

NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



LLS NO. 07-0377.01 Christy Chase

SENATE BILL 07-107

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A BILL FOR AN ACT

101 **CONCERNING THE REGULATION OF LANDSCAPE ARCHITECTS, AND**
102 **MAKING AN APPROPRIATION THEREFOR.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Creates the "Landscape Architects Professional Licensing Act" (act). Requires a person to obtain a license to practice landscape architecture in Colorado. Creates the Colorado state board of landscape architects (board), consisting of 5 members, 3 of whom must be landscape architects. Establishes the powers and duties of the board.

Establishes education and experience criteria that an applicant must satisfy in order to obtain a license as a landscape architect.

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Directs the board to issue licenses in the following manner:

Licensure by examination, in which a license is issued to an applicant who passes an examination administered by the board;

Licensure by endorsement, in which a license is issued to a person who holds an equivalent license in another jurisdiction; and

Licensure by prior practice, in which a license is issued to a person who practiced landscape architecture for a specified period before January 1, 2008.

Specifies the grounds upon which the board may impose disciplinary action against a landscape architect. Requires the board to conduct disciplinary hearings in accordance with the "State Administrative Procedure Act". Authorizes the board, when disciplining a licensee, to revoke or suspend a license, place a licensee on probation, set conditions on a license, issue a letter of admonition, or require education. In addition to or in lieu of other penalties, authorizes the board to impose a fine not to exceed \$5,000, for violations of the act or rules of the board. Allows the board to issue a confidential letter of concern under certain circumstances.

Requires a licensed landscape architect to have a stamp that bears the name, date of licensing, and license number of the landscape architect, with the legend "Colorado - Licensed Landscape Architect". Sets forth criteria for maintaining the records and documents of a landscape architect.

Exempts architects, professional engineers, residential landscape designers, irrigation system designers, and landscape installation and construction workers and contractors from the act.

Clarifies that the act does not limit a municipality's or county's authority to promulgate codes necessary for the protection of its residents, limit or extend the rights of another profession or craft, or prohibit the practice of landscape architecture by an employee of the U.S. government while acting in an official capacity. Specifies that the act does not authorize a landscape architect to engage in the practice of architecture, engineering, or land surveying.

Repeals the act, effective July 1, 2017, in accordance with the sunset law.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** Article 45 of title 12, Colorado Revised Statutes, is
3 RECREATED AND REENACTED, WITH AMENDMENTS, to read:

ARTICLE 45

Landscape Architects

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1 **12-45-101. Short title.** THIS ARTICLE SHALL BE KNOWN AND MAY
2 BE CITED AS THE "LANDSCAPE ARCHITECTS PROFESSIONAL LICENSING
3 ACT".

4 **12-45-102. Legislative declaration.** THE GENERAL ASSEMBLY
5 HEREBY FINDS AND DECLARES THAT THE REGULATORY AUTHORITY
6 ESTABLISHED IN THIS ARTICLE IS NECESSARY TO SAFEGUARD THE HEALTH,
7 SAFETY, AND WELFARE OF THE PEOPLE OF COLORADO BY PREVENTING THE
8 IMPROPER DESIGN OF PUBLIC DOMAIN LANDSCAPE INFRASTRUCTURE BY
9 UNAUTHORIZED, UNQUALIFIED, AND INCOMPETENT PERSONS.

10 **12-45-103. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
11 CONTEXT OTHERWISE REQUIRES:

12 (1) "BOARD" OR "STATE BOARD" MEANS THE STATE BOARD OF
13 LANDSCAPE ARCHITECTS, CREATED IN SECTION [12-45-105](#).

14 (2) "DIRECTOR" MEANS THE DIRECTOR OF THE DIVISION OF
15 REGISTRATIONS IN THE DEPARTMENT OF REGULATORY AGENCIES.

16 (3) "DIVISION" MEANS THE DIVISION OF REGISTRATIONS IN THE
17 DEPARTMENT OF REGULATORY AGENCIES.

18 (4) "HABIT-FORMING DRUG" MEANS A DRUG OR MEDICINE
19 REQUIRED TO BE LABELED UNDER SECTION [25-5-415](#), C.R.S., OR THE
20 "FEDERAL FOOD, DRUG, AND COSMETIC ACT", 21 U.S.C. 301 ET SEQ., AS
21 A HABIT-FORMING DRUG.

22 (5) "INFRASTRUCTURE" MEANS ELEMENTS OF THE PUBLIC DOMAIN
23 THAT SUPPORT DEVELOPMENTS SUCH AS ROADS, STREETS, PARKS, PLAZAS,
24 AND OTHER PLACES THAT ARE NOT PRIVATELY OWNED AND MANAGED.

25 (6) "LANDSCAPE ARCHITECT" MEANS A PERSON WHO ENGAGES IN
26 THE PRACTICE OF LANDSCAPE ARCHITECTURE.

27 (7) "PLANNING" MEANS PREPARING LAYOUTS AND SCHEMES FOR

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1 LAND AREAS, INFRASTRUCTURE SYSTEMS, FACILITIES, OR OBJECTS.
2 "PLANNING" INCLUDES TECHNICAL DOCUMENTATION.

3 (8) (a) "PRACTICE OF LANDSCAPE ARCHITECTURE" MEANS:

4 (I) THE APPLICATION OF LANDSCAPE ARCHITECTURAL HIGHER
5 EDUCATION, TRAINING, AND EXPERIENCE AS WELL AS REQUIRED
6 MATHEMATICAL, PHYSICAL, AND SOCIAL SCIENCE SKILLS TO CONSULT,
7 EVALUATE, PLAN, AND DESIGN PROJECTS AND IMPROVEMENTS PRINCIPALLY
8 DIRECTED AT THE FUNCTIONAL AND AESTHETIC USES OF LAND;

9 (II) COLLABORATION WITH ARCHITECTS AND ENGINEERS DURING
10 THE DESIGN OF PUBLIC INFRASTRUCTURE PROJECTS SUCH AS ROADS,
11 BRIDGES, BUILDINGS, AND OTHER STRUCTURES, CONCERNING THE
12 FUNCTIONAL AND AESTHETIC REQUIREMENTS OF THE AREA AND PROJECT
13 SITE; OR

14 (III) ASSISTANCE IN THE PREPARATION AND ADMINISTRATION OF
15 CONSTRUCTION DOCUMENTS, CONTRACTS, AND CONTRACT OFFERS
16 RELATED TO SITE LANDSCAPE IMPROVEMENTS.

17 (b) "PRACTICE OF LANDSCAPE ARCHITECTURE" DOES NOT INCLUDE
18 ACTS EXEMPTED BY SECTION [12-45-118](#).

19 (9) "SUBSTANTIAL GIFT" MEANS A GIFT, DONATION, OR OTHER
20 CONSIDERATION SUFFICIENT TO INFLUENCE A PERSON TO ACT IN A
21 SPECIFIC MANNER. THE TERM DOES NOT INCLUDE A GIFT OF NOMINAL
22 VALUE SUCH AS REASONABLE ENTERTAINMENT OR HOSPITALITY OR AN
23 EMPLOYER'S REWARD TO AN EMPLOYEE FOR WORK PERFORMED.

24 (10) "SUPERVISION" MEANS THE ACTIONS TAKEN BY A LANDSCAPE
25 ARCHITECT IN DIRECTING, PERSONALLY REVIEWING, CORRECTING, OR
26 APPROVING THE WORK PERFORMED BY AN EMPLOYEE OR SUBCONTRACTOR
27 OF THE LANDSCAPE ARCHITECT.

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1 [12-45-104](#). **License required.** ON AND AFTER JANUARY 1, 2008,
2 A PERSON SHALL NOT PRACTICE LANDSCAPE ARCHITECTURE OR REPRESENT
3 HIMSELF OR HERSELF AS A LANDSCAPE ARCHITECT UNLESS THE PERSON HAS
4 A LICENSE ISSUED BY THE BOARD. A PERSON LICENSED BY THE BOARD IS
5 ENTITLED TO USE THE STAMP SPECIFIED IN SECTION [12-45-117](#), WHICH
6 SHALL CONSTITUTE A PROFESSIONAL CREDENTIAL ATTESTING TO THE
7 MINIMUM COMPETENCE OF THE LANDSCAPE ARCHITECT.

