

Code of Alabama

Title 34. Professions and Businesses.

Chapter 17. Landscape Architecture.

Ala.Code 1975 T. 34, Ch. 17, Refs & Annos

[Currentness](#)

Ala. Code 1975 T. 34, Ch. 17, Refs & Annos, AL ST T. 34, Ch. 17, Refs & Annos

Current through Act 2022-442 of the 2022 Regular and First Special Sessions. Some provisions may be more current; see credits for details.

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Code of Alabama

Title 34. Professions and Businesses.

Chapter 17. Landscape Architecture.

Article 1. General Provisions.

Ala.Code 1975 T. 34, Ch. 17, Art. 1, Refs & Annos

[Currentness](#)

Ala. Code 1975 T. 34, Ch. 17, Art. 1, Refs & Annos, AL ST T. 34, Ch. 17, Art. 1, Refs & Annos

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Title 34. Professions and Businesses. (Refs & Annos)

Chapter 17. Landscape Architecture. (Refs & Annos)

Article 1. General Provisions. (Refs & Annos)

Ala.Code 1975 § 34-17-1

§ 34-17-1. Definitions.

Currentness

For purposes of this chapter, the following words and phrases shall have the respective meanings ascribed by this section:

- (1) **BOARD.** The Alabama State Board of Examiners of Landscape Architects.

- (2) **LANDSCAPE ARCHITECT.** A person who is engaged or offers to engage in the practice of landscape architecture, as hereinafter defined in this state.

- (3) **LANDSCAPE ARCHITECTURE.** The performance of professional services such as consultation, investigation, research, planning, design, preparation of drawings and specifications and responsible supervision in connection with the development of land areas where, and to the extent that the dominant purpose of such services is the preservation, enhancement, or determination of proper land uses, natural land features, planting, naturalistic and aesthetic values, the settings and approaches to structures or other improvements, the setting of grades and determining drainage and providing for standard drainage structures, and the consideration and determination of environmental problems of land including erosion, blight, and other hazards. This practice shall include the design of such tangible objects and features as are incidental and necessary to the purpose outlined herein but shall not include the design of structures or facilities with separate and self-contained purposes such as are ordinarily included in the practice of engineering or architecture, and shall not include the making of land surveys of final plats for official approval or recordation. Nothing contained herein shall preclude a duly licensed landscape architect from performing any of the services described in the first sentence of this subsection in connection with the settings, approaches, or environment for buildings, structures, or facilities. Nothing contained in this chapter shall be construed as authorizing a landscape architect to engage in the practice of architecture, engineering, or land surveying as these terms are defined in [Section 34-17-27](#).

Credits

(Acts 1971, No. 2396, p. 3819, § 1.)

Ala. Code 1975 § 34-17-1, AL ST § 34-17-1

Current through Act 2022-442 of the 2022 Regular and First Special Sessions. Some provisions may be more current; see credits for details.

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Ala.Code 1975 § 34-17-2

§ 34-17-2. Board of Examiners of Landscape Architects -- Creation; composition; compensation.

Currentness

(a) There is created the Alabama Board of Examiners of Landscape Architects which shall consist of three members. The board shall be appointed by the Governor with the advice and consent of the Senate. In appointing members to the board, the Governor shall select those persons whose appointments, to the extent possible, ensure that the membership of the board is inclusive and reflects the racial, gender, urban/rural, and economic diversity of the state. The members of the board, after the appointment of the original board, shall be registered landscape architects of recognized standing having engaged in the practice of landscape architecture in the State of Alabama for a period of two years or more at the time of their appointments and shall be citizens of this state. The terms of office of the members shall be three years, of which one term expires each year. Any vacancy occurring at any time in the membership of the board shall be filled by the Governor appointing a successor for the unexpired term.

(b) The members of the board shall receive no salary or other compensation for their services as members but shall be reimbursed for reasonable and necessary expenses incurred in carrying out their duties.

(c) The board shall elect annually from its members a chair and a secretary, and the board shall hold at least two or more meetings each year.

(d) Each member of the board shall take the oath of office as prescribed by the Constitution of Alabama of 1901.

Credits

(Acts 1971, No. 2396, p. 3819, § 7; Act 2003-60, p. 91, § 3; Act 2011-166, p. 315, § 3.)

Ala. Code 1975 § 34-17-2, AL ST § 34-17-2

Current through Act 2022-442 of the 2022 Regular and First Special Sessions. Some provisions may be more current; see credits for details.

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Ala.Code 1975 § 34-17-3

§ 34-17-3. Board of Examiners of Landscape Architects -- Powers and duties generally.

