

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 17-0302.01 Duane Gall x4335

SENATE BILL 17-218

SENATE SPONSORSHIP

Kerr and Tate,

HOUSE SPONSORSHIP

Kennedy,

Senate Committees

Business, Labor, & Technology

House Committees

A BILL FOR AN ACT

101 CONCERNING THE CONTINUATION OF THE REGULATION OF LANDSCAPE
102 ARCHITECTS BY THE DIVISION OF PROFESSIONS AND
103 OCCUPATIONS IN THE DEPARTMENT OF REGULATORY AGENCIES,
104 AND, IN CONNECTION THEREWITH, IMPLEMENTING THE
105 RECOMMENDATIONS CONTAINED IN THE SUNSET REPORT
106 PREPARED BY THE DEPARTMENT OF REGULATORY AGENCIES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Sunset Process - Senate Business, Labor, and Technology

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

Committee. The bill implements the recommendations contained in the department of regulatory agencies' (department) sunset report on the regulation of landscape architects by the division of professions and occupations, including the state board of landscape architects (board).

Sections 1 and 2 of the bill implement *recommendation 1* of the sunset report to continue the licensing of landscape architects for 11 years, until 2028.

Sections 3 through 15 implement *recommendation 2* of the sunset report to vest the director of the division of professions and occupations (director) within the department with all licensing and enforcement authority now exercised by the board.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 12-45-120 as
3 follows:

4 **12-45-120. Repeal of article.** This ~~article~~ ARTICLE 45 is repealed,
5 effective ~~July 1, 2017.~~ Prior to such SEPTEMBER 1, 2028. BEFORE ITS
6 repeal, the licensing of landscape architects by the ~~board shall be~~
7 ~~reviewed as provided in~~ DIRECTOR IS SCHEDULED FOR REVIEW IN
8 ACCORDANCE WITH section 24-34-104. ~~C.R.S.~~

9 **SECTION 2.** In Colorado Revised Statutes, 24-34-104, **repeal**
10 (12)(a)(I); and **add** (29) as follows:

11 **24-34-104. General assembly review of regulatory agencies**
12 **and functions for repeal, continuation, or reestablishment - legislative**
13 **declaration - repeal.** (12) (a) The following agencies, functions, or both,
14 will repeal on July 1, 2017:

15 (I) ~~The licensing of landscape architects and the Colorado state~~
16 ~~board of landscape architects in the department of regulatory agencies in~~
17 ~~accordance with article 45 of title 12, C.R.S.;~~

18 (29) (a) THE FOLLOWING AGENCIES, FUNCTIONS, OR BOTH, WILL
19 REPEAL ON SEPTEMBER 1, 2028:

1 (I) THE LICENSING OF LANDSCAPE ARCHITECTS IN ACCORDANCE
2 WITH ARTICLE 45 OF TITLE 12.

3 (b) THIS SUBSECTION (29) IS REPEALED, EFFECTIVE SEPTEMBER 1,
4 2030.

5 **SECTION 3.** In Colorado Revised Statutes, 12-45-103, **amend**
6 the introductory portion; and **repeal** (1) as follows:

7 **12-45-103. Definitions.** As used in this ~~article~~ ARTICLE 45, unless
8 the context otherwise requires:

9 (1) ~~"Board" or "state board" means the state board of landscape~~
10 ~~architects, created in section 12-45-105.~~

11 **SECTION 4.** In Colorado Revised Statutes, **amend** 12-45-104 as
12 follows:

13 **12-45-104. License required.** On and after January 1, 2008, a
14 person shall not practice landscape architecture or represent himself or
15 herself as a landscape architect unless the person has a license issued by
16 the ~~board~~ DIRECTOR. A person licensed by the ~~board~~ DIRECTOR is entitled
17 to use the stamp specified in section 12-45-117, which shall constitute a
18 professional credential attesting to the minimum competence of the
19 landscape architect.