8 [12-45-105](#). **Board - composition - appointments - terms.**

9 (1) THERE IS HEREBY CREATED IN THE DIVISION THE COLORADO STATE
10 BOARD OF LANDSCAPE ARCHITECTS. THE BOARD SHALL CONSIST OF FIVE
11 MEMBERS WHO SHALL HAVE THE FOLLOWING QUALIFICATIONS:

12 (a) THREE MEMBERS SHALL:

13 (I) BE LICENSED LANDSCAPE ARCHITECTS IN COLORADO OR
14 PERSONS WHO ARE ELIGIBLE TO BE LICENSED IN COLORADO AS LANDSCAPE
15 ARCHITECTS AT THE TIME OF THE FORMATION OF THE BOARD;

16 (II) HAVE AT LEAST THREE YEARS OF EXPERIENCE IN THE PRACTICE
17 OF LANDSCAPE ARCHITECTURE; AND

18 (III) BE RESIDENTS OF THE STATE OF COLORADO.

19 (b) (I) TWO MEMBERS SHALL:

20 (A) NOT BE LICENSED LANDSCAPE ARCHITECTS NOR PRACTICE
21 LANDSCAPE ARCHITECTURE IN ANY JURISDICTION;

22 (B) NOT HAVE A CURRENT OR PRIOR SIGNIFICANT PERSONAL OR
23 FINANCIAL INTEREST IN THE PRACTICE OF LANDSCAPE ARCHITECTURE; AND

24 (C) BE RESIDENTS OF THE STATE OF COLORADO.

25 (II) OF THE TWO MEMBERS APPOINTED PURSUANT TO THIS
26 PARAGRAPH (b), ONE MEMBER SHALL BE A BUILDING OR LANDSCAPE
27 CONTRACTOR IN COLORADO.

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1 (2) APPOINTMENTS TO THE BOARD SHALL BE MADE BY THE
2 GOVERNOR AND SHALL BE MADE TO PROVIDE FOR STAGGERING OF TERMS
3 OF MEMBERS SO THAT NOT MORE THAN TWO MEMBERS' TERMS EXPIRE
4 EACH YEAR. THEREAFTER APPOINTMENTS SHALL BE FOR TERMS OF FOUR
5 YEARS. EACH BOARD MEMBER SHALL HOLD OFFICE UNTIL THE EXPIRATION
6 OF THE TERM FOR WHICH THE MEMBER IS APPOINTED OR UNTIL A
7 SUCCESSOR HAS BEEN DULY APPOINTED AND QUALIFIED. APPOINTEES
8 SHALL BE LIMITED TO TWO FULL TERMS. THE GOVERNOR MAY REMOVE A
9 MEMBER OF THE BOARD FOR MISCONDUCT, INCOMPETENCE, NEGLECT OF
10 DUTY, OR AN ACT THAT WOULD JUSTIFY THE REVOCATION OF THE BOARD
11 MEMBER'S LICENSE TO PRACTICE LANDSCAPE ARCHITECTURE, IF
12 APPLICABLE.

13 (3) THE BOARD SHALL MEET ON OR BEFORE AUGUST 30 OF EACH
14 YEAR AND ELECT FROM ITS MEMBERS A CHAIR AND VICE-CHAIR. THE
15 BOARD SHALL MEET AT SUCH OTHER TIMES AS IT DEEMS NECESSARY, BUT
16 NOT LESS THAN TWICE A YEAR.

17 **12-45-106. Immunity.** (1) A MEMBER OF THE BOARD OR THE
18 BOARD'S STAFF, A PERSON ACTING AS A WITNESS OR CONSULTANT TO THE
19 BOARD, AND A WITNESS TESTIFYING IN A PROCEEDING AUTHORIZED UNDER
20 THIS ARTICLE SHALL BE IMMUNE FROM LIABILITY IN A CIVIL ACTION FOR
21 ACTS OCCURRING WHILE ACTING IN HIS OR HER CAPACITY AS A BOARD
22 MEMBER, MEMBER OF THE BOARD'S STAFF, CONSULTANT, OR WITNESS IF
23 THE PERSON ACTING IN GOOD FAITH WITHIN THE SCOPE OF HIS OR HER
24 RESPECTIVE CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE
25 FACTS OF THE MATTER AS TO WHICH HE OR SHE ACTED, AND ACTED WITH
26 THE REASONABLE BELIEF THAT THE ACTION WAS WARRANTED BY THE
27 FACTS.

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1 (2) ANY PERSON PARTICIPATING IN GOOD FAITH IN MAKING A
2 COMPLAINT OR PARTICIPATING IN AN INVESTIGATION OR ADMINISTRATIVE
3 PROCEEDING PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM ANY
4 CIVIL OR CRIMINAL LIABILITY THAT MAY RESULT FROM SUCH
5 PARTICIPATION.

6 [12-45-107](#). Powers and duties of board - rules. (1) THE BOARD
7 SHALL HAVE THE FOLLOWING POWERS AND DUTIES:

8 (a) TO PROMULGATE RULES NECESSARY TO EFFECTUATE THIS
9 ARTICLE;

10 (b) TO EXAMINE LICENSE APPLICANTS FOR QUALIFICATIONS;

11 (c) TO REVIEW SPECIAL CASES AS AUTHORIZED IN THIS ARTICLE;

12 (d) TO GRANT THE LICENSES OF DULY QUALIFIED APPLICANTS TO
13 PRACTICE LANDSCAPE ARCHITECTURE IN ACCORDANCE WITH THIS ARTICLE;

14 (e) (I) TO ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES,
15 AND ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES AND
16 THE PRODUCTION OF ALL RELEVANT PAPERS, BOOKS, RECORDS,
17 DOCUMENTARY EVIDENCE, AND MATERIALS IN ANY HEARING,
18 INVESTIGATION, ACCUSATION, OR OTHER MATTER COMING BEFORE THE
19 BOARD. THE BOARD MAY APPOINT AN ADMINISTRATIVE LAW JUDGE
20 PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., TO PERFORM
21 THE FUNCTIONS OF THIS PARAGRAPH (e) AND TO TAKE EVIDENCE AND TO
22 MAKE FINDINGS AND REPORT THEM TO THE BOARD.

23 (II) UPON FAILURE OF ANY WITNESS TO COMPLY WITH SUCH
24 SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH
25 THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS,
26 UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE
27 SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO THE PERSON OR

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1 LICENSEE AN ORDER REQUIRING THAT PERSON OR LICENSEE TO APPEAR
2 BEFORE THE DIRECTOR; TO PRODUCE THE RELEVANT PAPERS, BOOKS,
3 RECORDS, DOCUMENTARY EVIDENCE, OR MATERIALS IF SO ORDERED; OR TO
4 GIVE EVIDENCE TOUCHING THE MATTER UNDER INVESTIGATION OR IN
5 QUESTION. FAILURE TO OBEY THE ORDER OF THE COURT MAY BE PUNISHED
6 BY THE COURT AS A CONTEMPT OF COURT.

7 (f) TO ADOPT AND USE A SEAL;

8 (g) TO CONDUCT HEARINGS IN ACCORDANCE WITH SECTION
9 [24-4-105](#), C.R.S., UPON COMPLAINTS CONCERNING THE CONDUCT OF
10 LANDSCAPE ARCHITECTS; EXCEPT THAT THE BOARD MAY APPOINT AN
11 ADMINISTRATIVE LAW JUDGE PURSUANT TO PART 10 OF ARTICLE 30 OF
12 TITLE 24, C.R.S., TO CONDUCT SUCH HEARINGS;

13 (h) TO REFER FOR PROSECUTION BY THE DISTRICT ATTORNEY OR
14 THE ATTORNEY GENERAL PERSONS VIOLATING THIS ARTICLE;

15 (i) TO REQUIRE A LICENSED LANDSCAPE ARCHITECT TO HAVE A
16 STAMP AS PRESCRIBED BY THE BOARD; AND

17 (j) TO DENY THE ISSUANCE OR RENEWAL OF, SUSPEND FOR A
18 SPECIFIED PERIOD, OR REVOKE A LICENSE; ISSUE A LETTER OF ADMONITION
19 TO OR CENSURE OR PLACE ON PROBATION ANY PERSON WHO, WHILE

20 HOLDING A LANDSCAPE ARCHITECT LICENSE, VIOLATES ANY PROVISION OF
21 THIS ARTICLE; ISSUE CONFIDENTIAL LETTERS OF CONCERN; ISSUE CEASE
22 AND DESIST ORDERS; OR IMPOSE OTHER CONDITIONS OR LIMITATIONS ON
23 A LICENSEE.

24 **12-45-108. Management of fees and expenses of board.**

25 (1) FEES COLLECTED PURSUANT TO SECTION 12-45-111 SHALL BE
26 TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME
27 IN ACCORDANCE WITH SECTION 24-34-105, C.R.S. THE GENERAL

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1 ASSEMBLY SHALL MAKE ANNUAL APPROPRIATIONS PURSUANT TO SAID
2 SECTION FOR THE EXPENDITURES OF THE BOARD.