Currentness


- (a) The board shall have the powers and duties listed in this section.
- (b) The board shall have such employees as may be provided in the annual state budget.
- (c) The board may make, adopt, and amend such rules and regulations as it deems necessary to carry out the provisions of this chapter.
- (d) The board shall hold at least one meeting per year for the purpose of examining candidates for registration as landscape architects. It may hold such other meetings and hearings as required for the proper performance of its duties under this chapter.
- (e) The board may adopt a seal for use in transacting its official business.
- (f) The board shall keep a record of its proceedings and shall make an annual report thereon to the Governor.
- (g) For the purpose of enforcing the provisions of this chapter, the board:
 - (1) May conduct investigations and hold hearings concerning any matter covered by this chapter at any time or place within the State of Alabama.
 - (2) May administer oaths and affirmations, examine witnesses, and receive evidence.

Credits

(Acts 1971, No. 2396, p. 3819, § 8.)

Ala. Code 1975 § 34-17-3, AL ST § 34-17-3

Current through Act 2022-442 of the 2022 Regular and First Special Sessions. Some provisions may be more current; see credits for details.

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Ala.Code 1975 § 34-17-4

§ 34-17-4. Practice deemed personal right; final drawings, etc., to bear signature and seal; formation of corporation, limited liability company, or partnership as vehicle for practice; use of title.

Effective: July 1, 2022

[Currentness](#)

(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.

(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:

(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 business entity and is a landscape architect under this chapter.

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

(c) An individual desiring to use any form of the title “landscape architect” in connection with the name of a business entity shall file with the board, as part of his or her application 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 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 business entity, and any other information required 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 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 satisfied, the business entity may contract for and collect fees for landscape architectural services.

(d) No 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 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.

Credits

(Acts 1971, No. 2396, p. 3819, § 10; [Acts 1995, No. 95-283, p. 523, § 3](#); [Act 2022-265, § 1](#).)

Ala. Code 1975 § 34-17-4, AL ST § 34-17-4

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Ala.Code 1975 § 34-17-5

§ 34-17-5. Grounds for disciplinary actions.

Effective: August 1, 2019

[Currentness](#)

(a) Each of the following facts shall constitute a ground for disciplinary action:

(1) That the holder of a certificate of registration is practicing in violation of this chapter or the rules of the board.

(2) That the holder of a certificate has obtained the certificate by fraud or misrepresentation, or that the person named in the certificate has obtained it by fraud or misrepresentation.

(3) That the holder of a certificate is impersonating a landscape architect or former landscape architect of the same or similar name, or is practicing under an assumed, fictitious, or corporate name.

(4) That the holder of a certificate has aided or abetted in the practice of landscape architecture any person not authorized to practice landscape architecture under this chapter.

(5) That, in the practice of landscape architecture, the holder of a certificate has been found guilty of fraud or deceit.

(6) That, in the practice of landscape architecture, the holder of a certificate has been found guilty of negligence or willful misconduct.

(7) That the holder of a certificate has been found guilty of gross incompetence.

(8) That the holder of a certificate has affixed his or her signature to plans, drawings, specifications, or other instruments of service which have not been prepared by him or her or under his or her immediate and responsible direction or has permitted his or her name to be used for the purpose of assisting any person, not a landscape architect, to evade this chapter.

(b) For violations of subsection (a), or for violations of this chapter, or for violations of board rules, the board shall have the following disciplinary powers:

(1) To reprimand a board licensee.

- (2) To levy an administrative fine against a licensee of the board not to exceed two thousand five hundred dollars (\$2,500) per violation.
 - (3) To refuse to issue a certificate to an applicant of the board.
 - (4) To suspend a licensee's certificate for a definite period of time.
 - (5) To revoke the certificate of a licensee.
- (c) The board, by rule, shall adopt a disciplinary code.

Credits

(Acts 1971, No. 2396, p. 3819, § 12; Acts 1991, No. 91-152, p. 191, § 3; Act 2019-186, § 1.)

[Notes of Decisions \(2\)](#)

Ala. Code 1975 § 34-17-5, AL ST § 34-17-5

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Ala.Code 1975 § 34-17-6

§ 34-17-6. Landscape Architect's Fund.

Currentness

The secretary of the board shall receive and account for all moneys derived under the provisions of this chapter and shall not later than the tenth day of each month pay all such moneys collected during the previous month to the State Treasurer, who shall keep such moneys in a separate fund to be known as the "Landscape Architect's Fund." Such fund shall be kept separate and apart from all other moneys in the Treasury and shall be paid out for the expenses and compensation of the board and for enforcing this chapter only by warrant of the Comptroller upon the Treasurer, upon itemized vouchers, approved by the president and attested by the secretary of the board; provided, that no funds shall be withdrawn or expended except as budgeted and allotted according to the provisions of Article 4 of Chapter 4 of Title 41 of this Code. Under no circumstances shall the total amount of warrants issued by the Comptroller in payment of the expenses and compensation of the board and of enforcing this chapter exceed the amount provided therefor by the Legislature in the general appropriation bill.