20 **SECTION 5.** In Colorado Revised Statutes, **add** 12-45-105.5 as
21 follows:

22 **12-45-105.5. Transitional provisions - transfer of functions**
23 **from board to director.** (1) THE DIRECTOR SHALL, ON AND AFTER JULY
24 1, 2018, EXECUTE, ADMINISTER, PERFORM, AND ENFORCE THE RIGHTS,
25 POWERS, DUTIES, FUNCTIONS, AND OBLIGATIONS VESTED IN THE STATE
26 BOARD OF LANDSCAPE ARCHITECTS PRIOR TO JULY 1, 2018.

27 (2) RULES ADOPTED BY THE STATE BOARD OF LANDSCAPE

1 ARCHITECTS PRIOR TO JULY 1, 2018, CONTINUE IN FORCE AS THOUGH
2 ADOPTED BY THE DIRECTOR, AND THE DIRECTOR MAY AMEND OR REPEAL
3 EXISTING RULES OR ADOPT NEW RULES IN ACCORDANCE WITH SECTION
4 12-45-107.

5 **SECTION 6.** In Colorado Revised Statutes, 12-45-106, **amend**
6 (1) as follows:

7 **12-45-106. Immunity.** (1) ~~THE DIRECTOR AND ANY~~ member of
8 ~~the board or the board's~~ DIRECTOR'S staff, a person acting as a witness or
9 consultant to the ~~board~~ DIRECTOR, and a witness testifying in a proceeding
10 authorized under this ~~article~~ ARTICLE 45 shall be immune from liability in
11 a civil action for acts occurring while acting in his or her capacity as a
12 ~~board~~ STAFF member, ~~member of the board's staff~~, consultant, or witness
13 if the person acting in good faith within the scope of his or her respective
14 capacity made a reasonable effort to obtain the facts of the matter as to
15 which he or she acted and acted with the reasonable belief that the action
16 was warranted by the facts.

17 **SECTION 7.** In Colorado Revised Statutes, 12-45-107, **amend**
18 (1) introductory portion, (1)(e), (1)(g), and (1)(i) as follows:

19 **12-45-107. Powers and duties of director - rules.** (1) The ~~board~~
20 ~~shall have~~ DIRECTOR HAS the following powers and duties:

21 (e) (I) To administer oaths, take affirmations of witnesses, and
22 issue subpoenas to compel the attendance of witnesses and the production
23 of all relevant papers, books, records, documentary evidence, and
24 materials in any hearing, investigation, accusation, or other matter coming
25 before the ~~board~~ DIRECTOR. The ~~board~~ DIRECTOR may appoint an
26 administrative law judge pursuant to part 10 of article 30 of title 24
27 ~~C.R.S.~~, to perform the functions of this ~~paragraph (e)~~ SUBSECTION (1)(e)

1 and to take evidence and to make findings and report them to the board
2 DIRECTOR.

3 (II) Upon failure of any witness to comply with such subpoena or
4 process, the district court of the county in which the subpoenaed person
5 or licensee resides or conducts business, upon application by the board or
6 director with notice to the subpoenaed person or licensee, may issue to the
7 person or licensee an order requiring that person or licensee to appear
8 before the director; to produce the relevant papers, books, records,
9 documentary evidence, or materials if so ordered; or to give evidence
10 touching the matter under investigation or in question. Failure to obey the
11 order of the court may be punished by the court as a contempt of court.

