

TITLE 54
PROFESSIONS, VOCATIONS, AND BUSINESSES

CHAPTER 30
LANDSCAPE ARCHITECT REGISTRATION AND LICENSING ACT

54-3001. SHORT TITLE. This act shall be known and cited as the "Landscape Architect Registration and Licensing Act."

[54-3001, added 1972, ch. 390, sec. 1, p. 1123.]

54-3002. DEFINITIONS. As used in this chapter:

(1) "Landscape architect" means a person who holds a license to practice landscape architecture in the state of Idaho under the authority of this chapter.

(2) "Landscape architecture" means the performance of professional services such as consultations, investigation, reconnaissance, research, planning, design or responsible supervision in connection with the development of land and incidental water 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, ground cover and planting, naturalistic and aesthetic values, approaches to buildings, structures, facilities or other improvements, natural drainage and the consideration and determination of inherent problems of the land relating to erosion, wear and tear, light or other hazards, but shall not include the application of geological principles. This practice shall include the location, design and arrangement of such tangible objects as pools, walls, steps, trellises, canopies, and features as are incidental and necessary to the purposes outlined herein, but shall not include the design of structures or facilities with separate and self-contained purposes for habitation or industry, such as are ordinarily included in the practice of engineering or architecture; and shall not include the making of cadastral surveys or final land plats for official recording or approval. It involves the design and arrangement of land forms and the development of outdoor space, including but not limited to the design of public parks, playgrounds, cemeteries, home and school grounds, and the development of industrial and recreational sites.

(3) "Board" means the board of architects and landscape architects.

(4) "Department" means the department of self-governing agencies of the state of Idaho.

(5) "Landscape architect-in-training" means a person who has met the qualifications of section [54-3003](#)(2)(a) and (b), Idaho Code, and is working under the supervision of a licensed landscape architect. A landscape architect-in-training shall use the title "landscape architect-in-training" in accordance with board rule.

(6) "Public" means any person, firm, corporation, partnership, company, government agency, institution or any other entity recognized by law.

(7) "Rules of professional responsibility" means those rules, if any, promulgated by the board.

[54-3002, added 1972, ch. 390, sec. 2, p. 771; am. 1974, ch. 13, sec. 189, p. 138; am. 2003, ch. 225, sec. 1, p. 578; am. 2014, ch. 155, sec. 1, p. 437; am. 2022, ch. 42, sec. 3, p. 107.]

54-3003. QUALIFICATIONS -- EXAMINATIONS -- BOARD -- LICENSES -- FEES -- ENDORSEMENT -- EXEMPTIONS -- INDIVIDUALS, PARTNERSHIPS AND CORPORATIONS -- RESTRICTION ON USE OF NAME -- SEAL. (1) Application and practice. In order to safeguard human health and property, and to promote the public welfare, any person in either public or private capacity practicing or offering to practice landscape architecture shall be required to submit evidence of qualifications to practice and shall be issued a license under the provisions of this chapter.

(2) Qualifications. For licensure as a landscape architect, evidence must be submitted to the board that the applicant:

- (a) Is eighteen (18) years of age or older;
- (b) Has graduated from a college or school of landscape architecture approved by the board. In lieu of graduation from an approved college or school of landscape architecture, an applicant may present evidence of at least eight (8) years of actual, practical experience in landscape architecture of a grade and character satisfactory to the board, as established by rule, that the applicant is competent to practice landscape architecture; and
- (c) Has successfully passed an examination approved by the board.

(3) Examinations. The board shall adopt rules covering the subjects and scope of the examinations. Every applicant for license as a landscape architect shall be required, in addition to all other requirements, to establish by written examination his competency to plan, design, specify and supervise the installation and construction of landscape architectural projects. Each written examination may be supplemented by such oral examinations as the board may determine.

(4) Board powers. The board shall have, in addition to the powers set forth elsewhere in this chapter, the following powers and duties:

- (a) To authorize, by written agreement, the division of occupational and professional licenses to act as agent in its interest and to make such rules as shall be necessary in the performance of its duties;
- (b) To adopt rules of professional responsibility;
- (c) To adopt rules requiring the completion of continuing education by each licensee on an annual basis;
- (d) The board, or its duly appointed hearing officer, shall have the power in any disciplinary proceeding against a licensee under this chapter to administer oaths, take depositions of witnesses within or outside of the state in the manner provided by law in civil cases, and to apply to any district court of this state for a subpoena to require the attendance of such witnesses and the production of such books, records and papers as the board deems necessary in a disciplinary proceeding against a licensee. The fees and mileage of the witnesses shall be the same as that allowed in the district courts in criminal cases, which fees and mileage shall be paid in the same manner as other board expenses. In any case of disobedience to, or neglect of, any subpoena or subpoena duces tecum served upon any person, or refusal of any witness to testify to any matter about which he may lawfully be interrogated, it shall be the duty of any district court in this state on application by the board to compel compliance with the subpoena by conducting proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from such court or for refusal to testify therein. The licensed person accused in such proceedings shall have the same right of subpoena.

