



LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE
CALIFORNIA ARCHITECTS BOARD
PUBLIC PROTECTION THROUGH EXAMINATION, LICENSURE, AND REGULATION

Arnold Schwarzenegger
GOVERNOR

January 21, 2005

**RE: Amendments to Landscape Architects Practice Act - Practice Parameters for
Unlicensed Landscape Designers**

The purpose of this letter is to inform you of recent amendments to the Landscape Architects Practice Act, Business and Professions Code, Division 3, Chapter 3.5, section (BPC) 5641, that may be relevant or of interest to members of your organization. These amendments, which became effective on January 1, 2005, are a result of Senate Bill (SB) 1549 (Figueroa). The purpose of the amendments was to provide additional clarification and organization to the practice exemptions and exceptions under the Practice Act.

Previously, the language under BPC 5641 addressed practice exceptions and exemptions (practice parameters) for unlicensed "landscape designers," property owners, and nurserypersons; however, the language pertaining to property owners and nurserypersons has now been moved under new sections BPC 5641.1 and BPC 5641.2, respectively. One minor amendment (addition) has been made to BPC 5641.2: the statute now specifies that licensed nurserypersons may prepare **planting** plans or drawings as an adjunct to merchandizing nursery stock and related products. Please note that this is consistent with the Landscape Architects Technical Committee's (LATC) previous interpretation of the language. The new language under BPC 5641 now solely pertains to the practice exemption for unlicensed "landscape designers" and reads as follows:

This chapter shall not be deemed to prohibit any person from preparing drawings for the conceptual design and placement of tangible objects and landscape features or plans, drawings, and specifications for the selection, placement, or use of plants for a single family dwelling. Construction documents, details, or specifications for the tangible objects or landscape features, and alteration of site requiring grading and drainage plans shall be prepared by a licensed professional as required by law.

In an effort to identify areas of practice that unlicensed "landscape designers" could safely perform and to better clarify/organize all practice exceptions and exemptions under the Practice Act, the LATC appointed a Task Force in August 2002 to examine statutory language and recommend an appropriate course of action. The Task Force, which was comprised of licensed landscape architects, members of the American Society of Landscape Architects, and members of the Association of Professional Landscape Designers, examined issues of public safety and then recommended statutory amendments to the LATC, which were approved by March of 2003.

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In early 2004, the California Architects Board presented the proposed amendments to the Senate Business and Professions Committee. The proposed amendments were then included in SB 1549. On September 22, 2004, the bill was approved by the Governor and chaptered by the Secretary of State.

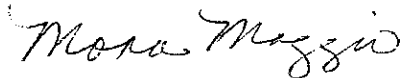
With respect to the new language under BPC 5641, the LATC anticipates greater ease in identifying issues of public safety (with respect to "landscape design") and in distinguishing between practice parameters for licensed versus unlicensed practitioners. As disciplinary action can be taken against licensed landscape architects who do not perform to the standards of professional practice or who are found to be in violation of the Practice Act, the LATC will continue to take action against unlicensed practitioners who are found to be in violation of BPC 5641 (above) and BPC 5640, which reads:

It is a misdemeanor, punishable by a fine of not less than one hundred dollars (\$100) nor more than five thousand dollars (\$5,000) or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment, for any person, who, without possessing a valid, unrevoked license as provided in this chapter, engages in the practice of landscape architecture or uses the title or term "landscape architect," "landscape architecture," "landscape architectural," or any other titles, words, or abbreviations that would imply or indicate that he or she is a landscape architect as defined in Section 5615.

Please note that the current language of the Practice Act can always be viewed at www.latc.ca.gov (while statutory amendments typically become effective on January 1 following their passage, regulatory amendments may take effect throughout the year).

Any questions regarding the content of this letter can be directed to LATC staff at (916) 445-4954 or by email at latc@dca.ca.gov.

Sincerely,



Mona Maggio
Program Manager