12 (g) To conduct hearings in accordance with section 24-4-105
13 ~~C.R.S.~~, upon complaints concerning the conduct of landscape architects;
14 except that the board DIRECTOR may appoint an administrative law judge
15 pursuant to part 10 of article 30 of title 24 ~~C.R.S.~~, to conduct such
16 hearings;

17 (i) To require a licensed landscape architect to have a stamp as
18 prescribed by the board DIRECTOR; and

19 **SECTION 8.** In Colorado Revised Statutes, **amend** 12-45-108 as
20 follows:

21 **12-45-108. Management of fees and expenses of director.**

22 (1) THE DIRECTOR SHALL TRANSMIT ALL fees collected pursuant to
23 ~~section 12-45-111 shall be transmitted~~ UNDER THIS ARTICLE 45 to the state
24 treasurer, who shall credit the same in accordance with section 24-34-105,
25 ~~C.R.S.~~ THEM TO THE DIVISION OF PROFESSIONS AND OCCUPATIONS CASH
26 FUND. The general assembly shall make annual appropriations pursuant
27 to ~~said~~ section 24-34-105 for the expenditures of the board DIRECTOR.

1 FOR PURPOSES OF THIS ARTICLE 45, REFERENCES IN SECTION 24-34-105 TO
2 BOARDS AND COMMISSIONS ARE DEEMED TO REFER TO THE DIRECTOR.

3 (2) The ~~board~~ DIRECTOR may employ such technical, clerical,
4 investigative, or other assistance necessary for the proper performance of
5 the ~~board's~~ DIRECTOR'S duties, subject to ~~the provisions of~~ section 13 of
6 article XII of the state constitution, and may make expenditures that are
7 necessary for the proper performance of the ~~board's~~ DIRECTOR'S duties
8 under this ~~article~~ ARTICLE 45.

9 **SECTION 9.** In Colorado Revised Statutes, **amend** 12-45-109 as
10 follows:

11 **12-45-109. Records.** (1) The ~~board~~ DIRECTOR shall keep a record
12 of ~~its~~ DISCIPLINARY AND OTHER proceedings, a register of all applications
13 for licensing, and other information ~~deemed~~ THE DIRECTOR DEEMS
14 necessary. ~~by the board.~~

15 (2) The DIRECTOR'S records ~~of the board shall be~~ ARE public
16 records pursuant to PART 2 OF article 72 of title 24. ~~C.R.S.~~ Copies of
17 records and papers of the ~~board~~ DIRECTOR or the department of regulatory
18 agencies concerning the administration of this ~~article~~ ARTICLE 45, when
19 certified and authenticated by seal, shall be received by a court in the
20 same manner as original documents.

21 **SECTION 10.** In Colorado Revised Statutes, 12-45-110, **amend**
22 (1)(a), (1)(b), (2) introductory portion, (2)(a) introductory portion,
23 (2)(a)(I), (2)(a)(II), (2)(c), (2)(d), (3), (4), (5)(a), (5)(b) introductory
24 portion, (5)(b)(I)(B), (5)(b)(II), (5)(d), (6), (7), and (8) as follows:

25 **12-45-110. Licensure - application - qualifications - rules.**
26 (1) **Application.** (a) An application for licensure ~~shall~~ MUST include
27 evidence of the education and practical experience required by this

1 section and the rules of the ~~board~~ DIRECTOR.

2 (b) A person applying for licensure under this ~~article~~ ARTICLE 45
3 shall disclose whether he or she has been denied licensure or disciplined
4 as a landscape architect or practiced landscape architecture in violation
5 of this ~~article~~ ARTICLE 45. If an applicant has violated this ~~article~~ ARTICLE
6 45, the ~~board~~ DIRECTOR may deny an application for licensure. When
7 determining whether a person has violated this ~~article~~ ARTICLE 45, section
8 24-5-101 ~~C.R.S.~~, shall govern the ~~board's~~ DIRECTOR'S actions.