(5) Renewal and reinstatement -- revenue.

(a) All licenses issued under the provisions of this chapter shall be subject to annual renewal and shall expire unless renewed in the manner prescribed by the board regarding applications for renewal, continuing education, and fees. License renewal and reinstatement shall be in accordance with section [67-2614](#), Idaho Code.

(b) Amounts. The amount of fees shall be as determined by the board within the following stated limits:

(i) The application fee not to exceed one hundred dollars (\$100).

(ii) The fee for examination to be established by board rule not to exceed that charged by the council of landscape architectural registration boards plus a fifty-dollar (\$50.00) processing fee. The board may recover the actual costs associated with an applicant's review of a failed examination.

(iii) The fee for an original license and the annual license fee not to exceed two hundred dollars (\$200).

(c) Refund. Fees shall be nonrefundable.

(d) Deposit. All fees received under the provisions of this chapter shall be deposited in the state treasury to the credit of the occupational licenses fund, and all costs and expenses incurred by the board under the provisions of this chapter shall be a charge against and paid from said fund for such purposes, and the funds collected hereunder shall be immediately available for the administration of this chapter, the provisions of any other law notwithstanding. In no instance will the occupational licenses fund be obligated to pay any claims that in aggregate with claims already paid exceed the income to the occupational licenses fund, which has been derived by the application of this chapter.

(e) Appropriation. The money paid into the occupational licenses fund is continuously appropriated to the board for expenditure in the manner prescribed herein to defray the expenses of the board and in carrying out and enforcing the provisions of this chapter.

(6) Endorsement provisions. The board may approve for licensure:

(a) An individual with a current council of landscape architectural registration boards (CLARB) certification; or

(b) With limited examination, an applicant who is legally registered or licensed as a landscape architect in any other state or country whose requirements for registration or licensure are at least substantially equivalent to the requirements of this state.

(7) Exemptions.

(a) None of the provisions of this chapter shall prevent employees of those lawfully practicing as landscape architects from acting under the instruction, control or supervision of their employers.

(b) None of the provisions of this chapter shall apply to the business conducted in this state by any land use planner, horticulturist, nurseryman, or landscape nurseryman, gardener, landscape gardener, landscape designer, or landscape contractor, as these terms are generally used, or any other person, including, but not limited to, their right to plan and supervise in connection therewith, except that no such person shall use the designation "landscape architect," "landscape architecture," or any description tending to convey the impression that they are a licensed landscape architect unless they are registered as provided in this chapter.

(c) This chapter shall not apply to architects, professional engineers, geologists, and land surveyors licensed to practice their respective professions.

(8) This chapter applies to individuals only.

(a) All licenses shall be issued to individuals only, but nothing contained in this chapter shall prevent a duly licensed landscape architect from rendering professional services for a corporation, firm, partnership or association.

(b) Partners. Each partner in a partnership of landscape architects shall be licensed to practice landscape architecture or to provide allied professional services as defined in section [30-21-901](#), Idaho Code. Subject to this requirement, a partnership of landscape architects may use a partnership name if such name consists of:

(i) The names of two (2) or more landscape architects; or

(ii) The names of one (1) or more landscape architects and one (1) or more professional engineers or architects.

(c) Any person applying to the official of any county or city for a business license to practice landscape architecture shall at the time of such application exhibit to such official satisfactory evidence that such applicant possesses a current Idaho license. The business license shall not be granted until such evidence is presented, any contrary provision of any special act or general act notwithstanding.

(9) Qualifications for practice -- seal.

(a) No person shall use the designation "landscape architect" or "landscape architecture" or advertise any title or description tending to convey the impression that the person is a landscape architect, or practicing landscape architecture, unless such person is a licensed landscape architect. Every holder of a license shall display it in the principal office, place of business, or place of employment.

(b) Every landscape architect shall have a seal approved by the board that contains the name of the landscape architect and the words "Licensed Landscape Architect, State of Idaho," and such other words or figures as the board may deem necessary and prescribe.

