

R156. Commerce, Occupational and Professional Licensing.

R156-53. Landscape Architects Licensing Act Rule.

R156-53-101. Title.

This rule is known as the "Landscape Architects Licensing Act Rule".

R156-53-102. Definitions.

In addition to the definitions in Title 58, Chapters 1 and 53, as used in Title 58, Chapters 1 and 53 or this rule:

(1) "Employee" or "employee, subordinate, associate, or drafter" of a landscape architect, as used in Subsections 58-53-102(5) and 58-53-603(2) and this rule, means one or more individuals not licensed as a landscape architect who are working for, with, or providing landscape architect services under the supervision or direction of the licensed landscape architect.

(2) "Under the direction of the landscape architect" or "under the supervision of a licensee", as used in Subsection 58-53-102(5) and 58-53-603(2), means that the unlicensed employee, subordinate, associate, or drafter of the landscape architect engages in the practice of landscape architecture only on work initiated by the landscape architect, and only under the administration, charge, control, command, authority, oversight, guidance, jurisdiction, regulation, management, and authorization of the landscape architect.

(3) "Unprofessional conduct" as defined in Title 58, Chapters 1 and 53 is further defined, in accordance with Subsections 58-1-203(1)(e) and 58-53-102(7), in Section R156-53-401.

R156-53-103. Authority - Purpose.

This rule is adopted by the Division under the authority of Subsection 58-1-106(1) to enable the Division to administer Title 58, Chapter 53.

R156-53-104. Organization - Relationship to Rule R156-1.

The organization of this rule and its relationship to Rule R156-1 is as described in Section R156-1-107.

R156-53-302a. Qualifications for Licensure - Education and Experience Requirements.

(1) In accordance with Subsections 58-53-302(1)(d)(i) and (ii), an applicant for licensure shall complete the following education or experience requirements:

(a) a bachelors or masters degree in landscape architecture which shall be from a curriculum accredited by the Landscape Architectural Accreditation Board (LAAB); or

(b) eight years of experience shall be full or part time employment for periods of time not less than ten weeks in length under the general supervision of one or more licensed landscape architects.

R156-53-302b. Qualifications for Licensure - Examination Requirements.

In accordance with Subsection 58-53-302(1)(e), an applicant for licensure shall pass the following examinations:

(1) the Landscape Architect Registration Examination (LARE) of the Council of Landscape Architectural Registration Boards; or

(2) the Uniform National Exam for Landscape Architects (UNE) of the Council of Landscape Architectural Registration Boards.

R156-53-303. Renewal Cycle - Procedures.

(1) In accordance with Subsection 58-1-308(1), the renewal date for the two-year renewal cycle applicable to licenses under Title 58, Chapter 53 is established by rule in Section R156-1-308a.

(2) Renewal procedures shall be in accordance with Section R156-1-308c.

R156-53-304. Continuing Education for Landscape Architects.

In accordance with Section 58-53-303, the continuing education standards for landscape architects are established as follows:

(1) Beginning June 1, 2012, during each two-year renewal cycle ending on May 31 of each even-numbered year, a licensed landscape architect shall complete not less than 16 contact hours of continuing education directly related to the licensee's professional practice.

(2) The required number of contact hours of continuing education for an individual who first becomes licensed during the two-year renewal cycle shall be decreased in a pro-rata amount equal to any part of that two-year renewal cycle preceding the date on which that individual first became licensed.

(3) The Division may defer or waive the continuing education requirements as provided in Section R156-1-308d.

(4) A continuing education activity shall meet the following standards:

(a) Activity Content and Types. The activity shall have an identifiable, clear statement of purpose and defined objective directly related to the practice of landscape architecture and directly related to topics involving the public health, safety, and welfare of landscape architecture practice and the ethical standards of landscape architectural practice.

(i) Health, safety, welfare, and ethical standards as used in this Subsection are defined to including the following:

(A) The definition of "health" shall include aspects of landscape architectural practice that have salutary effects among users of sites, site structures, pedestrian ways, and vehicular facilities that are environmental and affect human health. Examples include all aspects of air quality, provisions of personal hygiene, and use of non-toxic materials and finishes.

(B) The definition of "safety" shall include aspects of landscape architectural practice intended to limit or prevent accidental injury or death among users such as sites, site structures, or construction sites. Examples include safe access and egress within sites and site structures, minimization of slipping hazards on exterior surfaces, correct proportions and visibility of stairs, safety railings, and accommodations for users with disabilities.