Credits


(Acts 1971, No. 2396, p. 3819, § 15.)

Ala. Code 1975 § 34-17-6, AL ST § 34-17-6

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Ala.Code 1975 § 34-17-7

§ 34-17-7. Penalties; injunctive relief.

Effective: July 1, 2022

[Currentness](#)

(a) Any 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.

(3) 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.

Credits

(Acts 1971, No. 2396, p. 3819, § 11; [Act 99-91](#), p. 107, § 3; [Act 2022-265](#), § 1.)

Ala. Code 1975 § 34-17-7, AL ST § 34-17-7

Current through Act 2022-442 of the 2022 Regular and First Special Sessions. Some provisions may be more current; see credits for details.

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Chapter 17. Landscape Architecture.

Article 2. Licenses.

Ala.Code 1975 T. 34, Ch. 17, Art. 2, Refs & Annos

[Currentness](#)

Ala. Code 1975 T. 34, Ch. 17, Art. 2, Refs & Annos, AL ST T. 34, Ch. 17, Art. 2, Refs & Annos

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Ala.Code 1975 § 34-17-20

§ 34-17-20. Required.

Currentness

(a) In order to safeguard public welfare, health, and property and to promote public good, any person practicing or offering to practice landscape architecture, privately or in public service, shall be required to submit evidence that he or she is qualified to practice as hereinafter provided. It shall be unlawful for any person to practice landscape architecture or to use the term or title “landscape architect” or “registered landscape architect” unless duly licensed under the provisions of this chapter.

(b) The state board shall adopt a program of continuing education for its licensees not later than October 1, 1993, and after that date no licensee shall have his or her active license renewed unless, in addition to any other requirements of this chapter, the minimum continuing annual education requirements are met. It is further provided that the continuing education program herein required shall not include testing or examination of the licensees in any manner.

Credits

(Acts 1971, No. 2396, p. 3819, § 12; Acts 1991, No. 91-152, p. 191, § 3; Act 2012-431, p. 1188, § 1.)

Ala. Code 1975 § 34-17-20, AL ST § 34-17-20

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Article 2. Licenses. (Refs & Annos)

Ala.Code 1975 § 34-17-21

§ 34-17-21. Qualifications of applicant.

Currentness

For licensing as a landscape architect, the following evidence shall be submitted that the applicant:

(1) Is at least 19 years of age.

(2) Has, before making application to the board, completed the course of study in and been graduated from a college or school of landscape architecture approved by the board. The application for examination shall be accompanied by proof of actual practical experience in landscape architectural work of a grade and character satisfactory to the board. Each complete year of study in an approved college or school of landscape architecture shall be accepted in lieu of one year of practical experience, and the applicant shall submit evidence of sufficient additional acceptable experience to total five years of combined education and practical experience. The master's or doctoral degree in landscape architecture shall fulfill the requirements for five years combined education and practical experience. The applicant shall also submit proof of one additional year of practical experience sufficient to total six years of combined education and practical experience. In lieu of graduation from an accredited college or school of landscape architecture, and the practical experience in addition thereto, an applicant may be admitted to the examination upon presenting evidence of at least eight years of actual practical experience in landscape architectural work of a grade and character satisfactory to the board. In order to qualify for the exemption from the requirement to obtain a degree in landscape architecture based on eight years of practical experience, an applicant must have begun accepting practical experience prior to August 1, 2012.

(3) Is a citizen of the United States or, if not a citizen of the United States, is a person who is legally present in the United States with appropriate documentation from the federal government.

Credits

(Acts 1971, No. 2396, p. 3819, § 3; Acts 1991, No. 91-152, p. 191, § 3; Acts 1995, No. 95-283, p. 523, § 3; Act 2011-166, p. 315, § 3; Act 2012-431, p. 1188, § 1; Act 2013-210, p. 478, § 1(b).)

Ala. Code 1975 § 34-17-21, AL ST § 34-17-21

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Article 2. Licenses. (Refs & Annos)

Ala.Code 1975 § 34-17-22

§ 34-17-22. Examinations -- Schedule; conduct.

Currentness

Examinations for the license shall be held by the board at least once each year. The board shall adopt rules and regulations covering the subjects and scope of the examinations, shall publish appropriate announcements and shall conduct the examinations at the times designated. Except as hereinafter provided in this chapter to the contrary, every applicant for licensing as a landscape architect shall be required, in addition to all other requirements, to establish by a board approved examination, which may be digital, his or her competence to plan, design, specify, and supervise the installation of landscape projects. Each board approved examination may be supplemented by such oral examinations as the board shall determine.

