1  SB222
2  216026-3
3  By Senator Coleman-Madison
4  RFD: Governmental Affairs
5  First Read: 16-FEB-22
ENROLLED, An Act,

Relating to the Alabama Board of Examiners of Landscape Architects; to amend Sections 34-17-4, 34-17-7, 34-17-24, and 34-17-25, Code of Alabama 1975, to provide further for the use of the title "landscape architect" by individuals and certain business entities; to authorize the board to institute proceedings to seek injunctive relief for violations of the licensing law; to provide further for expired and inactive status licenses, and requirements for reactivation; and to provide fees for the reinstatement of a license and for maintaining an inactive status license.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 34-17-4, 34-17-7, 34-17-24, and 34-17-25 of the Code of Alabama 1975, are amended to read as follows:

"§34-17-4.

"(a) A corporation or partnership, as such, may not be licensed or registered to practice landscape architecture, but may, if issued a certificate of authorization by the board, use any form of the title "landscape architect" in connection with the corporate or partnership name."
"(a) The right to engage in the practice of landscape architecture is a personal right, based upon the qualifications of the individual evidenced by his or her license and is not transferable. All final drawings, specifications, plans, reports, or other papers or documents involving the practice of landscape architecture, as defined in Section 34-17-1, when issued or filed for public record, shall be dated and bear the signature and seal of the landscape architect or landscape architects who prepared or approved them.

"(c) Nothing in subsections (a) and (b) of this section shall be construed to prevent the formation of partnerships and corporations as a vehicle for the practice of landscape architecture subject to all the following conditions:

"(1) The practice of or offer to practice landscape architecture for others as defined in Section 34-17-1 by individual landscape architects licensed under this chapter through a corporation as officers, employees, or agents, or through a partnership as partners, officers, employees, or agents, or the offering or rendering of landscape architecture services by a corporation or partnership through individual landscape architects licensed under this chapter is permitted, subject to the provisions of this chapter if all the following requirements are satisfied:
"(b) A corporation, limited liability company, or partnership may be formed as a vehicle for the practice of landscape architecture, and may use any form of the title "landscape architect" in connection with the name of the business entity if both of the following conditions are satisfied:

"a-(1) One or more of the corporate officers in the case of a corporation, one or more of the managers or members in the case of a limited liability company, or one or more of the partners in the case of a partnership, is designated as being responsible for the professional services described in Section 34-17-1 of the corporation or partnership business entity and is a landscape architect under this chapter.

"a-(2) All personnel of the corporation or partnership business entity, who act in its behalf as landscape architects, are licensed under this chapter.

"c. The corporation or partnership has been issued a certificate of authorization by the board, as hereinafter provided.

"The requirements of this chapter shall not prevent a corporation and its employees from performing landscape architectural services for the corporation, subsidiary, or affiliated corporations.

"(2) A corporation or partnership (c) An individual desiring a certificate of authorization to use any form of the
title "landscape architect" in connection with the name of a business entity, shall file with the board an, as part of his or her application on forms provided by the board for licensure or any subsequent renewal, a listing of relevant information, including the names and addresses of all officers and members of the corporation, managers and members of the limited liability company, or officers and partners of the partnership, and also of any individual who shall indicate those individuals duly licensed to practice landscape architecture in this state who shall be in responsible charge of the practice of landscape architecture in this state through the corporation or partnership business entity, and any other information required by the board, accompanied by an original authorization fee to be determined by the board. A form, giving the same information, shall accompany the annual renewal fee to be determined by the board. In the event there is a change in any of these persons individuals during the year, the change shall be designated on the same form and filed with the board within 30 days after the effective date of the change. If all of the requirements of this section are met, the board shall issue a certificate of authorization to the corporation or partnership, and satisfied, the corporation or partnership business entity shall be authorized to may contract for and to collect fees for landscape architectural services.
"(d) No corporation or partnership business entity shall be relieved of responsibility for conduct or acts of its agents, employees, or officers by reason of its compliance with this section, nor shall any individual practicing landscape architecture as defined in Section 34-17-1 be relieved of responsibility for landscape architectural services performed by reason of his or her employment or relationship with such corporation or partnership the business entity.

"(e) This chapter shall not be interpreted to prevent a business entity and its employees from performing landscape architectural services for the business entity, subsidiary, or affiliated business entities.

