

CHAPTER 334

PROFESSIONS AND OCCUPATIONS

SENATE BILL 07-107

BY SENATOR(S) Tapia, Bacon, Boyd, Groff, Isgar, Keller, Kester, McElhany, Penry, Romer, Shaffer, Tochtrop, Veiga, Williams, and Windels;
 also REPRESENTATIVE(S) Borodkin, Benefield, Butcher, Curry, Frangas, Gallegos, Hodge, Jahn, Kerr J., Marshall, McGihon, Merrifield, Pommer, Rice, Riesberg, Solano, Soper, Todd, White, Fischer, and Levy.

AN ACT

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

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

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

ARTICLE 45
Landscape Architects

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

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

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

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

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

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

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

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

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

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

(7) "PLANNING" MEANS PREPARING LAYOUTS AND SCHEMES FOR LAND AREAS, INFRASTRUCTURE SYSTEMS, FACILITIES, OR OBJECTS. "PLANNING" INCLUDES TECHNICAL DOCUMENTATION.

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

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

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

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

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

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

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

12-45-104. License required. ON AND AFTER JANUARY 1, 2008, A PERSON

SHALL NOT PRACTICE LANDSCAPE ARCHITECTURE OR REPRESENT HIMSELF OR HERSELF AS A LANDSCAPE ARCHITECT UNLESS THE PERSON HAS A LICENSE ISSUED BY THE BOARD. A PERSON LICENSED BY THE BOARD IS ENTITLED TO USE THE STAMP SPECIFIED IN SECTION 12-45-117, WHICH SHALL CONSTITUTE A PROFESSIONAL CREDENTIAL ATTESTING TO THE MINIMUM COMPETENCE OF THE LANDSCAPE ARCHITECT.

12-45-105. Board - composition - appointments - terms. (1) THERE IS HEREBY CREATED IN THE DIVISION THE COLORADO STATE BOARD OF LANDSCAPE ARCHITECTS. THE BOARD SHALL CONSIST OF FIVE MEMBERS WHO SHALL HAVE THE FOLLOWING QUALIFICATIONS:

(a) THREE MEMBERS SHALL:

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

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

(III) BE RESIDENTS OF THE STATE OF COLORADO.

(b) (I) TWO MEMBERS SHALL:

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

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

(C) BE RESIDENTS OF THE STATE OF COLORADO.

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

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

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

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

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

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

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

(b) TO EXAMINE LICENSE APPLICANTS FOR QUALIFICATIONS;

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

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

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

(II) UPON FAILURE OF ANY WITNESS TO COMPLY WITH SUCH SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS, UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO THE PERSON OR LICENSEE AN ORDER REQUIRING THAT PERSON OR LICENSEE TO APPEAR BEFORE THE DIRECTOR; TO PRODUCE THE RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, OR MATERIALS IF SO ORDERED; OR TO GIVE EVIDENCE TOUCHING THE MATTER UNDER INVESTIGATION OR IN QUESTION. FAILURE TO OBEY THE ORDER OF THE COURT MAY BE PUNISHED BY THE COURT AS A CONTEMPT OF COURT.

(f) TO ADOPT AND USE A SEAL;

(g) TO CONDUCT HEARINGS IN ACCORDANCE WITH SECTION 24-4-105, C.R.S., UPON COMPLAINTS CONCERNING THE CONDUCT OF LANDSCAPE ARCHITECTS; EXCEPT

THAT THE BOARD MAY APPOINT AN ADMINISTRATIVE LAW JUDGE PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., TO CONDUCT SUCH HEARINGS;

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

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

(j) TO DENY THE ISSUANCE OR RENEWAL OF, SUSPEND FOR A SPECIFIED PERIOD, OR REVOKE A LICENSE; ISSUE A LETTER OF ADMONITION TO OR CENSURE OR PLACE ON PROBATION ANY PERSON WHO, WHILE HOLDING A LANDSCAPE ARCHITECT LICENSE, VIOLATES ANY PROVISION OF THIS ARTICLE; ISSUE CONFIDENTIAL LETTERS OF CONCERN; ISSUE CEASE AND DESIST ORDERS; OR IMPOSE OTHER CONDITIONS OR LIMITATIONS ON A LICENSEE.

12-45-108. Management of fees and expenses of board. (1) FEES COLLECTED PURSUANT TO SECTION 12-45-111 SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME IN ACCORDANCE WITH SECTION 24-34-105, C.R.S. THE GENERAL ASSEMBLY SHALL MAKE ANNUAL APPROPRIATIONS PURSUANT TO SAID SECTION FOR THE EXPENDITURES OF THE BOARD.

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

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

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

12-45-110. Licensure - application - qualifications. (1) **Application.** (a) AN APPLICATION FOR LICENSURE SHALL INCLUDE EVIDENCE OF THE EDUCATION AND PRACTICAL EXPERIENCE REQUIRED BY THIS SECTION AND THE RULES OF THE BOARD.