3 (2) THE BOARD MAY EMPLOY SUCH TECHNICAL, CLERICAL,
4 INVESTIGATIVE, OR OTHER ASSISTANCE NECESSARY FOR THE PROPER
5 PERFORMANCE OF THE BOARD'S DUTIES, SUBJECT TO THE PROVISIONS OF
6 SECTION 13 OF ARTICLE XII OF THE STATE CONSTITUTION, AND MAY MAKE
7 EXPENDITURES THAT ARE NECESSARY FOR THE PROPER PERFORMANCE OF
8 THE BOARD'S DUTIES UNDER THIS ARTICLE.

9 **12-45-109. Records.** (1) THE BOARD SHALL KEEP A RECORD OF
10 ITS PROCEEDINGS, A REGISTER OF ALL APPLICATIONS FOR LICENSING, AND
11 OTHER INFORMATION DEEMED NECESSARY BY THE BOARD.

12 (2) THE RECORDS OF THE BOARD SHALL BE PUBLIC RECORDS
13 PURSUANT TO ARTICLE 72 OF TITLE 24, C.R.S. COPIES OF RECORDS AND
14 PAPERS OF THE BOARD OR THE DEPARTMENT OF REGULATORY AGENCIES
15 CONCERNING THE ADMINISTRATION OF THIS ARTICLE, WHEN CERTIFIED
16 AND AUTHENTICATED BY SEAL, SHALL BE RECEIVED BY A COURT IN THE
17 SAME MANNER AS ORIGINAL DOCUMENTS.

18 **12-45-110. Licensure - application - qualifications.**

19 (1) **Application.** (a) AN APPLICATION FOR LICENSURE SHALL INCLUDE
20 EVIDENCE OF THE EDUCATION AND PRACTICAL EXPERIENCE REQUIRED BY
21 THIS SECTION AND THE RULES OF THE BOARD.

22 (b) A PERSON APPLYING FOR LICENSURE UNDER THIS ARTICLE
23 SHALL DISCLOSE WHETHER HE OR SHE HAS BEEN DENIED LICENSURE OR
24 DISCIPLINED AS A LANDSCAPE ARCHITECT OR PRACTICED LANDSCAPE
25 ARCHITECTURE IN VIOLATION OF THIS ARTICLE. IF AN APPLICANT HAS
26 VIOLATED THIS ARTICLE, THE BOARD MAY DENY AN APPLICATION FOR
27 LICENSURE. WHEN DETERMINING WHETHER A PERSON HAS VIOLATED THIS

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1 ARTICLE, SECTION 24-5-101, C.R.S., SHALL GOVERN THE BOARD'S
2 ACTIONS.

3 (c) APPLICANTS MAY SEEK LICENSURE IN ONE OF THE FOLLOWING
4 MANNERS:

5 (I) LICENSURE BY EXAMINATION AS DESCRIBED IN SUBSECTION (3)
6 OF THIS SECTION;

7 (II) LICENSURE BY ENDORSEMENT AS DESCRIBED IN SUBSECTION
8 (4) OF THIS SECTION; OR

9 (III) LICENSURE BY PRIOR PRACTICE AS DESCRIBED IN SUBSECTION
10 (5) OF THIS SECTION.

11 (2) **Education and experience.** THE BOARD SHALL SET MINIMUM
12 EDUCATIONAL AND EXPERIENCE REQUIREMENTS FOR LICENSURE BY
13 EXAMINATION, SUBJECT TO THE FOLLOWING GUIDELINES:

14 (a) THE BOARD MAY REQUIRE EITHER:

15 (I) (A) PRACTICAL EXPERIENCE FOR A SPECIFIED PERIOD, NOT TO
16 EXCEED THREE YEARS, OR EDUCATION OR EXPERIENCE DETERMINED BY THE
17 BOARD TO BE SUBSTANTIALLY EQUIVALENT; AND

18 (B) A PROFESSIONAL DEGREE FROM A PROGRAM ACCREDITED BY
19 THE LANDSCAPE ARCHITECTURAL ACCREDITATION BOARD OR ANY
20 SUCCESSOR ORGANIZATION, OR EDUCATION OR EXPERIENCE DETERMINED
21 BY THE BOARD TO BE SUBSTANTIALLY EQUIVALENT; OR

22 (II) PRACTICAL EXPERIENCE FOR A SPECIFIED PERIOD, NOT TO
23 EXCEED TEN YEARS, UNDER THE DIRECT SUPERVISION OF A LICENSED
24 LANDSCAPE ARCHITECT OR A LANDSCAPE ARCHITECT WITH AN EQUIVALENT
25 LEVEL OF COMPETENCE AS DEFINED BY RULES OF THE BOARD; OR

26 (III) A COMBINATION OF SUCH PRACTICAL EXPERIENCE AND
27 EDUCATION, NOT TO EXCEED TEN YEARS.

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1 (b) ONE YEAR OF THE EXPERIENCE REQUIRED BY THIS SUBSECTION
2 (2) MAY BE PRACTICAL FIELD EXPERIENCE IN CONSTRUCTION TECHNIQUES,
3 TEACHING, OR RESEARCH IN A PROGRAM ACCREDITED BY THE LANDSCAPE
4 ARCHITECTURAL ACCREDITATION BOARD OR AN EQUIVALENT SUCCESSOR
5 ORGANIZATION.

6 (c) SUBJECT TO REVIEW AND APPROVAL BY THE BOARD PURSUANT
7 TO RULES, A GRADUATE OF AN UNACCREDITED PROGRAM OF LANDSCAPE
8 ARCHITECTURE OR A RELATED FIELD SHALL BE ELIGIBLE TO SUBSTITUTE
9 EDUCATION FOR THE PRACTICAL EXPERIENCE REQUIRED BY THE BOARD
10 PURSUANT TO THIS SUBSECTION (2).

11 (d) (I) PRIOR TO LICENSURE, AN APPLICANT BY EXAMINATION
12 SHALL PASS AN EXAMINATION DEVELOPED OR ADOPTED BY THE BOARD
13 THAT MEASURES THE MINIMUM LEVEL OF COMPETENCE NECESSARY TO BE
14 A LICENSED LANDSCAPE ARCHITECT. THE BOARD SHALL DESIGNATE AND
15 NOTIFY APPLICANTS OF THE TIME AND LOCATION FOR EXAMINATIONS.
16 THE BOARD MAY ENGAGE A PRIVATE CONTRACTOR TO ADMINISTER THE
17 EXAMINATIONS.

18 (II) THE BOARD MAY ADOPT THE EXAMINATIONS, RECOMMENDED
19 GRADING PROCEDURES, AND EDUCATIONAL AND PRACTICAL EXPERIENCE
20 REQUIREMENTS AND EQUIVALENTS OF THE COUNCIL OF LANDSCAPE
21 ARCHITECTURAL REGISTRATION BOARDS OR A SUCCESSOR ORGANIZATION
22 IF SUCH EXAMINATIONS, PROCEDURES, AND REQUIREMENTS AND
23 EQUIVALENTS DO NOT CONFLICT WITH THE REQUIREMENTS OF THIS
24 ARTICLE.

25 (3) **Licensure by examination.** (a) BEFORE BEING LICENSED
26 PURSUANT TO THIS SUBSECTION (3), AN APPLICANT FOR LICENSURE BY
27 EXAMINATION SHALL PASS AN EXAMINATION DEVELOPED OR ADOPTED BY

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1 THE BOARD TO MEASURE THE MINIMUM LEVEL OF COMPETENCE.

2 (b) THE BOARD SHALL DESIGNATE A TIME AND LOCATION FOR
3 EXAMINATIONS AND SHALL NOTIFY APPLICANTS OF THIS TIME AND
4 LOCATION IN A TIMELY MANNER. THE BOARD MAY CONTRACT FOR
5 ASSISTANCE IN ADMINISTERING THE EXAMINATIONS.

6 (c) THE BOARD MAY ADOPT THE EXAMINATIONS, RECOMMENDED
7 GRADING PROCEDURES, AND EDUCATIONAL AND PRACTICAL EXPERIENCE
8 REQUIREMENTS OF THE COUNCIL OF LANDSCAPE ARCHITECTURAL
9 REGISTRATION BOARDS OR ANY SUBSTANTIALLY EQUIVALENT SUCCESSOR
10 ORGANIZATION IF SUCH EXAMINATIONS, PROCEDURES, AND REQUIREMENTS
11 DO NOT CONFLICT WITH THE REQUIREMENTS OF THIS ARTICLE.