"§34-17-7.

"(a) Any person individual who, without possessing a valid, unrevoked certificate as provided in this chapter, uses the title or term "landscape architect" in any sign, card, listing, advertisement, or in any other manner implies or indicates that he or she is a landscape architect, as defined in this chapter, shall be guilty of a Class A misdemeanor and, upon conviction thereof, shall be punished as provided by law. All fines collected pursuant to this section shall be remitted by the court or officer collecting them to the State Treasurer and credited to the Landscape Architect's Fund in the State Treasury.
"(b)(1) The board may institute proceedings in a court of law to enjoin any individual or business entity from violating this chapter. The proceedings shall be brought by the board in the circuit court of the city or county in which the alleged violation occurred or in which the defendant resides.

"(2) Upon a showing by the board that the individual or business entity has engaged in any activity, conduct, practice, or performance of any work prohibited by this chapter, the court shall grant injunctive relief enjoining the individual or business entity from engaging in the unlawful activity, conduct, practice, or performance of work. Upon the issuance of a permanent injunction, the court may fine the offending party up to five thousand dollars, ($5,000) plus costs, including investigative costs, and attorney fees for each offense. A judgment for a civil fine, attorney fees, and costs may be rendered in the same order in which the injunction is made absolute.

"§34-17-24.

"(a) Every landscape architect shall pay an annual license fee to the board. The fee shall be due and payable on the first day of January of each year and shall become delinquent after the thirty-first day of January.
"(b) If the annual license fee is not paid before it becomes delinquent a delinquent penalty of $50.00 fee shall be added to the amount thereof per year.

"(c) If the annual license fee and penalty are not paid before the fifteenth day of March in the year in which they become due, the landscape architect's certificate of license shall be suspended from and after the expiration of 30 days from the date of mailing of notice of such delinquency by registered or certified mail, return receipt requested, postage prepaid and addressed to the landscape architect at his or her address as it appears on the records of the board. The notice of delinquency shall state that upon the expiration of time herein allowed his or her certificate will be suspended unless, within that time, the annual license fee and penalty are remitted. deemed expired. A landscape architect may reinstate an expired license for up to five years after the date of the original expiration by submitting to the board a complete renewal application, proof of completion of any required continuing education, payment of any accrued license fees and delinquent penalty fees, and payment of a reinstatement fee. The holder of a license that is expired for five or more years may only reinstate a license by submitting a new license application and fulfilling all then current license requirements."
"(d) After the certificate has been suspended, it may be reinstated upon the payment of the annual license fee and such proof of the landscape architect's qualifications as may be required in the sound discretion of the board.

"(d) A landscape architect may place his or her license on inactive status by annually submitting to the board, between January 1 and January 31, a request for inactive status and an inactive status fee. The holder of an inactive status license may reactivate his or her license by submitting to the board a renewal form, current license fee, and one year of continuing education credits.

"(e) The board shall issue a receipt to each landscape architect promptly upon payment of the annual license fee.

"§34-17-25.

"The fees prescribed by this chapter shall be in the following amounts:

"(1) The fee for application to the board is one hundred fifty dollars ($150).

"(2) The fee for examination or reexamination shall be in an amount as established by the board in order to cover all costs of examination, but in no event shall the fee exceed the actual cost of preparing and administering the examination.
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"(3) The fee for an original certificate is fifty dollars ($50).

"(4) The fee for a duplicate certificate is fifty dollars ($50).

"(5) The annual license fee is one hundred fifty dollars ($150).

"(6) The delinquent penalty fee is as provided in Section 13-17-24 fifty dollars ($50).

"(7) The fee for administration of the supplemental examination on the statutes laws governing the practice of landscape architecture in Alabama is one hundred fifty dollars ($150).

"(8) The reinstatement fee is three hundred dollars ($300).

"(9) The inactive status fee is seventy-five dollars ($75)."

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.
President and Presiding Officer of the Senate

Speaker of the House of Representatives

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Senate 10-MAR-22
I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris,
Secretary.

House of Representatives
Passed: 30-MAR-22

By: Senator Coleman-Madison

APPROVED 4-7-2022
TIME 1:30 pm

Alabama Secretary Of State
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