(b) A PERSON APPLYING FOR LICENSURE UNDER THIS ARTICLE SHALL DISCLOSE WHETHER HE OR SHE HAS BEEN DENIED LICENSURE OR DISCIPLINED AS A LANDSCAPE ARCHITECT OR PRACTICED LANDSCAPE ARCHITECTURE IN VIOLATION OF THIS ARTICLE. IF AN APPLICANT HAS VIOLATED THIS ARTICLE, THE BOARD MAY DENY AN APPLICATION FOR LICENSURE. WHEN DETERMINING WHETHER A PERSON HAS VIOLATED THIS ARTICLE, SECTION 24-5-101, C.R.S., SHALL GOVERN THE BOARD'S ACTIONS.

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

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

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

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

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

(a) THE BOARD MAY REQUIRE EITHER:

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

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

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

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

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

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

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

(II) THE BOARD MAY ADOPT THE EXAMINATIONS, RECOMMENDED GRADING PROCEDURES, AND EDUCATIONAL AND PRACTICAL EXPERIENCE REQUIREMENTS AND

EQUIVALENTS OF THE COUNCIL OF LANDSCAPE ARCHITECTURAL REGISTRATION BOARDS OR A SUCCESSOR ORGANIZATION IF SUCH EXAMINATIONS, PROCEDURES, AND REQUIREMENTS AND EQUIVALENTS DO NOT CONFLICT WITH THE REQUIREMENTS OF THIS ARTICLE.

(3) Licensure by examination. (a) BEFORE BEING LICENSED PURSUANT TO THIS SUBSECTION (3), AN APPLICANT FOR LICENSURE BY EXAMINATION SHALL PASS AN EXAMINATION DEVELOPED OR ADOPTED BY THE BOARD TO MEASURE THE MINIMUM LEVEL OF COMPETENCE.

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

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

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

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

(c) THE BOARD MAY DEVELOP OR ADOPT A SUPPLEMENTARY EXAMINATION TO MEASURE THE MINIMUM COMPETENCE OF APPLICANTS FOR LICENSURE BY ENDORSEMENT. THE SUPPLEMENTARY EXAMINATION SHALL BE ADMINISTERED AT THE DISCRETION OF THE BOARD WHEN AN APPLICANT FOR LICENSURE BY ENDORSEMENT HAS OTHERWISE FAILED TO SUFFICIENTLY DEMONSTRATE MINIMUM COMPETENCE.

(5) Licensure by prior practice. (a) THE BOARD SHALL ADOPT RULES AUTHORIZING THE ISSUANCE OF A LICENSE TO QUALIFIED CANDIDATES WHO PRACTICED LANDSCAPE ARCHITECTURE BEFORE JANUARY 1, 2008.

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

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

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

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

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

(d) THE BOARD MAY DEVELOP OR ADOPT A SUPPLEMENTARY EXAMINATION TO MEASURE THE MINIMUM COMPETENCE OF APPLICANTS FOR LICENSURE BY PRIOR PRACTICE. THE SUPPLEMENTARY EXAMINATION SHALL BE ADMINISTERED AT THE DISCRETION OF THE BOARD WHEN AN APPLICANT FOR LICENSURE BY PRIOR PRACTICE HAS OTHERWISE FAILED TO SUFFICIENTLY DEMONSTRATE MINIMUM COMPETENCE.

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

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

(8) **Renewal and reinstatement.** ALL LICENSES SHALL EXPIRE PURSUANT TO A SCHEDULE ESTABLISHED BY THE DIRECTOR. LICENSES SHALL BE RENEWED OR REINSTATED PURSUANT TO SECTION 24-34-102 (8), C.R.S. THE DIRECTOR MAY ESTABLISH RENEWAL FEES AND DELINQUENCY FEES FOR REINSTATEMENT PURSUANT TO SECTION 24-34-105, C.R.S. IF A PERSON FAILS TO RENEW HIS OR HER LICENSE PURSUANT TO THE SCHEDULE ESTABLISHED BY THE DIRECTOR, THE LICENSE SHALL EXPIRE. ANY PERSON WHOSE LICENSE HAS EXPIRED SHALL BE SUBJECT TO PENALTIES PROVIDED IN THIS ARTICLE OR IN SECTION 24-34-102 (8), C.R.S. ALL FEES COLLECTED UNDER THIS ARTICLE SHALL BE DEPOSITED IN ACCORDANCE WITH SECTION 12-45-111.

12-45-111. Fees. THE DIRECTOR SHALL ESTABLISH A SCHEDULE OF REASONABLE FEES FOR APPLICATIONS, LICENSES, RENEWAL OF LICENSES, INACTIVE STATUS, AND LATE FEES. THE FEES SHALL BE SET, COLLECTED, AND CREDITED PURSUANT TO SECTION 24-34-105, C.R.S.