12 (4) **Licensure by endorsement.** (a) AN APPLICANT FOR
13 LICENSURE BY ENDORSEMENT SHALL FILE AN APPLICATION AS PRESCRIBED
14 BY THE BOARD AND SHALL HOLD A CURRENT VALID LICENSE OR
15 REGISTRATION IN A JURISDICTION REQUIRING QUALIFICATIONS
16 SUBSTANTIALLY EQUIVALENT TO THOSE REQUIRED FOR LICENSURE BY
17 SUBSECTIONS (2) AND (3) OF THIS SECTION.

18 (b) THE BOARD SHALL PROVIDE PROCEDURES FOR AN APPLICANT TO
19 APPLY DIRECTLY TO THE BOARD FOR A LICENSE BY ENDORSEMENT. A
20 CERTIFIED RECORD FROM THE COUNCIL OF LANDSCAPE ARCHITECTURAL
21 REGISTRATION BOARDS, OR ITS SUCCESSOR ORGANIZATION, SHALL
22 QUALIFY A CANDIDATE TO SUBMIT AN APPLICATION TO THE BOARD FOR
23 LICENSURE BY ENDORSEMENT.

24 (c) THE BOARD MAY DEVELOP OR ADOPT A SUPPLEMENTARY
25 EXAMINATION TO MEASURE THE MINIMUM COMPETENCE OF APPLICANTS
26 FOR LICENSURE BY ENDORSEMENT. THE SUPPLEMENTARY EXAMINATION
27 SHALL BE ADMINISTERED AT THE DISCRETION OF THE BOARD WHEN AN

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1 APPLICANT FOR LICENSURE BY ENDORSEMENT HAS OTHERWISE FAILED TO
2 SUFFICIENTLY DEMONSTRATE MINIMUM COMPETENCE.

3 (5) **Licensure by prior practice.** (a) THE BOARD SHALL ADOPT
4 RULES AUTHORIZING THE ISSUANCE OF A LICENSE TO QUALIFIED

5 CANDIDATES WHO PRACTICED LANDSCAPE ARCHITECTURE BEFORE
6 JANUARY 1, 2008.

7 (b) THE FOLLOWING EVIDENCE, AS VERIFIED BY THE BOARD, SHALL
8 BE ACCEPTABLE AS PROOF THAT A CANDIDATE IS QUALIFIED FOR
9 LICENSURE BY PRIOR PRACTICE:

10 (I) (A) A DIPLOMA OR CERTIFICATE OF GRADUATION FROM A
11 LANDSCAPE ARCHITECTURE DEGREE PROGRAM ACCREDITED BY THE
12 LANDSCAPE ARCHITECTURE ACCREDITATION BOARD OR ITS SUCCESSOR
13 ORGANIZATION; AND

14 (B) EVIDENCE OF AT LEAST SIX YEARS OF PRACTICAL EXPERIENCE
15 IN THE PRACTICE OF LANDSCAPE ARCHITECTURE SUFFICIENT TO SATISFY
16 THE BOARD THAT THE APPLICANT HAS MINIMUM COMPETENCE IN THE
17 PRACTICE OF LANDSCAPE ARCHITECTURE; OR

18 (II) EVIDENCE THAT THE APPLICANT HAS AT LEAST TEN YEARS OF
19 PRACTICAL EXPERIENCE IN THE PRACTICE OF LANDSCAPE ARCHITECTURE
20 SUFFICIENT TO SATISFY THE BOARD THAT THE APPLICANT HAS MINIMUM
21 COMPETENCE IN THE PRACTICE OF LANDSCAPE ARCHITECTURE.

22 (c) ALL EXPERIENCE REQUIRED TO QUALIFY FOR LICENSURE BY
23 PRIOR PRACTICE SHALL BE OBTAINED BEFORE JANUARY 1, 2008; EXCEPT
24 THAT ONE YEAR OF REQUIRED EXPERIENCE FOR LICENSURE BY PRIOR
25 PRACTICE MAY ACCRUE AFTER JANUARY 1, 2008.

26 (d) THE BOARD MAY DEVELOP OR ADOPT A SUPPLEMENTARY
27 EXAMINATION TO MEASURE THE MINIMUM COMPETENCE OF APPLICANTS

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1 FOR LICENSURE BY PRIOR PRACTICE. THE SUPPLEMENTARY EXAMINATION
2 SHALL BE ADMINISTERED AT THE DISCRETION OF THE BOARD WHEN AN
3 APPLICANT FOR LICENSURE BY PRIOR PRACTICE HAS OTHERWISE FAILED TO
4 SUFFICIENTLY DEMONSTRATE MINIMUM COMPETENCE.

5 (6) **Issuance of license.** UPON APPLICATION AND SATISFACTION
6 OF THE REQUIREMENTS OF THIS SECTION, THE BOARD SHALL ISSUE A
7 LICENSE TO PRACTICE LANDSCAPE ARCHITECTURE. THE BOARD IS NOT
8 REQUIRED TO ISSUE A LICENSE IF THE APPLICANT IS SUBJECT TO
9 DISCIPLINE PURSUANT TO THIS ARTICLE.

10 (7) **Lapse of application.** IF AN APPLICANT FAILS TO MEET THE
11 LICENSING REQUIREMENTS WITHIN THREE YEARS AFTER FILING AN
12 APPLICATION, THE APPLICATION SHALL BE VOID. THE BOARD MAY
13 AUTHORIZE AN APPLICANT FOR LICENSURE BY EXAMINATION TO
14 REATTEMPT THE EXAMINATION WITHOUT LIMITATION AND MAY EXEMPT
15 AN APPLICANT FROM THIS SUBSECTION (7) SO LONG AS THE APPLICANT
16 REATTEMPTS THE EXAMINATION WITHIN THIRTY-ONE MONTHS AFTER THE
17 LAST EXAMINATION.

18 (8) **Renewal and reinstatement.** ALL LICENSES SHALL EXPIRE
19 PURSUANT TO A SCHEDULE ESTABLISHED BY THE DIRECTOR. LICENSES
20 SHALL BE RENEWED OR REINSTATED PURSUANT TO SECTION [24-34-102](#)

21 (8), C.R.S. THE DIRECTOR MAY ESTABLISH RENEWAL FEES AND
22 DELINQUENCY FEES FOR REINSTATEMENT PURSUANT TO SECTION
23 [24-34-105](#), C.R.S. IF A PERSON FAILS TO RENEW HIS OR HER LICENSE
24 PURSUANT TO THE SCHEDULE ESTABLISHED BY THE DIRECTOR, THE LICENSE
25 SHALL EXPIRE. ANY PERSON WHOSE LICENSE HAS EXPIRED SHALL BE
26 SUBJECT TO PENALTIES PROVIDED IN THIS ARTICLE OR IN SECTION
27 [24-34-102](#) (8), C.R.S. ALL FEES COLLECTED UNDER THIS ARTICLE SHALL

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1 BE DEPOSITED IN ACCORDANCE WITH SECTION [12-45-111](#).

2 [12-45-111](#). **Fees.** THE DIRECTOR SHALL ESTABLISH A SCHEDULE OF
3 REASONABLE FEES FOR APPLICATIONS, LICENSES, RENEWAL OF LICENSES,
4 INACTIVE STATUS, AND LATE FEES. THE FEES SHALL BE SET, COLLECTED,
5 AND CREDITED PURSUANT TO SECTION [24-34-105](#), C.R.S.

6 [12-45-112](#). **Professional liability.** (1) THE SHAREHOLDERS,
7 MEMBERS, OR PARTNERS OF AN ENTITY THAT PRACTICES LANDSCAPE
8 ARCHITECTURE ARE LIABLE FOR THE ACTS, ERRORS, AND OMISSIONS OF THE
9 EMPLOYEES, MEMBERS, AND PARTNERS OF THE ENTITY, EXCEPT WHEN THE
10 ENTITY MAINTAINS A QUALIFYING POLICY OF PROFESSIONAL LIABILITY
11 INSURANCE AS SET FORTH IN SUBSECTION (2) OF THIS SECTION.

12 (2) (a) A QUALIFYING POLICY OF PROFESSIONAL LIABILITY
13 INSURANCE SHALL MEET THE FOLLOWING MINIMUM STANDARDS:

14 (I) THE POLICY SHALL INSURE THE ENTITY AGAINST LIABILITY
15 IMPOSED UPON IT BY LAW FOR DAMAGES ARISING OUT OF THE NEGLIGENT
16 ACTS, ERRORS, AND OMISSIONS OF ALL PROFESSIONAL AND
17 NONPROFESSIONAL EMPLOYEES, MEMBERS, AND PARTNERS; AND

18 (II) THE INSURANCE SHALL BE IN A POLICY AMOUNT OF AT LEAST
19 SEVENTY-FIVE THOUSAND DOLLARS MULTIPLIED BY THE TOTAL NUMBER OF
20 LANDSCAPE ARCHITECTS IN OR EMPLOYED BY THE ENTITY, UP TO A
21 MAXIMUM OF FIVE HUNDRED THOUSAND DOLLARS.