9 (2) **Education and experience.** The ~~board~~ DIRECTOR shall set
10 minimum educational and experience requirements for licensure by
11 examination, subject to the following guidelines:

12 (a) The ~~board~~ DIRECTOR may require either:

13 (I) (A) Practical experience for a specified period, not to exceed
14 three years, or education or experience determined by the ~~board~~ DIRECTOR
15 to be substantially equivalent; and

16 (B) A professional degree from a program accredited by the
17 landscape architectural accreditation board, or any successor organization,
18 or education or experience determined by the ~~board~~ DIRECTOR to be
19 substantially equivalent; or

20 (II) Practical experience for a specified period, not to exceed ten
21 years, under the direct supervision of a licensed landscape architect or a
22 landscape architect with an equivalent level of competence as defined by
23 rules of the ~~board~~ DIRECTOR; or

24 (c) Subject to review and approval by the ~~board~~ DIRECTOR
25 pursuant to rules, a graduate of an unaccredited program of landscape
26 architecture or a related field shall be eligible to substitute education for
27 the practical experience required by the ~~board~~ DIRECTOR pursuant to this

1 subsection (2).

2 (d) (I) Prior to licensure, an applicant by examination shall pass
3 an examination developed or adopted by the ~~board~~ DIRECTOR that
4 measures the minimum level of competence necessary to be a licensed
5 landscape architect. The ~~board~~ DIRECTOR shall designate and notify
6 applicants of the time and location for examinations. The ~~board~~ DIRECTOR
7 may engage a private contractor to administer the examinations.

8 (II) The ~~board~~ DIRECTOR may adopt the examinations,
9 recommended grading procedures, and educational and practical
10 experience requirements and equivalents of the council of landscape
11 architectural registration boards or a successor organization if ~~such~~ THOSE
12 examinations, procedures, and requirements and equivalents do not
13 conflict with the requirements of this ~~article~~ ARTICLE 45.

14 (3) **Licensure by examination.** (a) Before being licensed
15 pursuant to this subsection (3), an applicant for licensure by examination
16 shall pass an examination developed or adopted by the ~~board~~ DIRECTOR
17 to measure the minimum level of competence.

18 (b) The ~~board~~ DIRECTOR shall designate a time and location for
19 examinations and shall notify applicants of this time and location in a
20 timely manner. The ~~board~~ DIRECTOR may contract for assistance in
21 administering the examinations.

22 (c) The ~~board~~ DIRECTOR may adopt the examinations,
23 recommended grading procedures, and educational and practical
24 experience requirements of the council of landscape architectural
25 registration boards or any substantially equivalent successor organization
26 if ~~such~~ THOSE examinations, procedures, and requirements do not conflict
27 with the requirements of this ~~article~~ ARTICLE 45.

1 (4) **Licensure by endorsement.** (a) An applicant for licensure by
2 endorsement shall file an application as prescribed by the ~~board~~ DIRECTOR
3 and ~~shall~~ MUST hold a current valid license or registration in a jurisdiction
4 requiring qualifications substantially equivalent to those required for
5 licensure by subsections (2) and (3) of this section.

6 (b) The ~~board~~ DIRECTOR shall provide procedures for an applicant
7 to apply directly to the ~~board~~ DIRECTOR for a license by endorsement. A
8 certified record from the council of landscape architectural registration
9 boards, or its successor organization, shall qualify a candidate to submit
10 an application to the ~~board~~ DIRECTOR for licensure by endorsement.

11 (c) The ~~board~~ DIRECTOR may develop or adopt a supplementary
12 examination to measure the minimum competence of applicants for
13 licensure by endorsement. The supplementary examination shall be
14 administered at the discretion of the ~~board~~ DIRECTOR when an applicant
15 for licensure by endorsement has otherwise failed to sufficiently
16 demonstrate minimum competence.

17 (5) **Licensure by prior practice.** (a) The ~~board~~ DIRECTOR shall
18 adopt rules authorizing the issuance of a license to qualified candidates
19 who practiced landscape architecture before January 1, 2008.

20 (b) The following evidence, as verified by the ~~board~~ DIRECTOR,
21 shall be acceptable as proof that a candidate is qualified for licensure by
22 prior practice:

23 (I) (B) Evidence of at least six years of practical experience in the
24 practice of landscape architecture sufficient to satisfy the ~~board~~ DIRECTOR
25 that the applicant has minimum competence in the practice of landscape
26 architecture; or

27 (II) Evidence that the applicant has at least ten years of practical

1 experience in the practice of landscape architecture sufficient to satisfy
2 the ~~board~~ DIRECTOR that the applicant has minimum competence in the
3 practice of landscape architecture.