(i) The seal may be a rubber stamp or an electronically applied seal. Whenever the seal is applied, the licensee's written signature and the date shall be adjacent to or across the seal. The seal, signature and date shall be placed on all final reports, drawings and title pages of specifications, design information and calculations. Whenever presented to a client or to the public, such documents that are not final and do not contain a seal, signature and date shall be clearly marked as "preliminary," "draft," "not for construction" or similar words to distinguish the documents from a finished product.

(ii) The application of the licensee's seal, signature and the date shall constitute certification that the work thereon was prepared by such landscape architect or under the supervision of such landscape architect. Each plan or drawing sheet shall be sealed and signed by the licensee or the licensee's agent responsible for each sheet. The principal landscape architect in charge shall sign and seal the title or first sheet. Copies of electronically produced documents listed in subparagraph (i) of this paragraph that are distributed for informational use, such as for bidding purposes or working copies, may be issued with the licensee's

seal and a notice that the original document is on file with the licensee's signature and date. The words "original signed by:" and "date signed:" shall be placed adjacent to or across the seal of the electronic original. The storage location of the original documents shall also be provided. Only the title page of reports, specifications and like documents need bear the seal and signature of the licensee and the date.

(iii) Nothing contained herein shall be construed to permit a landscape architect to practice as a licensed architect, a licensed professional engineer or a licensed land surveyor as these professions are defined by Idaho Code; provided however, nothing contained herein shall be construed to prevent a landscape architect from practicing landscape architecture.

[54-3003, added 1972, ch. 390, sec. 3, p. 771; am. 1974, ch. 13, sec. 190, p. 138; am. 1980, ch. 247, sec. 74, p. 640; am. 1986, ch. 53, sec. 1, p. 156; am. 1989, ch. 56, sec. 1, p. 74; am. 1993, ch. 204, sec. 1, p. 560; am. 1996, ch. 66, sec. 7, p. 204; am. 2003, ch. 21, sec. 14, p. 85; am. 2003, ch. 225, sec. 2, p. 579; am. 2006, ch. 128, sec. 1, p. 371; am. 2015, ch. 251, sec. 9, p. 1051; am. 2016, ch. 340, sec. 34, p. 952; am. 2021, ch. 222, sec. 26, p. 639; am. 2022, ch. 42, sec. 4, p. 108.]

54-3004. DISCIPLINARY PROCEEDINGS. Upon giving at least twenty (20) days' notice of its intended action, and affording the holder of a license an opportunity for a hearing to be conducted under the provisions of [chapter 52, title 67](#), Idaho Code, the board may refuse to issue, refuse to renew, revoke or suspend the license of any landscape architect upon the following grounds:

- (1) Fraud or deception in the application for or the procurement of a license or in passing any of the examinations prescribed by this chapter;
- (2) Conviction of a felony by a court of competent jurisdiction;
- (3) Gross negligence in the practice of landscape architecture;
- (4) Fraud or deceit in the practice of landscape architecture;
- (5) Willful violation of any of the provisions of this chapter or any of the rules promulgated by the board under the authority of this chapter.

The board may reinstate any revoked or suspended license upon such terms as it may impose.

An appeal of any order of the board may be taken to the district court of either Ada county or the county in which the applicant or licensee resides, in accordance with [chapter 52, title 67](#), Idaho Code.

[54-3004, added 1972, ch. 390, sec. 4, p. 771; am. 1993, ch. 216, sec. 87, p. 661; am. 2003, ch. 225, sec. 3, p. 584.]

54-3005. VIOLATIONS AND PENALTIES. (1) It shall be a violation for any person to:

- (a) Offer to practice or represent oneself as entitled to practice landscape architecture, unless duly licensed under this chapter;
- (b) Attempt to use the license of another;
- (c) Give false or forged evidence to the board or any member thereof in obtaining a license;
- (d) Falsely impersonate any other practitioner, of like or different name;
- (e) Otherwise violate any of the provisions of this chapter.

Such violation shall be a misdemeanor. Each act under this section shall be treated as a separate offense.

(2) Prosecution of violations. All violations of this chapter when reported to the board and duly substantiated by affidavits or other satisfactory evidence shall be investigated by the board, and if the report is found to be true and the evidence substantiated, the board shall report such violations to the county attorney of the county in which the violation occurred and request prompt prosecution.

[54-3005, added 1972, ch. 390, sec. 5, p. 771; am. 1974, ch. 13, sec. 191, p. 138; am. 2003, ch. 225, sec. 4, p. 584.]