22 (b) IN ADDITION, THE POLICY MAY INCLUDE:

23 (I) A PROVISION STATING THAT THE POLICY SHALL NOT APPLY TO
24 THE FOLLOWING:

25 (A) A DISHONEST, FRAUDULENT, CRIMINAL, OR MALICIOUS ACT OR
26 OMISSION OF THE INSURED ENTITY OR OF ANY STOCKHOLDER, EMPLOYEE,
27 MEMBER, OR PARTNER OF THE INSURED ENTITY;

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1 (B) THE CONDUCT OF A BUSINESS ENTERPRISE THAT IS NOT THE
2 PRACTICE OF LANDSCAPE ARCHITECTURE BY THE INSURED ENTITY;

3 (C) THE CONDUCT OF A BUSINESS ENTERPRISE IN WHICH THE
4 INSURED ENTITY MAY BE A PARTNER OR THAT MAY BE CONTROLLED,
5 OPERATED, OR MANAGED BY THE INSURED ENTITY IN ITS OWN OR IN A

6 FIDUCIARY CAPACITY, INCLUDING, BUT NOT LIMITED TO, THE OWNERSHIP,
7 MAINTENANCE, OR USE OF PROPERTY;

8 (D) BODILY INJURY, SICKNESS, DISEASE, OR DEATH OF A PERSON;
9 OR

10 (E) DAMAGE TO, OR DESTRUCTION OF, TANGIBLE PROPERTY
11 OWNED BY THE INSURED ENTITY;

12 (II) ANY OTHER REASONABLE PROVISIONS WITH RESPECT TO
13 POLICY PERIODS, TERRITORY, CLAIMS, CONDITIONS, AND MINISTERIAL
14 MATTERS.

15 **12-45-113. Grounds for disciplinary action.** (1) THE BOARD
16 SHALL INVESTIGATE THE ACTIVITIES OF A LICENSEE OR OTHER PERSON
17 UPON ITS OWN MOTION OR UPON THE RECEIPT OF A WRITTEN, SIGNED
18 COMPLAINT ALLEGING GROUNDS FOR DISCIPLINARY ACTION UNDER THIS
19 ARTICLE.

20 (2) GROUNDS FOR DISCIPLINARY ACTION SHALL INCLUDE:

21 (a) FRAUD OR A MATERIAL MISSTATEMENT OF FACT MADE IN
22 PROCURING OR ATTEMPTING TO PROCURE A LICENSE;

23 (b) AN ACT OR OMISSION THAT FAILS TO MEET THE GENERALLY
24 ACCEPTED STANDARDS OF THE PRACTICE OF LANDSCAPE ARCHITECTURE
25 AND THAT ENDANGERS LIFE, HEALTH, PROPERTY, OR THE PUBLIC WELFARE;

26

27 (c) FRAUD OR DECEIT IN THE PRACTICE OF LANDSCAPE

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1 ARCHITECTURE;

2 (d) AFFIXING A SEAL OR AUTHORIZING A SEAL TO BE AFFIXED TO
3 A DOCUMENT IF SUCH ACT MISLEADS ANOTHER INTO INCORRECTLY
4 BELIEVING THAT A LICENSED LANDSCAPE ARCHITECT WAS THE
5 DOCUMENT'S AUTHOR OR WAS RESPONSIBLE FOR ITS PREPARATION;

6 (e) VIOLATION OF OR AIDING OR ABETTING IN THE VIOLATION OF
7 THIS ARTICLE, A RULE PROMULGATED BY THE BOARD UNDER THIS ARTICLE,
8 OR AN ORDER OF THE BOARD ISSUED UNDER THIS ARTICLE;

9 (f) BEING CONVICTED OF OR PLEADING NOLO CONTENDERE TO A
10 FELONY IN COLORADO OR TO ANY CRIME OUTSIDE COLORADO THAT
11 WOULD CONSTITUTE A FELONY IN COLORADO, IF THE FELONY OR OTHER
12 CRIME CONCERNS THE PRACTICE OF LANDSCAPE ARCHITECTURE. A
13 CERTIFIED COPY OF THE JUDGMENT OF A COURT OF COMPETENT
14 JURISDICTION OF A CONVICTION OR PLEA SHALL BE PRESUMPTIVE
15 EVIDENCE OF THE CONVICTION OR PLEA IN ANY HEARING UNDER THIS
16 ARTICLE. THE BOARD SHALL BE GOVERNED BY SECTION 24-5-101, C.R.S.,
17 WHEN CONSIDERING THE CONVICTION OR PLEA.

- 18 (g) USE OF FALSE, DECEPTIVE, OR MISLEADING ADVERTISING;
- 19 (h) HABITUAL OR EXCESSIVE USE OR ABUSE OF ALCOHOL OR A
20 HABIT-FORMING DRUG OR HABITUAL USE OF A CONTROLLED SUBSTANCE,
21 AS DEFINED IN SECTION [18-18-102](#) (5), C.R.S., OR OTHER DRUG HAVING
22 SIMILAR EFFECTS, WHEN THE USE OR ABUSE RENDERS THE LANDSCAPE
23 ARCHITECT UNFIT TO ENGAGE IN THE PRACTICE OF LANDSCAPE
24 ARCHITECTURE;
- 25 (i) USE OF A SCHEDULE I CONTROLLED SUBSTANCE, AS DEFINED IN
26 SECTION [18-18-203](#), C.R.S.;
- 27 (j) FAILURE TO REPORT TO THE BOARD A LANDSCAPE ARCHITECT

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- 1 KNOWN TO HAVE VIOLATED THIS ARTICLE OR ANY BOARD ORDER OR RULE.
2 POTENTIAL VIOLATIONS OF THIS PARAGRAPH (j) INCLUDE KNOWLEDGE OF
3 AN ACTION OR ARBITRATION IN WHICH CLAIMS REGARDING THE LIFE AND
4 SAFETY OF THE USERS OF A SITE ARE ALLEGED.
- 5 (k) MAKING OR OFFERING A SUBSTANTIAL GIFT TO INFLUENCE A
6 PROSPECTIVE OR EXISTING CLIENT OR EMPLOYER TO USE OR REFRAIN
7 FROM USING A SPECIFIC LANDSCAPE ARCHITECT;
- 8 (l) FAILURE TO EXERCISE ADEQUATE PROFESSIONAL SUPERVISION
9 OF PERSONS ASSISTING IN THE PRACTICE OF LANDSCAPE ARCHITECTURE
10 UNDER A LICENSED LANDSCAPE ARCHITECT;
- 11 (m) PERFORMING SERVICES BEYOND THE COMPETENCE, TRAINING,
12 OR EDUCATION OF A LANDSCAPE ARCHITECT;
- 13 (n) SELLING, FRAUDULENTLY OBTAINING, OR FRAUDULENTLY
14 FURNISHING A LICENSE OR RENEWAL OF A LICENSE TO PRACTICE
15 LANDSCAPE ARCHITECTURE;
- 16 (o) PRACTICING LANDSCAPE ARCHITECTURE OR ADVERTISING,
17 REPRESENTING, OR HOLDING ONESELF OUT AS A LICENSED LANDSCAPE
18 ARCHITECT OR USING THE TITLE "LANDSCAPE ARCHITECT" OR "LICENSED
19 LANDSCAPE ARCHITECT" UNLESS THE PERSON IS LICENSED PURSUANT TO
20 THIS ARTICLE; OR
- 21 (p) OTHERWISE VIOLATING ANY PROVISION OF THIS ARTICLE.
- 22 (3) A DISCIPLINARY ACTION IN ANOTHER STATE OR JURISDICTION
23 TAKEN ON GROUNDS THAT WOULD CONSTITUTE A VIOLATION UNDER THIS
24 ARTICLE SHALL BE PRIMA FACIE EVIDENCE OF GROUNDS FOR DISCIPLINARY
25 ACTION UNDER THIS SECTION.
- 26 **[12-45-114](#). Disciplinary actions by board - licenses denied,
27 suspended, or revoked - cease and desist orders. (1) THE BOARD MAY**

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1 DENY, REFUSE TO RENEW, SUSPEND, OR REVOKE ANY LICENSE, MAY PLACE
2 A LICENSEE ON PROBATION, MAY PLACE CONDITIONS OR LIMITATIONS ON
3 THE LICENSE, OR MAY IMPOSE A CENSURE OR FINE IF, AFTER NOTICE AND
4 HEARING, THE BOARD DETERMINES THAT THE LICENSEE HAS COMMITTED
5 ANY OF THE ACTS SPECIFIED IN SECTION [12-45-113](#).