4 (d) The ~~board~~ DIRECTOR may develop or adopt a supplementary
5 examination to measure the minimum competence of applicants for
6 licensure by prior practice. The supplementary examination shall be
7 administered at the discretion of the ~~board~~ DIRECTOR when an applicant
8 for licensure by prior practice has otherwise failed to sufficiently
9 demonstrate minimum competence.

10 (6) **Issuance of license.** Upon application and satisfaction of the
11 requirements of this section, the ~~board~~ DIRECTOR shall issue a license to
12 practice landscape architecture. The ~~board~~ DIRECTOR is not required to
13 issue a license if the applicant is subject to discipline pursuant to this
14 ~~article~~ ARTICLE 45.

15 (7) **Lapse of application.** If an applicant fails to meet the
16 licensing requirements within three years after filing an application, the
17 application ~~shall be~~ IS void. The ~~board~~ DIRECTOR may authorize an
18 applicant for licensure by examination to reattempt the examination
19 without limitation and may exempt an applicant from this subsection (7)
20 so long as the applicant reattempts the examination within thirty-one
21 months after the last examination.

22 (8) **Renewal and reinstatement.** All licenses shall expire
23 pursuant to a schedule established by the director. Licenses shall be
24 renewed or reinstated pursuant to section 24-34-102 (8). ~~€R.S.~~ The
25 director may establish renewal fees and delinquency fees for
26 reinstatement pursuant to section 24-34-105. ~~€R.S.~~ If a person fails to
27 renew his or her license pursuant to the schedule established by the

1 director, the license ~~shall expire~~ EXPIRES. Any person whose license has
2 expired ~~shall be~~ IS subject to penalties provided in this ~~article~~ ARTICLE 45
3 or in section 24-34-102 (8). ~~C.R.S. All fees collected under this article~~
4 ~~shall be deposited in accordance with section 12-45-111.~~

5 **SECTION 11.** In Colorado Revised Statutes, 12-45-113, **amend**
6 (1), (2) introductory portion, (2)(e), (2)(f), and (2)(j) as follows:

7 **12-45-113. Grounds for disciplinary action.** (1) The ~~board~~
8 DIRECTOR shall investigate the activities of a licensee or other person
9 upon ~~its~~ HIS OR HER own motion or upon the receipt of a written, signed
10 complaint alleging grounds for disciplinary action under this ~~article~~
11 ARTICLE 45.

12 (2) Grounds for disciplinary action ~~shall~~ include:

13 (e) Violation of or aiding or abetting in the violation of this ~~article~~
14 ARTICLE 45, a rule promulgated by the ~~board~~ DIRECTOR under this ~~article~~
15 ARTICLE 45, or an order of the ~~board~~ DIRECTOR issued under this ~~article~~
16 ARTICLE 45;

17 (f) Being convicted of or pleading nolo contendere to a felony in
18 Colorado or to any crime outside Colorado that would constitute a felony
19 in Colorado, if the felony or other crime concerns the practice of
20 landscape architecture. A certified copy of the judgment of a court of
21 competent jurisdiction of a conviction or plea shall be presumptive
22 evidence of the conviction or plea in any hearing under this ~~article~~
23 ARTICLE 45. The ~~board~~ DIRECTOR shall be governed by section 24-5-101
24 ~~C.R.S.~~, when considering the conviction or plea.

25 (j) Failure to report to the ~~board~~ DIRECTOR a landscape architect
26 known to have violated this ~~article~~ ARTICLE 45 or any ~~board~~ order or rule
27 OF THE DIRECTOR. Potential violations of this ~~paragraph (j)~~ SUBSECTION

1 (2)(j) include knowledge of an action or arbitration in which claims
2 regarding the life and safety of the users of a site are alleged.