(C) The definition of "welfare" shall include aspects of landscape architectural practice that consist of values that may be social, psychological, cultural, spiritual, physical, aesthetic, and monetary in nature. Examples include spaces that afford natural light, natural materials, or views of nature or whose proportions, color, or materials engender positive emotional responses from its users.

(D) The definition of "ethical standards for landscape architectural practice" shall include the ASLA Code of Professional Ethics, specified in Subsection R156-53-401(4).

(ii) The activity shall be completed in the form of any of the following activity types:

- (A) in-house programs sponsored by an organization;
- (B) seminar;
- (C) lecture;
- (D) conference;
- (E) training session;
- (F) webinar;
- (G) internet course;
- (H) distance learning course;
- (I) televised course;
- (J) authoring of an article, textbook, or professional book publication;
- (K) lecturing in or instructing a continuing education course;
- (L) study of a scholarly peer-reviewed journal article, book, or book chapter;
- (M) pro-bono service that has a clear purpose and objective and maintains, improves, or expands the professional knowledge or skill of the licensee;
- (N) mentoring one or more students for one day at the Landscape Architecture Shadow Mentor Day, mentoring program, or other mentoring event;
- (O) membership on a state regulatory board for the practice of landscape architecture;
- (P) serving as an elected officer or appointed chair of a committee or organization in a professional society or organization;
- (Q) serving as an elected officer or appointed member of a professional board or commission; or
- (R) serving as an exam grader or on a committee writing exam materials for a professional registration or licensing examination.

(b) Objectives. The activity learning objectives shall be clearly stated in activity material.

(c) Faculty. The activity shall be prepared and presented by individuals who are qualified by education, training, and experience.

(d) Activity provider or sponsor. The activity shall be approved by, conducted by, or under the sponsorship of one of the following:

- (i) an accredited college or university;
- (ii) a state or federal agency;
- (iii) a professional association, organization, or company related to the practice of landscape architecture; or

(iv) a commercial continuing education provider providing an activity related to the practice of landscape architecture.

(e) Documentation. Each licensee shall maintain documentation as proof of compliance with this section, such as certificate of completion, school transcript, activity description, activity syllabi, or other activity materials. The licensee shall retain this proof for a period of three years after the end of the renewal cycle for which the continuing education is due.

(i) At a minimum, the documentation shall contain the following:

- (A) the date of the activity;
- (B) the name of the activity provider;
- (C) the name of the instructor;
- (D) the activity title;
- (E) the number of contact hours of continuing education credit; and
- (F) the activity objectives.

(ii) If the activity is self-directed, such as study or authoring of a scholarly peer-reviewed journal article, book, book chapter, or similar document, the documentation shall contain the following:

- (A) the dates of study or research;
- (B) the title of the paper, article, or book;
- (C) an abstract of the paper, article, or book;
- (D) the number of contact hours of continuing education credit; and
- (E) the objectives of the self-study activity.

(f) Contact hour. Each contact hour of continuing education credit shall consist of not fewer than 50 minutes of education. One professional development hour (PDH) is equal to one contact hour. One university quarter credit hour is equivalent to 40 contact hours. One university semester credit hour is equivalent to 45 contact hours. One International Association of Continuing Education and Training (IACET) Continuing Education Unit (CEU) is equivalent to ten contact hours.

(5) Extra hours of continuing education. If a licensee completes more than the required number of contact hours of continuing education during the two-year renewal cycle specified in Subsection (1), up to eight contact hours of the excess may be carried over to the next two-year renewal cycle. No education received prior to the license being granted may be carried forward to apply towards the continuing education required after the license is granted.

(6) Credit for continuing education shall be recognized in accordance with the following:

(a) a maximum of six hours per two-year renewal cycle may be recognized for teaching in a college or university or for teaching continuing education activities in the field of landscape architecture, provided it is the first time the material was taught;

(b) a maximum of three hours per two-year renewal cycle may be recognized for authoring or study of published papers, articles, or books directly related to the practice of landscape architecture;

(c) a maximum of four hours per two-year renewal cycle may be recognized for pro-bono service that has a clear purpose and objective and maintains, improves, and expands the professional knowledge or skill of the licensee;

(d) a maximum of two hours per two-year renewal cycle may be recognized for mentoring one or more students for one day at the Landscape Architecture Shadow Mentor Day, mentoring program, or other mentoring event;

(e) a maximum of four hours per two-year renewal cycle may be recognized for membership on a state regulatory board for the practice of landscape architecture;