6 (2) (a) WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN
7 INSTANCE OF MISCONDUCT THAT, IN THE BOARD'S OPINION, DOES NOT
8 WARRANT FORMAL ACTION BUT THAT SHOULD NOT BE DISMISSED AS BEING
9 WITHOUT MERIT, THE BOARD MAY ISSUE AND SEND TO THE LICENSEE, BY
10 CERTIFIED MAIL, A WRITTEN LETTER OF ADMONITION.

11 (b) WHEN A LETTER OF ADMONITION IS SENT BY THE BOARD, THE
12 LICENSEE SHALL BE ADVISED THAT HE OR SHE HAS THE RIGHT TO REQUEST,
13 WITHIN TWENTY DAYS AFTER RECEIPT OF THE LETTER, THAT FORMAL
14 DISCIPLINARY PROCEEDINGS BE INITIATED TO ADJUDICATE THE PROPRIETY
15 OF THE CONDUCT UPON WHICH THE LETTER OF ADMONITION IS BASED.

16 (c) UPON RECEIPT OF A TIMELY REQUEST FOR ADJUDICATION
17 PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (2), THE BOARD SHALL
18 VOID THE LETTER OF ADMONITION AND SHALL INSTITUTE FORMAL
19 DISCIPLINARY PROCEEDINGS TO ADDRESS THE MATTER.

20 (3) WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN
21 INSTANCE OF CONDUCT THAT DOES NOT WARRANT FORMAL ACTION BY THE
22 BOARD AND, IN THE OPINION OF THE BOARD, THE COMPLAINT SHOULD BE
23 DISMISSED, BUT THE BOARD HAS NOTICED INDICATIONS OF POSSIBLE
24 ERRANT CONDUCT BY THE LICENSEE THAT COULD LEAD TO SERIOUS
25 CONSEQUENCES IF NOT CORRECTED, A CONFIDENTIAL LETTER OF CONCERN
26 MAY BE ISSUED TO THE LICENSEE. THE CONFIDENTIAL LETTER OF CONCERN
27 AND NOTICE OF THE ISSUANCE OF THE LETTER SHALL BE SENT TO THE

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1 LICENSEE BY CERTIFIED MAIL. ISSUANCE OF A CONFIDENTIAL LETTER OF
2 CONCERN SHALL NOT BE CONSTRUED TO BE DISCIPLINE.

3 (4) WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN
4 INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE BOARD,
5 WARRANTS FORMAL ACTION, THE COMPLAINT SHALL NOT BE RESOLVED BY
6 A DEFERRED SETTLEMENT, ACTION, JUDGMENT, OR PROSECUTION.

7 (5) IF THE BOARD DETERMINES THAT A PERSON LICENSED TO
8 PRACTICE LANDSCAPE ARCHITECTURE PURSUANT TO THIS ARTICLE IS
9 SUBJECT TO DISCIPLINARY ACTION UNDER THIS SECTION, THE BOARD MAY,
10 IN LIEU OF OR IN ADDITION TO OTHER DISCIPLINE, REQUIRE A LICENSEE TO
11 TAKE COURSES OF PROFESSIONAL TRAINING OR EDUCATION. THE BOARD
12 SHALL DETERMINE THE EDUCATIONAL CONDITIONS TO BE IMPOSED ON THE
13 LICENSEE, INCLUDING, BUT NOT LIMITED TO, THE TYPE AND NUMBER OF
14 HOURS OF TRAINING OR EDUCATION. ALL TRAINING OR EDUCATION
15 COURSES ARE SUBJECT TO APPROVAL BY THE BOARD, AND THE LICENSEE
16 SHALL FURNISH PROOF OF SATISFACTORY COMPLETION OF THE TRAINING
17 OR EDUCATION.

18 (6) (a) IF IT APPEARS TO THE BOARD, BASED UPON CREDIBLE
19 EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY PERSON, THAT

20 A LICENSEE IS ACTING IN A MANNER THAT IS AN IMMINENT THREAT TO THE
21 HEALTH AND SAFETY OF THE PUBLIC, OR A PERSON IS ACTING OR HAS
22 ACTED WITHOUT THE REQUIRED LICENSE, THE BOARD MAY ISSUE AN ORDER
23 TO CEASE AND DESIST SUCH ACTIVITY. THE ORDER SHALL SET FORTH THE
24 STATUTES AND RULES ALLEGED TO HAVE BEEN VIOLATED, THE FACTS
25 ALLEGED TO HAVE CONSTITUTED THE VIOLATION, AND THE REQUIREMENT
26 THAT ALL UNLAWFUL ACTS OR UNLICENSED OR UNREGISTERED PRACTICES
27 IMMEDIATELY CEASE.

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1 (b) WITHIN TEN DAYS AFTER SERVICE OF THE ORDER TO CEASE AND
2 DESIST PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (6), THE
3 RESPONDENT MAY REQUEST A HEARING ON THE QUESTION OF WHETHER
4 ACTS OR PRACTICES IN VIOLATION OF THIS ARTICLE HAVE OCCURRED.
5 SUCH HEARING SHALL BE CONDUCTED PURSUANT TO SECTIONS [24-4-104](#)
6 AND [24-4-105](#), C.R.S.

7 (7) (a) IF IT APPEARS TO THE BOARD, BASED UPON CREDIBLE
8 EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY PERSON, THAT
9 A PERSON HAS VIOLATED ANY OTHER PORTION OF THIS ARTICLE, THEN, IN
10 ADDITION TO ANY SPECIFIC POWERS GRANTED PURSUANT TO THIS
11 ARTICLE, THE BOARD MAY ISSUE TO SUCH PERSON AN ORDER TO SHOW
12 CAUSE AS TO WHY THE BOARD SHOULD NOT ISSUE A FINAL ORDER
13 DIRECTING THE PERSON TO CEASE AND DESIST FROM THE UNLAWFUL ACT
14 OR UNLICENSED PRACTICE.

15 (b) A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS BEEN
16 ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (7) SHALL BE
17 PROMPTLY NOTIFIED BY THE BOARD OF THE ISSUANCE OF THE ORDER,
18 ALONG WITH A COPY OF THE ORDER, THE FACTUAL AND LEGAL BASIS FOR
19 THE ORDER, AND THE DATE SET BY THE BOARD FOR A HEARING ON THE
20 ORDER. SUCH NOTICE MAY BE SERVED BY PERSONAL SERVICE, BY
21 FIRST-CLASS UNITED STATES MAIL, POSTAGE PREPAID, OR AS MAY BE
22 PRACTICABLE UPON ANY PERSON AGAINST WHOM THE ORDER IS ISSUED.
23 PERSONAL SERVICE OR MAILING OF AN ORDER OR DOCUMENT PURSUANT
24 TO THIS SUBSECTION (7) SHALL CONSTITUTE NOTICE OF THE ORDER AND
25 HEARING TO THE PERSON.

26 (c) (I) THE HEARING ON AN ORDER TO SHOW CAUSE SHALL BE
27 COMMENCED NO SOONER THAN TEN AND NO LATER THAN FORTY-FIVE

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1 CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE
2 NOTIFICATION BY THE BOARD AS PROVIDED IN PARAGRAPH (b) OF THIS
3 SUBSECTION (7). THE HEARING MAY BE CONTINUED BY AGREEMENT OF ALL
4 PARTIES BASED UPON THE COMPLEXITY OF THE MATTER, NUMBER OF
5 PARTIES TO THE MATTER, AND LEGAL ISSUES PRESENTED IN THE MATTER,
6 BUT IN NO EVENT SHALL THE HEARING COMMENCE LATER THAN SIXTY
7 CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE
8 NOTIFICATION.

9 (II) IF A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS
10 BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (7) DOES

11 NOT APPEAR AT THE HEARING, THE BOARD MAY PRESENT EVIDENCE THAT
12 NOTIFICATION WAS PROPERLY SENT OR SERVED UPON SUCH PERSON
13 PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (7) AND SUCH OTHER
14 EVIDENCE RELATED TO THE MATTER AS THE BOARD DEEMS APPROPRIATE.
15 THE BOARD SHALL ISSUE THE ORDER WITHIN TEN DAYS AFTER THE BOARD'S
16 DETERMINATION RELATED TO REASONABLE ATTEMPTS TO NOTIFY THE
17 RESPONDENT, AND THE ORDER SHALL BECOME FINAL AS TO THAT PERSON
18 BY OPERATION OF LAW. SUCH HEARING SHALL BE CONDUCTED PURSUANT
19 TO SECTIONS [24-4-104](#) AND [24-4-105](#), C.R.S.