3 **SECTION 12.** In Colorado Revised Statutes, **amend** 12-45-114
4 as follows:

5 **12-45-114. Disciplinary actions by director - licenses denied,**
6 **suspended, or revoked - cease-and-desist orders.** (1) The ~~board~~
7 DIRECTOR may deny, refuse to renew, suspend, or revoke any license, may
8 place a licensee on probation, may place conditions or limitations on the
9 license, or may impose a censure or fine if, after notice and hearing, the
10 ~~board~~ DIRECTOR determines that the licensee has committed any of the
11 acts specified in section 12-45-113.

12 (2) (a) When a complaint or investigation discloses an instance of
13 misconduct that, in the ~~board's~~ DIRECTOR'S opinion, does not warrant
14 formal action but that should not be dismissed as being without merit, the
15 ~~board~~ DIRECTOR may issue and send to the licensee, by certified mail, a
16 written letter of admonition.

17 (b) When a letter of admonition is sent by the ~~board~~ DIRECTOR, the
18 licensee shall be advised that he or she has the right to request, within
19 twenty days after receipt of the letter, that formal disciplinary proceedings
20 be initiated to adjudicate the propriety of the conduct upon which the
21 letter of admonition is based.

22 (c) Upon receipt of a timely request for adjudication pursuant to
23 ~~paragraph (b) of this subsection~~ (2) SUBSECTION (2)(b) OF THIS SECTION,
24 the ~~board~~ DIRECTOR shall void the letter of admonition and shall institute
25 formal disciplinary proceedings to address the matter.

26 (3) When a complaint or investigation discloses an instance of
27 conduct that does not warrant formal action by the ~~board~~ DIRECTOR and,

1 in the opinion of the ~~board~~ DIRECTOR, the complaint should be dismissed,
2 but the ~~board~~ DIRECTOR has noticed indications of possible errant conduct
3 by the licensee that could lead to serious consequences if not corrected,
4 a confidential letter of concern may be issued to the licensee. The
5 confidential letter of concern and notice of the issuance of the letter shall
6 be sent to the licensee by certified mail. Issuance of a confidential letter
7 of concern shall not be construed to be discipline.

8 (4) When a complaint or investigation discloses an instance of
9 misconduct that, in the opinion of the ~~board~~ DIRECTOR, warrants formal
10 action, the complaint shall not be resolved by a deferred settlement,
11 action, judgment, or prosecution.

12 (5) If the ~~board~~ DIRECTOR determines that a person licensed to
13 practice landscape architecture pursuant to this ~~article~~ ARTICLE 45 is
14 subject to disciplinary action under this section, the ~~board~~ DIRECTOR may,
15 in lieu of or in addition to other discipline, require a licensee to take
16 courses of professional training or education. The ~~board~~ DIRECTOR shall
17 determine the educational conditions to be imposed on the licensee,
18 including ~~but not limited to~~, the type and number of hours of training or
19 education. All training or education courses are subject to approval by the
20 ~~board~~ DIRECTOR, and the licensee shall furnish proof of satisfactory
21 completion of the training or education.

22 (6) (a) If it appears to the ~~board~~ DIRECTOR, based upon credible
23 evidence as presented in a written complaint by any person, that a
24 licensee is acting in a manner that is an imminent threat to the health and
25 safety of the public, or a person is acting or has acted without the required
26 license, the ~~board~~ DIRECTOR may issue an order to cease and desist such
27 activity. The order shall set forth the statutes and rules alleged to have

1 been violated, the facts alleged to have constituted the violation, and the
2 requirement that all unlawful acts or unlicensed or unregistered practices
3 immediately cease.