Credits

(Acts 1971, No. 2396, p. 3819, § 4; Act 2012-431, p. 1188, § 1.)

Ala. Code 1975 § 34-17-22, AL ST § 34-17-22

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Ala.Code 1975 § 34-17-23

§ 34-17-23. Examinations -- Exemptions.

Currentness

The board may exempt from examination an applicant who holds a license of certificate to practice landscape architecture issued to him or her upon examination by a legally constituted board of examiners of any other state or Washington, D.C. or any other territory or possession under the control of the United States; provided, that such requirements of the state in which the applicant is registered are equivalent to those of this state.

Credits


(Acts 1971, No. 2396, p. 3819, § 5.)

Ala. Code 1975 § 34-17-23, AL ST § 34-17-23

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Ala.Code 1975 § 34-17-24

§ 34-17-24. Payment of fees; expiration and reinstatement of license; inactive status.

Effective: July 1, 2022

[Currentness](#)

(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 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 license shall be 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) 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.

Credits

(Acts 1971, No. 2396, p. 3819, § 13; Acts 1982, No. 82-345, p. 498, § 4; [Act 2012-431](#), p. 1188, § 1; [Act 2022-265](#), § 1.)

Ala. Code 1975 § 34-17-24, AL ST § 34-17-24

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Ala.Code 1975 § 34-17-25

§ 34-17-25. Amount of fees.

Effective: July 1, 2022

[Currentness](#)

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.
- (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 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).

Credits

(Acts 1971, No. 2396, p. 3819, § 14; Acts 1982, No. 82-345, p. 498, § 4; Acts 1987, No. 87-157, p. 217, § 3; Acts 1991, No. 91-152, p. 191, § 3; Acts 1995, No. 95-283, p. 523, § 3; Act 2003-60, p. 91, § 3; Act 2012-431, p. 1188, § 1; Act 2019-186, § 1; Act 2022-265, § 1.)

Ala. Code 1975 § 34-17-25, AL ST § 34-17-25

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Ala.Code 1975 § 34-17-26

§ 34-17-26. Reciprocity.

Currentness

The board, subject to the provisions of this chapter and the rules and regulations of the board promulgated thereunder prescribing the qualifications for a landscape architect license, may permit the practice of landscape architecture in this state under a landscape architect license issued under the laws of any other state or country, upon payment of the current fee established by the board, and upon submission of all of the following evidence satisfactory to the board:

- (1) That the other state or country maintained a system and standard of qualifications and examinations for a landscape architect license which were substantially equivalent to those required in this state at the time the license was issued by the other state or country.

- (2) That the other state or country gives similar recognition and endorsement to landscape architect licenses of this state.

Credits

(Acts 1971, No. 2396, p. 3819, § 6; Acts 1995, No. 95-283, p. 523, § 3.)

Ala. Code 1975 § 34-17-26, AL ST § 34-17-26

Current through Act 2022-442 of the 2022 Regular and First Special Sessions. Some provisions may be more current; see credits for details.

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Ala.Code 1975 § 34-17-27

§ 34-17-27. Exemptions.

Currentness

This chapter shall not be construed to require licensing in the following cases:

- (1) The practice of landscape architecture by any person who acts under the supervision of a registered landscape architect or by an employee of a person lawfully engaged in the practice of landscape architecture and who in either event does not assume responsible charge of design or supervision;
- (2) The practice of architecture by a duly registered professional architect and the doing of landscape architectural work by a registered architect or by an employee under supervision of a registered architect, when such work is incidental to their practice;
- (3) The practice of engineering by a duly registered professional engineer and the doing of landscape architectural work by a registered engineer or by an employee under supervision of a registered engineer, when such work is incidental to their practice;
- (4) The practice of surveying by a duly registered professional land surveyor and the doing of landscape architectural work by a registered professional land surveyor or by an employee under supervision of a registered professional land surveyor, when such work is incidental to their practice;
- (5) The practice of landscape architecture by employees of the United States government while engaged within this state in the practice of landscape architecture for the government;
- (6) The practice of planning as customarily done by regional or urban planners;
- (7) The practice of arborists, foresters, gardeners, home builders, and horticulturists; or
- (8) The practice of any nurseryman, general or landscape contractor, such practice to include design, planning, location, and arrangements of plantings or other ornamental features.

Credits

(Acts 1971, No. 2396, p. 3819, § 9.)

Ala. Code 1975 § 34-17-27, AL ST § 34-17-27

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