20 (III) IF THE BOARD REASONABLY FINDS THAT THE PERSON AGAINST
21 WHOM THE ORDER TO SHOW CAUSE WAS ISSUED IS ACTING OR HAS ACTED
22 WITHOUT THE REQUIRED LICENSE, OR HAS OR IS ABOUT TO ENGAGE IN ACTS
23 OR PRACTICES CONSTITUTING VIOLATIONS OF THIS ARTICLE, A FINAL
24 CEASE AND DESIST ORDER MAY BE ISSUED, DIRECTING THE PERSON TO
25 CEASE AND DESIST FROM FURTHER UNLAWFUL ACTS OR UNLICENSED
26 PRACTICE.

27 (IV) THE BOARD SHALL PROVIDE NOTICE, IN THE MANNER SET

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1 FORTH IN PARAGRAPH (b) OF THIS SUBSECTION (7), OF THE FINAL CEASE
2 AND DESIST ORDER WITHIN TEN CALENDAR DAYS AFTER THE HEARING
3 CONDUCTED PURSUANT TO THIS PARAGRAPH (c) TO EACH PERSON AGAINST
4 WHOM THE FINAL ORDER HAS BEEN ISSUED. THE FINAL ORDER ISSUED
5 PURSUANT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH (c) SHALL BE
6 EFFECTIVE WHEN ISSUED AND SHALL BE A FINAL ORDER FOR PURPOSES OF
7 JUDICIAL REVIEW.

8 (8) IF IT APPEARS TO THE BOARD, BASED UPON CREDIBLE EVIDENCE
9 PRESENTED TO THE BOARD, THAT A PERSON HAS ENGAGED IN OR IS ABOUT
10 TO ENGAGE IN ANY UNLICENSED ACT OR PRACTICE, ANY ACT OR PRACTICE
11 CONSTITUTING A VIOLATION OF THIS ARTICLE, ANY RULE PROMULGATED
12 PURSUANT TO THIS ARTICLE, ANY ORDER ISSUED PURSUANT TO THIS
13 ARTICLE, OR ANY ACT OR PRACTICE CONSTITUTING GROUNDS FOR
14 ADMINISTRATIVE SANCTION PURSUANT TO THIS ARTICLE, THE BOARD MAY
15 ENTER INTO A STIPULATION WITH SUCH PERSON.

16 (9) IF ANY PERSON FAILS TO COMPLY WITH A FINAL CEASE AND
17 DESIST ORDER OR A STIPULATION, THE BOARD MAY REQUEST THE
18 ATTORNEY GENERAL OR THE DISTRICT ATTORNEY FOR THE JUDICIAL
19 DISTRICT IN WHICH THE ALLEGED VIOLATION EXISTS TO BRING, AND IF SO
20 REQUESTED SUCH ATTORNEY SHALL BRING, SUIT FOR A TEMPORARY
21 RESTRAINING ORDER AND FOR INJUNCTIVE RELIEF TO PREVENT ANY
22 FURTHER OR CONTINUED VIOLATION OF THE FINAL ORDER.

23 (10) ANY DISCIPLINARY ACTION TAKEN BY THE BOARD AND
24 JUDICIAL REVIEW OF SUCH ACTION SHALL BE IN ACCORDANCE WITH THE
25 PROVISIONS OF ARTICLE 4 OF TITLE 24, C.R.S., AND THE HEARING AND
26 OPPORTUNITY FOR REVIEW SHALL BE CONDUCTED PURSUANT TO SAID
27 ARTICLE BY THE BOARD OR AN ADMINISTRATIVE LAW JUDGE AT THE

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1 BOARD'S DISCRETION.

2 (11) A PERSON AGGRIEVED BY THE FINAL CEASE AND DESIST ORDER
3 MAY SEEK JUDICIAL REVIEW OF THE BOARD'S DETERMINATION OR OF THE
4 BOARD'S FINAL ORDER AS PROVIDED IN SECTION [12-45-116](#).

5 (12) (a) IN ADDITION TO THE PENALTIES PROVIDED FOR IN THIS
6 SECTION, AND IN LIEU OF REVOKING A LICENSE UPON A FINDING OF
7 MISCONDUCT BY THE BOARD, A PERSON WHO VIOLATES THIS ARTICLE OR
8 RULES PROMULGATED PURSUANT TO THIS ARTICLE MAY BE PUNISHED BY A
9 FINE NOT TO EXCEED FIVE THOUSAND DOLLARS.

10 (b) A FINE COLLECTED PURSUANT TO THIS SUBSECTION (12) SHALL
11 BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME
12 TO THE GENERAL FUND.

13 (13) EXCEPT AS PROVIDED IN SUBSECTION (14) OF THIS SECTION,
14 A LICENSE THAT IS REVOKED SHALL NOT BE REINSTATED WITHIN TWO
15 YEARS AFTER THE EFFECTIVE DATE OF THE REVOCATION.

16 (14) ON ITS OWN MOTION OR UPON APPLICATION AFTER THE
17 IMPOSITION OF DISCIPLINE, THE BOARD MAY RECONSIDER ITS PRIOR
18 ACTION AND REINSTATE A LICENSE, TERMINATE SUSPENSION OR
19 PROBATION, OR REDUCE THE SEVERITY OF ITS PRIOR DISCIPLINARY
20 ACTION.

21 [12-45-115](#). **Unauthorized practice - penalties.** (1) ANY PERSON
22 WHO PRACTICES OR OFFERS OR ATTEMPTS TO PRACTICE LANDSCAPE
23 ARCHITECTURE WITHOUT AN ACTIVE LICENSE ISSUED UNDER THIS ARTICLE
24 COMMITS A CLASS 2 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED
25 IN SECTION [18-1.3-501](#), C.R.S., FOR THE FIRST OFFENSE, AND FOR THE
26 SECOND OR ANY SUBSEQUENT OFFENSE, THE PERSON COMMITS A CLASS 6
27 FELONY AND SHALL BE PUNISHED AS PROVIDED IN SECTION [18-1.3-401](#),

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1 C.R.S.

2 (2) A VIOLATION OF THIS SECTION MAY BE PROSECUTED BY THE
3 DISTRICT ATTORNEY OF THE JUDICIAL DISTRICT IN WHICH THE OFFENSE
4 WAS COMMITTED OR BY THE ATTORNEY GENERAL OF THE STATE OF
5 COLORADO IN THE NAME OF THE PEOPLE OF THE STATE OF COLORADO. IN
6 SUCH ACTION, THE COURT MAY ISSUE AN ORDER, ENTER JUDGMENT, OR
7 ISSUE A PRELIMINARY OR FINAL INJUNCTION.

8 [12-45-116](#). **Judicial review.** A PERSON AGGRIEVED BY A FINAL
9 ACTION OR ORDER OF THE BOARD MAY SEEK JUDICIAL REVIEW PURSUANT
10 TO SECTION [24-4-106](#), C.R.S.

11 [12-45-117](#). **Landscape architect's stamp.** (1) A LICENSED
12 LANDSCAPE ARCHITECT SHALL OBTAIN A STAMP OF A DESIGN AUTHORIZED
13 BY THE BOARD. THE STAMP SHALL BEAR THE NAME, DATE OF LICENSING,
14 AND LICENSE NUMBER OF THE LANDSCAPE ARCHITECT, TOGETHER WITH
15 THE LEGEND "COLORADO - LICENSED LANDSCAPE ARCHITECT".

16 (2) A LANDSCAPE ARCHITECT'S RECORDS AND DOCUMENTS SHALL
17 BE PREPARED, RECORDED, AND RETAINED IN THE FOLLOWING MANNER:

18 (a) THE STAMP, SIGNATURE OF THE LANDSCAPE ARCHITECT WHOSE
19 NAME APPEARS ON THE STAMP, AND DATE OF THE LANDSCAPE ARCHITECT'S
20 SIGNATURE SHALL BE PLACED ON REPRODUCTIONS OF DRAWINGS TO
21 ESTABLISH A RECORD SET OF CONTRACT DOCUMENTS.

22 (b) THE RECORD SET SHALL BE PROMINENTLY IDENTIFIED AND
23 SHALL BE FOR THE PERMANENT RECORD OF THE LANDSCAPE ARCHITECT,
24 THE PROJECT OWNER, AND THE REGULATORY AUTHORITIES WHO HAVE
25 JURISDICTION OVER THE PROJECT.