4 (b) Within ten days after service of the order to cease and desist
5 pursuant to ~~paragraph (a) of this subsection (6)~~ SUBSECTION (6)(a) OF THIS
6 SECTION, the respondent may request a hearing on the question of whether
7 acts or practices in violation of this ~~article~~ ARTICLE 45 have occurred.
8 Such hearing shall be conducted pursuant to sections 24-4-104 and
9 24-4-105. ~~C.R.S.~~

10 (7) (a) If it appears to the ~~board~~ DIRECTOR, based upon credible
11 evidence as presented in a written complaint by any person, that a person
12 has violated any other portion of this ~~article~~ ARTICLE 45, then, in addition
13 to any specific powers granted pursuant to this ~~article~~ ARTICLE 45, the
14 ~~board~~ DIRECTOR may issue to such person an order to show cause as to
15 why the ~~board~~ DIRECTOR should not issue a final order directing the
16 person to cease and desist from the unlawful act or unlicensed practice.

17 (b) A person against whom an order to show cause has been
18 issued pursuant to ~~paragraph (a) of this subsection (7)~~ SUBSECTION (7)(a)
19 OF THIS SECTION shall be promptly notified by the ~~board~~ DIRECTOR of the
20 issuance of the order, along with a copy of the order, the factual and legal
21 basis for the order, and the date set by the ~~board~~ DIRECTOR for a hearing
22 on the order. Such notice may be served by personal service, by first-class
23 United States mail, postage prepaid, or as may be practicable upon any
24 person against whom the order is issued. Personal service or mailing of
25 an order or document pursuant to this subsection (7) ~~shall constitute~~
26 CONSTITUTES notice of the order and hearing to the person.

27 (c) (I) The hearing on an order to show cause shall be commenced

1 no sooner than ten and no later than forty-five calendar days after the date
2 of transmission or service of the notification by the ~~board~~ DIRECTOR as
3 provided in ~~paragraph (b) of this subsection (7)~~ SUBSECTION (7)(b) OF
4 THIS SECTION. The hearing may be continued by agreement of all parties
5 based upon the complexity of the matter, number of parties to the matter,
6 and legal issues presented in the matter, but in no event shall the hearing
7 commence later than sixty calendar days after the date of transmission or
8 service of the notification.

9 (II) If a person against whom an order to show cause has been
10 issued pursuant to ~~paragraph (a) of this subsection (7)~~ SUBSECTION (7)(a)
11 OF THIS SECTION does not appear at the hearing, the ~~board~~ DIRECTOR may
12 present evidence that notification was properly sent or served upon such
13 person pursuant to ~~paragraph (b) of this subsection (7)~~ SUBSECTION (7)(b)
14 OF THIS SECTION and such other evidence related to the matter as the
15 ~~board~~ DIRECTOR deems appropriate. The ~~board~~ DIRECTOR shall issue the
16 order within ten days after the ~~board's~~ DIRECTOR'S determination related
17 to reasonable attempts to notify the respondent, and the order shall
18 become final as to that person by operation of law. Such hearing shall be
19 conducted pursuant to sections 24-4-104 and 24-4-105. ~~C.R.S.~~

20 (III) If the ~~board~~ DIRECTOR reasonably finds that the person
21 against 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 or
23 practices constituting violations of this ~~article~~ ARTICLE 45, THE DIRECTOR
24 MAY ISSUE a final cease-and-desist order ~~may be issued~~, directing the
25 person to cease and desist from further unlawful acts or unlicensed
26 practice.

27 (IV) The ~~board~~ DIRECTOR shall provide notice, in the manner set

1 forth in ~~paragraph (b) of this subsection (7)~~ SUBSECTION (7)(b) OF THIS
2 SECTION, of the final cease-and-desist order within ten calendar days after
3 the hearing conducted pursuant to this ~~paragraph (c)~~ SUBSECTION (7)(c)
4 to each person against whom the final order has been issued. The final
5 order issued pursuant to ~~subparagraph (III) of this paragraph~~ SUBSECTION
6 (7)(c)(III) OF THIS SECTION shall be effective when issued and shall be a
7 final order for purposes of judicial review.

