

SUBSTITUTE FOR
SENATE BILL NO. 382

A bill to amend 1980 PA 299, entitled
"Occupational code,"
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:

1 Sec. 2201. As used in this article:

2 (a) "Landscape architect" means a person qualified to **ENGAGE**
3 **IN THE** practice **OF** landscape architecture as provided in this
4 article.

5 (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 ~~shall~~ **DOES** not ~~preclude~~ **PROHIBIT** a ~~registered~~ **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 ~~shall not be construed as authorizing~~ **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**

1 TERM "LANDSCAPE ARCHITECT".

2 Sec. 2203. (1) ~~The board of landscape architects is created.~~
3 THE DIRECTOR SHALL APPOINT 1 OR MORE AD HOC COMMITTEES TO ASSIST
4 THE DIRECTOR AND THE DEPARTMENT IN ADOPTING RULES REGARDING THE
5 SETTING OF STANDARDS FOR CONTINUING EDUCATION AND CONTINUING
6 COMPETENCY COURSES AND PROGRAMS, PROVIDING FOR EXCEPTIONS TO THE
7 LICENSURE STANDARDS IN EXTRAORDINARY CASES, AND ESTABLISHING
8 SPECIFIC LICENSE SANCTION RECOMMENDATIONS FOR CERTAIN VIOLATIONS.

9 (2) THE COMMITTEES SHALL CONSIST OF AS MANY MEMBERS AS THE
10 DIRECTOR CONSIDERS NECESSARY BUT SHALL INCLUDE AT LEAST A MAJORITY
11 OF MEMBERS THAT ARE LICENSED UNDER THIS ARTICLE.

12 (3) THE COMMITTEES APPOINTED UNDER THIS SECTION SHALL SERVE
13 DURING THE PROCESSING OF THE RULES AND MAY MAKE RECOMMENDATIONS AND
14 SUGGESTED REVISIONS REGARDING THE CONTENT OF THE RULES.

15 Sec. 2204. An applicant for ~~registration~~-**LICENSURE** as a
16 landscape architect shall be of good moral character and shall pass
17 a written examination developed by the department. ~~and the board.~~
18 In addition, each applicant shall have had not less than 7 years of
19 training and experience in the actual **IMPLEMENTATION AND** practice
20 of landscape architecture. Satisfactory completion of each year up
21 to 5 years of an accredited course in landscape architecture in an
22 accredited school shall be considered as equivalent to a year of
23 experience.

24 Sec. 2205. (1) All requirements for ~~registration~~-**LICENSURE**
25 shall be completed within 10 years after receipt of the application
26 by the department. If the requirements are not completed within the
27 10-year period, the application shall be void.

1 (2) A DEMONSTRATION OF CONTINUING PROFESSIONAL COMPETENCE
2 SHALL BE REQUIRED FOR RENEWAL OF A LICENSE AS DETERMINED BY THE
3 DEPARTMENT AND PROVIDED FOR BY RULE OF THE DIRECTOR.

4 Sec. 2208. ~~Registration~~-**LICENSURE** under this article shall be
5 on an individual basis. The department shall not ~~register~~-**LICENSE** a
6 partnership, association, corporation, or a public agency under
7 this article.

8 Sec. 2209. The department may issue a ~~registration~~-**LICENSE**
9 without examination to an applicant who is legally registered, ~~or~~
10 licensed, **OR REGULATED** as a landscape architect in any other state
11 or country whose requirements for registration, ~~or~~-licensure, **OR**
12 **OTHER REGULATION** are at least substantially equivalent to the
13 requirements of this state.

14 Sec. 2210. (1) Each landscape architect shall have a seal,
15 approved by the department and the board, which shall contain the
16 name of the landscape architect, the ~~serial~~-number of his or her
17 ~~certificate of registration~~-**LICENSE** and the legend "landscape
18 architect, state of Michigan" and other words or figures as the
19 department considers necessary. Plans, specifications, and reports
20 prepared by the landscape architect or under his or her supervision
21 shall be stamped with his or her seal when filed with a public
22 authority.

23 (2) A landscape architect who indorses a document with his or
24 her seal while his or her ~~certificate of registration~~-**LICENSE** is
25 not in full force and effect, or who indorses a document which the
26 landscape architect did not actually prepare or supervise the
27 preparation, is subject to the penalties prescribed in article 6.

1 Sec. 2211. A person shall not use or advertise **THE TITLE**
2 **"LANDSCAPE ARCHITECT" OR** any title or description tending to convey
3 the impression that he or she is a landscape architect unless he or
4 she is ~~registered as provided in~~ **LICENSED UNDER** this article. This
5 article does not restrict the use of the titles "landscape
6 gardener", "landscape contractor", "landscape designer", or
7 "landscape ~~nursery man~~ **OPERATOR**".

8 Enacting section 1. This amendatory act does not take effect
9 unless Senate Bill No. 383 of the 94th Legislature is enacted into
10 law.

11 Enacting section 2. This amendatory act takes effect 120 days
12 after the date it is enacted into law.