26 (c) THE STAMP AND THE DATE THE DOCUMENT IS STAMPED SHALL
27 BE PLACED ON THE COVER, TITLE PAGE, AND TABLE OF CONTENTS OF

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1 SPECIFICATIONS AND ON EACH REPRODUCTION OF DRAWINGS PREPARED
2 UNDER THE DIRECT SUPERVISION OF THE LANDSCAPE ARCHITECT.

3 (d) SUBSEQUENTLY ISSUED ADDENDA, REVISIONS, CLARIFICATIONS,
4 OR OTHER MODIFICATIONS SHALL BE PROPERLY IDENTIFIED AND DATED
5 FOR THE RECORD SET.

6 (e) WHERE CONSULTANT DRAWINGS AND SPECIFICATIONS ARE
7 INCORPORATED INTO THE RECORD SET, THEIR ORIGIN SHALL BE CLEARLY
8 IDENTIFIED AND DATED TO DISTINGUISH THEM FROM STAMPED
9 DOCUMENTS.

10 (f) EXCEPT AS REQUIRED FOR COMPLIANCE WITH A FEDERAL
11 CONTRACT, THE LANDSCAPE ARCHITECT SHALL NOT STAMP
12 REPRODUCTIONS OR COPIES THAT ARE TRANSFERRED FROM THE
13 LANDSCAPE ARCHITECT'S POSSESSION OR SUPERVISION.

14 (g) A RECORD SET SHALL BE RETAINED BY THE LANDSCAPE
15 ARCHITECT FOR A MINIMUM OF THREE YEARS AFTER BENEFICIAL
16 OCCUPANCY OR BENEFICIAL USE OF THE PROJECT.

17 (h) ONE ORIGINAL DOCUMENT MAY BE STAMPED, SIGNED, AND
18 DATED AS REQUIRED FOR FEDERAL GOVERNMENT CONTRACTS.

19 (3) THE BOARD, BY RULE, MAY AUTHORIZE THE USE OF AN
20 ELECTRONIC STAMP, AN ELECTRONIC SEAL, AND RECORDING OF
21 ELECTRONIC RECORDS IN A MANNER SUBSTANTIALLY EQUIVALENT TO THE
22 REQUIREMENTS OF SUBSECTIONS (1) AND (2) OF THIS SECTION.

23 **12-45-118. Exemptions.** (1) THE FOLLOWING SHALL BE EXEMPT
24 FROM THE PROVISIONS OF THIS ARTICLE:

25 (a) THE PRACTICE OF ARCHITECTURE BY LICENSED ARCHITECTS
26 PURSUANT TO PART 3 OF ARTICLE 25 OF THIS TITLE;

27 (b) THE PRACTICE OF PROFESSIONAL ENGINEERING BY REGISTERED

1 PROFESSIONAL ENGINEERS PURSUANT TO PART 1 OF ARTICLE 25 OF THIS
2 TITLE;

3 (c) THE PRACTICE OF PROFESSIONAL LAND SURVEYING BY LICENSED
4 LAND SURVEYORS PURSUANT TO PART 2 OF ARTICLE 25 OF THIS TITLE;

5 (d) RESIDENTIAL LANDSCAPE DESIGN, CONSISTING OF LANDSCAPE
6 DESIGN SERVICES FOR SINGLE- AND MULTI-FAMILY RESIDENTIAL
7 PROPERTIES OF FOUR OR FEWER UNITS NOT INCLUDING COMMON AREAS;

8 (e) THE DESIGN OF IRRIGATION SYSTEMS BY PROFESSIONALS
9 QUALIFIED BY APPROPRIATE EXPERIENCE OR CERTIFICATION; AND

10 (f) LANDSCAPE INSTALLATION AND CONSTRUCTION SERVICES,
11 INCLUDING, BUT NOT LIMITED TO, ALL CONTRACTING SERVICES NOT
12 WITHIN THE SCOPE OF THE PRACTICE OF LANDSCAPE ARCHITECTURE.

13 (2) NOTHING IN THIS ARTICLE SHALL PROHIBIT OR LIMIT A
14 MUNICIPALITY OR COUNTY OF THIS STATE, IN THE REASONABLE EXERCISE
15 OF ITS POLICE POWER, FROM ADOPTING CODES THAT MAY BE NECESSARY
16 FOR THE PROTECTION OF THE INHABITANTS OF THE MUNICIPALITY OR
17 COUNTY.

18 (3) NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO LIMIT OR
19 EXTEND THE RIGHTS OF ANOTHER PROFESSION OR CRAFT.

20 (4) NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO PROHIBIT
21 THE PRACTICE OF LANDSCAPE ARCHITECTURE BY ANY EMPLOYEE OF THE
22 UNITED STATES GOVERNMENT OR ANY BUREAU, DIVISION, OR AGENCY OF
23 THE UNITED STATES WHILE DISCHARGING HIS OR HER OFFICIAL DUTIES.

24 **12-45-119. Architecture, engineering, and surveying.**
25 NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO AUTHORIZE A
26 LANDSCAPE ARCHITECT TO ENGAGE IN THE PRACTICE OF ARCHITECTURE,
27 AS DEFINED IN PART 3 OF ARTICLE 25 OF THIS TITLE, THE PRACTICE OF

1 ENGINEERING, AS DEFINED IN PART 1 OF ARTICLE 25 OF THIS TITLE, OR
2 PROFESSIONAL LAND SURVEYING, AS DEFINED IN PART 2 OF ARTICLE 25 OF
3 THIS TITLE.

4 **12-45-120. Repeal of article.** THIS ARTICLE IS REPEALED,
5 EFFECTIVE JULY 1, 2017. PRIOR TO SUCH REPEAL, THE LICENSING OF
6 LANDSCAPE ARCHITECTS BY THE BOARD SHALL BE REVIEWED AS PROVIDED
7 IN SECTION 24-34-104, C.R.S.

8 **SECTION 2.** 24-34-104, Colorado Revised Statutes, is amended
9 BY THE ADDITION OF A NEW SUBSECTION to read:

10 **24-34-104. General assembly review of regulatory agencies**
11 **and functions for termination, continuation, or reestablishment.**

12 (48) THE FOLLOWING AGENCIES, FUNCTIONS, OR BOTH, SHALL TERMINATE
13 ON JULY 1, 2017: THE LICENSING OF LANDSCAPE ARCHITECTS AND THE
14 COLORADO STATE BOARD OF LANDSCAPE ARCHITECTS IN THE DEPARTMENT
15 OF REGULATORY AGENCIES IN ACCORDANCE WITH ARTICLE 45 OF TITLE 12,
16 C.R.S.

17 **SECTION 3. Appropriation.** (1) In addition to any other
18 appropriation, there is hereby appropriated, out of any moneys in the
19 division of registrations cash fund created in section [24-34-105](#) (2) (b) (I),
20 Colorado Revised Statutes, not otherwise appropriated, to the department
21 of regulatory agencies, for allocation to the executive director's office, for
22 legal services, for the fiscal year beginning July 1, 2007, the sum of
23 twenty-nine thousand one hundred forty-one dollars (\$29,141), or so much
24 thereof as may be necessary, for the implementation of this act.

25 (2) In addition to any other appropriation, there is hereby
26 appropriated, out of any moneys in the division of registrations cash fund
27 created in section [24-34-105](#) (2) (b) (I), Colorado Revised Statutes, not

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1 otherwise appropriated, to the department of regulatory agencies, for
2 allocation to the division of registrations, for regulation of landscape
3 architects, for the fiscal year beginning July 1, 2007, the sum of one
4 hundred forty-three thousand six hundred ninety-five dollars (\$143,695)
5 and 1.6 FTE, or so much thereof as may be necessary, for the
6 implementation of this act.

7 (3) In addition to any other appropriation, there is hereby
8 appropriated to the department of law, for the fiscal year beginning July 1,
9 2007, the sum of twenty-nine thousand one hundred forty-one dollars
10 (\$29,141), or so much thereof as may be necessary, for the provision of
11 legal services to the department of regulatory agencies related to the
12 implementation of this act. Said sum shall be from cash funds exempt
13 received from the executive director's office out of the appropriation made
14 in subsection (1) of this section.

15 **SECTION 4. Effective date.** This act shall take effect at 12:01
16 a.m. on the day following the expiration of the ninety-day period after final
17 adjournment of the general assembly that is allowed for submitting a
18 referendum petition pursuant to article V, section 1 (3) of the state
19 constitution, (August 8, 2007, if adjournment sine die is on May 9, 2007);
20 except that, if a referendum petition is filed against this act or an item,
21 section, or part of this act within such period, then the act, item, section,
22 or part, if approved by the people, shall take effect on the date of the
23 official declaration of the vote thereon by proclamation of the governor.