(f) a maximum of two hours per two-year renewal cycle may be recognized for serving as an elected officer or appointed chair of a committee or organization in a professional society or organization related to the practice of landscape architecture;

(g) a maximum of two hours per two-year renewal cycle may be recognized for serving as an elected officer or appointed member of a governmental board or commission related to the practice of landscape architecture;

(h) a maximum of four hours per two-year renewal cycle may be recognized for serving as an exam grader or on a committee writing exam materials for a professional registration or licensing examination; and

(i) unlimited hours may be recognized for continuing education that is online, distance-learning, correspondence course, or home study provided the activity verifies registration and participation in the activity by means of a test or other assessment method including a final summary, individual paper, or individual project which demonstrates that the participant learned the material presented.

R156-53-308. Reinstatement of a Landscape Architect License which has Expired Beyond Two Years.

In addition to the requirements in Section R156-1-308g and in accordance with Subsection 58-1-308(6), an applicant for reinstatement for licensure as a landscape architect, whose license has been expired for two or more years, shall:

- (1) upon request by the Division, meet with the Board to evaluate the applicant's ability to safely and competently practice landscape architecture;
- (2) pass the Landscape Architect Registration Examination (LARE) of the Council of Landscape Architectural Registration Boards if it is determined by the Board and Division that examination or reexamination is necessary to demonstrate the applicant's ability to safely and competently practice landscape architecture; and
- (3) provide documentation that the licensee, within two years prior to the date of the application, completed 16 hours of continuing education.

R156-53-401. Unprofessional Conduct.

"Unprofessional conduct" includes:

- (1) submitting an incomplete final site plan to a client, when the licensee represents, or could reasonably expect the client to consider, the site plan to be complete and final;
- (2) submitting an incomplete final site plan to a building official for the purpose of obtaining a building permit;
- (3) failing as a supervisor to exercise supervision of an employee, subordinate, associate or drafter; and
- (4) failing to conform to the generally accepted standards and ethics of the profession including those established in the American Society of Landscape Architects (ASLA) Code of Professional Ethics, as amended by the ASLA Board of Trustees on May 2, 2009, which document is hereby adopted and incorporated by reference.

R156-53-502. Administrative Penalties - Unlawful Conduct.

(1) In accordance with Section 58-53-502, the following fine schedule shall apply to citations issued to individuals licensed under Title 58, Chapters 1 and 53.

TABLE

FINE SCHEDULE

Violation	First Offense	Second Offense
58-1-501(1) (a)	\$ 800.00	\$1,600.00
58-1-501(1) (b)	\$1,000.00	\$2,000.00
58-1-501(1) (c)	\$1,000.00	\$2,000.00
58-1-501(1) (d)	\$1,000.00	\$2,000.00
58-53-501(1)	\$ 800.00	\$1,600.00
58-53-501(2)	\$ 800.00	\$1,600.00

(2) Citations shall not be issued for third offenses, except in extraordinary circumstances approved by the investigative supervisor. If a citation is issued for a third offense, the fine is double the second offense amount with a maximum amount not to exceed the maximum fine allowed under Subsection 58-53-502(1) (i) (iii).

(3) If multiple offenses are cited on the same citation, the fine shall be determined by evaluating the most serious offense.

(4) An investigative supervisor may authorize a deviation from the fine schedule based upon the aggravating or mitigating circumstances.

(5) In each case the presiding officer shall have the discretion, after a review of the aggravating and mitigating circumstances, to increase or decrease the fine amount based upon the evidence reviewed.

R156-53-601. Landscape Architect Seal - Requirements.

In accordance with Section 58-53-601, all final site plans prepared by the licensee or prepared under the supervision or direction of the licensee, shall be sealed in accordance with the following:

- (1) Each seal shall be a circular seal, 1 1/2 inches minimum diameter.
- (2) Each seal shall include the licensee's name, license number, "State of Utah", and "Licensed Landscape Architect".
- (3) Each seal shall be signed and dated with the signature and date appearing across the face of each seal imprint.

(4) Each original set of final site plans, as a minimum, shall have the original seal imprint, original signature and date placed on the cover or title sheet.

(5) A seal may be a wet stamp, embossed, or electronically produced.

(6) Copies of the original set of site plans which contain the original seal, original signature and date is permitted if the seal, signature and date is clearly recognizable.

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LANDSCAPE ARCHITECTS LICENSING ACT RULE

R156-53 Utah Administrative Code Issued August 21, 2014

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