8 (8) If it appears to the ~~board~~ DIRECTOR, based upon credible
9 evidence presented to the ~~board~~ DIRECTOR, that a person has engaged in
10 or is about to engage in any unlicensed act or practice, any act or practice
11 constituting a violation of this ~~article~~ ARTICLE 45, any rule promulgated
12 pursuant to this ~~article~~ ARTICLE 45, any order issued pursuant to this
13 ~~article~~ ARTICLE 45, or any act or practice constituting grounds for
14 administrative sanction pursuant to this ~~article~~ ARTICLE 45, the ~~board~~
15 DIRECTOR may enter into a stipulation with ~~such~~ THE person.

16 (9) If any person fails to comply with a final cease-and-desist
17 order or a stipulation, the ~~board~~ DIRECTOR may request the attorney
18 general or the district attorney for the judicial district in which the alleged
19 violation exists to bring, and if so requested ~~such~~ THE attorney shall bring,
20 suit for a temporary restraining order and for injunctive relief to prevent
21 any further or continued violation of the final order OR STIPULATION.

22 (10) Any disciplinary action taken by the ~~board~~ DIRECTOR and
23 judicial review of such action shall be in accordance with the provisions
24 of article 4 of title 24, ~~C.R.S.~~, and the hearing and opportunity for review
25 shall be conducted pursuant to said article by the ~~board~~ DIRECTOR or an
26 administrative law judge at the ~~board's~~ DIRECTOR'S discretion.

27 (11) A person aggrieved by the final cease-and-desist order may

1 seek judicial review of the ~~board's~~ DIRECTOR'S determination or of the
2 ~~board's~~ DIRECTOR'S final order as provided in section 12-45-116.

3 (12) (a) In addition to the penalties provided for in this section,
4 and in lieu of revoking a license upon a finding of misconduct by the
5 ~~board~~ DIRECTOR, a person who violates this ~~article~~ ARTICLE 45 or rules
6 promulgated pursuant to this ~~article~~ ARTICLE 45 may be punished by a
7 fine not to exceed five thousand dollars.

8 (b) A fine collected pursuant to this subsection (12) shall be
9 transmitted to the state treasurer, who shall credit the same to the general
10 fund.

11 (13) Except as provided in subsection (14) of this section, a
12 license that is revoked shall not be reinstated within two years after the
13 effective date of the revocation.

14 (14) On its own motion or upon application after the imposition
15 of discipline, the ~~board~~ DIRECTOR may reconsider ~~its~~ HIS OR HER prior
16 action and reinstate a license, terminate suspension or probation, or
17 reduce the severity of ~~its~~ THE prior disciplinary action.

18 **SECTION 13.** In Colorado Revised Statutes, **amend** 12-45-116
19 as follows:

20 **12-45-116. Judicial review.** A person aggrieved by a final action
21 or order of the ~~board~~ DIRECTOR may seek judicial review pursuant to
22 section 24-4-106. ~~C.R.S.~~

23 **SECTION 14.** In Colorado Revised Statutes, 12-45-117, **amend**
24 (1) and (3) as follows:

25 **12-45-117. Landscape architect's stamp.** (1) A licensed
26 landscape architect shall obtain a stamp of a design authorized by the
27 ~~board~~ DIRECTOR. The stamp shall bear the name, date of licensing, and

1 license number of the landscape architect, together with the legend
2 "Colorado - Licensed Landscape Architect".

3 (3) The ~~board~~ DIRECTOR, by rule, may authorize the use of an
4 electronic stamp, an electronic seal, and recording of electronic records
5 in a manner substantially equivalent to the requirements of subsections
6 (1) and (2) of this section.

7 **SECTION 15.** In Colorado Revised Statutes, **repeal** 12-45-105.

8 **SECTION 16. Effective date.** This act takes effect July 1, 2017;
9 except that sections 3 to 15 of this act take effect July 1, 2018.

10 **SECTION 17. Safety clause.** The general assembly hereby finds,
11 determines, and declares that this act is necessary for the immediate
12 preservation of the public peace, health, and safety.