
By: **Delegate Barve**

Introduced and read first time: January 17, 2000

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Business Occupations - Maryland Landscape Architects Act - Scope and**
3 **Definitions**

4 FOR the purpose of expanding the scope of the practice of landscape architecture
5 under the Maryland Landscape Architects Act; repealing certain limitations on
6 the practice of landscape architecture; repealing certain exemptions from the
7 licensing requirements for landscape architects for certain persons or employees
8 of persons who are licensed to practice landscape architecture, engineering, or
9 land surveying, or who perform landscape architecture services incidentally to
10 practicing architecture, engineering, or land surveying; defining certain terms;
11 altering certain definitions; and generally relating to the scope and application
12 of the Maryland Landscape Architects Act.

13 BY repealing and reenacting, with amendments,
14 Article - Business Occupations and Professions
15 Section 9-101 and 9-103
16 Annotated Code of Maryland
17 (1995 Replacement Volume and 1999 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article - Business Occupations and Professions**

21 9-101.

22 (a) In this title the following words have the meanings indicated.

23 (b) "Board" means the State Board of Examiners of Landscape Architects.

24 (c) ["Landscape architect" means an individual who practices landscape
25 architecture] "DESIGN COORDINATION" MEANS THE REVIEW AND COORDINATION OF
26 TECHNICAL SUBMISSIONS PREPARED BY OTHERS.

27 (d) "License" means, unless the context requires otherwise, a license issued by
28 the Board to practice landscape architecture.

1 (e) "Licensed landscape architect" means a landscape architect who is licensed
2 by the Board to practice landscape architecture.

3 (f) "Permit" means a permit issued by the Board to allow a partnership [or],
4 corporation, LIMITED LIABILITY COMPANY, OR OTHER BUSINESS ENTITY to operate a
5 business through which an individual may practice landscape architecture.

6 (g) (1) "Practice landscape architecture" means:

7 (i) [to plan, to design, to prepare drawings and specifications, to
8 consult, or to provide any other professional service, including responsible
9 supervision, in connection with the development of land if the principal purpose of the
10 service is:

11 1. to determine, to enhance, or to preserve land uses, natural
12 land features, plantings, or settings and approaches to structures or other
13 improvements;

14 2. to determine an environmental problem of land, including
15 erosion, blight, or other hazard;

16 3. to set a grade;

17 4. to determine drainage; or

18 5. subject to any standards that the State or a local authority
19 sets, to provide for a storm drainage system that does not require a hydraulic or
20 structural design of system components; or] TO PROVIDE ANY SERVICE OR CREATIVE
21 WORK IN THE ANALYSIS OR DESIGN OF LAND AND WATER RESOURCES THAT
22 REQUIRES TRAINING AND EXPERIENCE IN THE APPLICATION OF THE BIOLOGICAL,
23 PHYSICAL, MATHEMATICAL, AND SOCIAL SCIENCES; AND

24 (ii) [to design an object or feature that is incidental and necessary
25 to a service described in item (i) of this paragraph] THE COORDINATION OF SERVICES
26 RELATED TO LANDSCAPE ARCHITECTURE PROVIDED BY OTHERS IN CONNECTION
27 WITH A PROJECT OR PORTION OF A PROJECT INTENDED FOR PUBLIC USE AND
28 AFFECTING PUBLIC SAFETY.

29 (2) ["Practice landscape architecture" does not include:

30 (i) designing a structure or facility that has a self-contained
31 purpose and ordinarily would be designed by a licensed architect or professional
32 engineer; or

33 (ii) surveying land or preparing plats for official approval or
34 recordation] "PRACTICE LANDSCAPE ARCHITECTURE" INCLUDES:

35 (I) CONSULTATION, RESEARCH, ANALYSIS, ASSESSMENT,
36 SELECTION, AND ALLOCATION OF LAND AND WATER RESOURCES;

1 (II) DEVELOPMENT OF GRAPHIC, WRITTEN, DIGITAL, AND OTHER
2 APPROPRIATE CRITERIA TO GOVERN THE PLANNING AND DESIGN OF LAND
3 DEVELOPMENT AND CONSTRUCTION PROGRAMS, INCLUDING:

