked in any other state.

[Fee: Initial licensure and annual renewal, \$100.]

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### **Eligibility Requirements – Reciprocal Licensure**

The board may issue a license to practice landscape architecture in this state, without requiring an examination, to an applicant of good moral character who holds a valid license from another jurisdiction, if the applicant: (1) Holds a license in another jurisdiction and meets requirements which are substantially equivalent to the licensure requirements set forth in this article; (2) Is not currently being investigated by a disciplinary authority of this state or another jurisdiction, does not have charges pending against his or her license, and has never had a license revoked; (3) Has not previously failed an examination for licensure in this state; and (4) Has paid all the applicable fees. [Applicants must demonstrate to the board that they have adequate knowledge of the plant materials of the West Virginia region and satisfactory proof that they are licensed in good standing in another state based on these requirements (or CLARB certification).] Candidates for reciprocal licensure may apply for a one-year temporary permit.

[Fee: Initial licensure and annual renewal, \$100.]

### **Practice Entities**

It is unlawful for any firm to practice or offer to practice landscape architecture without a certificate of authorization, or advertise or use any title or description tending to convey the impression that it is a landscape architectural firm, unless such firm has been issued a certificate of authorization. To receive a certificate of authorization, a firm must provide proof that the firm employs a West Virginia licensed landscape architect [sole proprietor certification is optional]. The name of the employed licensee in direct control or having personal supervision of the practice of the firm shall appear as the landscape architect on all plans, drawings, specifications, reports or other instruments of service rendered or submitted by the firm.

[Fee: Application and annual renewal, \$150.]

### **Seal Requirements**

All [final professional documents, including maps, plans, designs, drawings, specifications, estimates and reports issued by] a landscape architect must be stamped with the licensee's seal. It is unlawful for an unlicensed person to affix a seal on a document.

### **Enforcement**

Board powers: Investigating alleged violations of the provisions of this article, the rules promulgated hereunder, and orders and final decisions of the board; conducting disciplinary hearings of all persons and business entities regulated by the board; setting disciplinary action and issuing orders; instituting appropriate legal action for the enforcement of the provisions of this article.

Prohibitions/penalties: The board may refuse to issue, refuse to renew, suspend, revoke or limit any license, temporary permit, certificate of authorization or practice privilege and may take disciplinary action against a licensee, permittee or certificate of authorization holder who, after notice and a hearing, has been adjudged by the board as unqualified for any of the following reasons: fraud, misrepresentation or deceit in obtaining or maintaining a license, temporary permit or certificate of authorization; failure by any licensee, permittee or certificate of authorization holder to maintain compliance with the requirements for the issuance or renewal of a license, temporary permit or certificate of authorization; dishonesty, fraud, professional negligence in the performance of landscape architectural services, or a willful departure from the accepted standards of landscape architecture and the professional conduct of landscape architects; violation or noncompliance of any provision of the law or rules; violation of any professional standard or rule of professional conduct; failure to comply with any order or final decision of the board; failure to respond to a request or action of the board; conviction of a crime involving moral turpitude; conviction of a felony or a crime involving dishonesty or fraud or any similar crime; any conduct adversely affecting the licensee's, permittee's or certificate of authorization holder's fitness to perform landscape architectural services; or

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knowingly using any false or deceptive statements in advertising. Disciplinary action includes, but is not limited to, a reprimand, censure, probation, administrative fines, and mandatory attendance at continuing education seminars. Violation of these provisions constitutes a misdemeanor, punishable by a fine of at least \$100 and no more than \$1,000 for each violation, imprisonment of up to 30 days for each violation, or both.

Prohibitions/penalties for unlicensed practice: It is unlawful for any person to practice or offer to practice landscape architecture in this state without a license, or advertise or use any title or description tending to convey the impression that the person is a licensed landscape architect.

### **Mandatory Continuing Education**

West Virginia requires landscape architects to complete 8 professional development hours (PDH) as a condition of annual renewal.

- PDH = Professional Development Hour (at least 50 minutes of instruction/hour)
- At least 6 PDH must be in structured education activities that directly address public health, safety, and welfare issues related to landscape architecture
- A maximum of 8 PDH may be carried over to the next renewal period.

Administration: Directs the board to conduct random audit of 10% of renewal applications.

Activities:

- Must have a clear purpose and objective that will maintain, improve, or expand the skills and knowledge specific to the practice of landscape architecture.
- Correspondence, televised, videotaped, and internet seminars and other short courses and tutorials and professional or technical presentations made at meetings, conventions or conferences.
- In-house courses are acceptable if also advertised and open to the public.
- Post-graduate college or unit semester courses (45 PDH)
- College or unit quarter course (30 PDH)
- International Association of Continuing Education and Training (IACET) unit (10 PDH)
- One hour course work, seminars, professional conventions, workshops (participation: 1 PDH; teaching: 2 PDH). Teaching is not available to full-time faculty.
- Authoring published papers, articles or books related to landscape architecture (actual preparation time, maximum of 10 PDH)
- Attending a WVASLA Chapter meeting (1 PDH at maximum 4/year)
- Participation in activities that advance the knowledge and understanding the public has regarding the practice of landscape architecture and how the profession contributes to the public health, safety and welfare (1 PDH for 2 hours in actual participation, maximum of 4 PDH).
- Training related to business operations or management is not acceptable.

Recordkeeping: Licensee has responsibility for maintaining four-year record, and must submit records only upon audit.

Exemptions:

- New licensees by examination or reciprocity until after first renewal period
- Licensees called to active duty in the U.S. armed forces for more than 120 consecutive days in a year
- Licensees experiencing illness, disabling conditions, or other extenuating circumstances, upon review and approval by the board
- Retired or inactive licensees

**Last updated March 28, 2011**

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