4 1. PREPARATION, REVIEW, AND ANALYSIS OF MASTER
5 PLANS, SITE PLANS, AND LAND DEVELOPMENT PLANS;

6 2. RECONNAISSANCE, PLANNING, DESIGN, AND
7 PREPARATION OF CONSTRUCTION DOCUMENTS;

8 3. CONSTRUCTION, OBSERVATION, ADMINISTRATION, AND
9 PROJECT MANAGEMENT;

10 4. PRESERVATION, RESTORATION, CONSERVATION,
11 RECLAMATION, REHABILITATION, AND MANAGEMENT OF LAND AND WATER
12 RESOURCES;

13 5. PREPARATION OF FEASIBILITY AND SITE SELECTION
14 STUDIES, ENVIRONMENTAL STUDIES, AND COST ESTIMATE REPORTS; AND

15 6. DESIGN AND ANALYSIS OF GRADING AND DRAINAGE,
16 IRRIGATION, EROSION AND SEDIMENT CONTROL SYSTEMS, AND PEDESTRIAN AND
17 VEHICULAR CIRCULATION SYSTEMS;

18 (III) IN CONJUNCTION WITH SITE DEVELOPMENT, THE
19 PERFORMANCE OF THE FOLLOWING:

20 1. SETTING A GRADE;

21 2. DETERMINING DRAINAGE;

22 3. PREPARING AND DESIGNING STORM WATER DRAINAGE
23 SYSTEMS, PROVIDED THAT THE PREPARATION AND DESIGN:

24 A. ARE IN ACCORDANCE WITH DESIGN MANUALS, DETAILS,
25 AND STANDARDS ACCEPTED BY THE STATE OR LOCAL AUTHORITIES; AND

26 B. DO NOT REQUIRE A HYDRAULIC OR STRUCTURAL DESIGN
27 OF SYSTEM COMPONENTS; AND

28 (IV) DESIGN COORDINATION OF A PROJECT OR PORTION OF A
29 PROJECT, PROVIDED THAT A LICENSED LANDSCAPE ARCHITECT HOLDS A CURRENT
30 LICENSE ISSUED BY THE BOARD AND HAS ADEQUATE EDUCATION AND EXPERIENCE
31 IN, AND UNDERSTANDING OF, THE PORTION OF THE PROJECT BEING COORDINATED.

32 (H) "RESPONSIBLE CHARGE" MEANS DIRECT CONTROL AND PERSONAL
33 SUPERVISION OF LANDSCAPE ARCHITECTURE SERVICES, THAT REQUIRES
34 INITIATIVE, PROFESSIONAL SKILL, AND INDEPENDENT JUDGMENT.

1 9-103.

2 This title does not limit the right of:

3 (1) an individual who is authorized to practice forestry under Title 7 of
4 this article to practice forestry;

5 (2) a licensed tree expert to practice as a tree expert;

6 (3) a person to engage in regional planning;

7 (4) a person to engage in horticulture, home building, or farming; OR

8 (5) [an individual who is licensed to practice architecture under Title 3
9 of this article to practice architecture or to perform landscape architecture services
10 incidentally to practicing architecture;

11 (6) an employee of an individual licensed as an architect under Title 3 of
12 this article to perform landscape architecture services under the supervision of the
13 architect and incidentally to practicing architecture;

14 (7) an individual who is licensed or otherwise authorized to practice
15 engineering under Title 14 of this article to practice engineering or to perform
16 landscape architecture services incidentally to practicing engineering;

17 (8) an employee of an individual authorized to practice engineering
18 under Title 14 of this article to perform landscape architecture services under the
19 supervision of the individual and incidentally to practicing engineering;

20 (9) an individual who is licensed or otherwise authorized to practice land
21 surveying under Title 15 of this article to practice land surveying or to perform
22 landscape architecture services incidentally to practicing land surveying;

23 (10) an employee of an individual authorized to practice land surveying
24 under Title 15 of this article to perform landscape architecture services under the
25 supervision of the individual and incidentally to practicing land surveying; or

26 (11)] a nurseryman, general contractor, or landscape contractor to design,
27 plan, locate, plant, or arrange plantings or other ornamental features.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2000.