12-45-112. Professional liability. (1) THE SHAREHOLDERS, MEMBERS, OR

PARTNERS OF AN ENTITY THAT PRACTICES LANDSCAPE ARCHITECTURE ARE LIABLE FOR THE ACTS, ERRORS, AND OMISSIONS OF THE EMPLOYEES, MEMBERS, AND PARTNERS OF THE ENTITY, EXCEPT WHEN THE ENTITY MAINTAINS A QUALIFYING POLICY OF PROFESSIONAL LIABILITY INSURANCE AS SET FORTH IN SUBSECTION (2) OF THIS SECTION.

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

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

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

(b) IN ADDITION, THE POLICY MAY INCLUDE:

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

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

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

(C) THE CONDUCT OF A BUSINESS ENTERPRISE IN WHICH THE INSURED ENTITY MAY BE A PARTNER OR THAT MAY BE CONTROLLED, OPERATED, OR MANAGED BY THE INSURED ENTITY IN ITS OWN OR IN A FIDUCIARY CAPACITY, INCLUDING, BUT NOT LIMITED TO, THE OWNERSHIP, MAINTENANCE, OR USE OF PROPERTY;

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

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

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

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

(2) GROUNDS FOR DISCIPLINARY ACTION SHALL INCLUDE:

(a) FRAUD OR A MATERIAL MISSTATEMENT OF FACT MADE IN PROCURING OR

ATTEMPTING TO PROCURE A LICENSE;

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

(c) FRAUD OR DECEIT IN THE PRACTICE OF LANDSCAPE ARCHITECTURE;

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

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

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

(g) USE OF FALSE, DECEPTIVE, OR MISLEADING ADVERTISING;

(h) HABITUAL OR EXCESSIVE USE OR ABUSE OF ALCOHOL OR A HABIT-FORMING DRUG OR HABITUAL USE OF A CONTROLLED SUBSTANCE, AS DEFINED IN SECTION 18-18-102 (5), C.R.S., OR OTHER DRUG HAVING SIMILAR EFFECTS, WHEN THE USE OR ABUSE RENDERS THE LANDSCAPE ARCHITECT UNFIT TO ENGAGE IN THE PRACTICE OF LANDSCAPE ARCHITECTURE;

(i) USE OF A SCHEDULE I CONTROLLED SUBSTANCE, AS DEFINED IN SECTION 18-18-203, C.R.S.;

(j) FAILURE TO REPORT TO THE BOARD A LANDSCAPE ARCHITECT KNOWN TO HAVE VIOLATED THIS ARTICLE OR ANY BOARD ORDER OR RULE. POTENTIAL VIOLATIONS OF THIS PARAGRAPH (j) INCLUDE KNOWLEDGE OF AN ACTION OR ARBITRATION IN WHICH CLAIMS REGARDING THE LIFE AND SAFETY OF THE USERS OF A SITE ARE ALLEGED.

(k) MAKING OR OFFERING A SUBSTANTIAL GIFT TO INFLUENCE A PROSPECTIVE OR EXISTING CLIENT OR EMPLOYER TO USE OR REFRAIN FROM USING A SPECIFIC LANDSCAPE ARCHITECT;

(l) FAILURE TO EXERCISE ADEQUATE PROFESSIONAL SUPERVISION OF PERSONS ASSISTING IN THE PRACTICE OF LANDSCAPE ARCHITECTURE UNDER A LICENSED LANDSCAPE ARCHITECT;

(m) PERFORMING SERVICES BEYOND THE COMPETENCE, TRAINING, OR EDUCATION OF A LANDSCAPE ARCHITECT;

(n) SELLING, FRAUDULENTLY OBTAINING, OR FRAUDULENTLY FURNISHING A LICENSE OR RENEWAL OF A LICENSE TO PRACTICE LANDSCAPE ARCHITECTURE;

(o) PRACTICING LANDSCAPE ARCHITECTURE OR ADVERTISING, REPRESENTING, OR HOLDING ONESELF OUT AS A LICENSED LANDSCAPE ARCHITECT OR USING THE TITLE "LANDSCAPE ARCHITECT" OR "LICENSED LANDSCAPE ARCHITECT" UNLESS THE PERSON IS LICENSED PURSUANT TO THIS ARTICLE; OR

(p) OTHERWISE VIOLATING ANY PROVISION OF THIS ARTICLE.

(3) A DISCIPLINARY ACTION IN ANOTHER STATE OR JURISDICTION TAKEN ON GROUNDS THAT WOULD CONSTITUTE A VIOLATION UNDER THIS ARTICLE SHALL BE PRIMA FACIE EVIDENCE OF GROUNDS FOR DISCIPLINARY ACTION UNDER THIS SECTION.

12-45-114. Disciplinary actions by board - licenses denied, suspended, or revoked - cease and desist orders. (1) THE BOARD MAY DENY, REFUSE TO RENEW, SUSPEND, OR REVOKE ANY LICENSE, MAY PLACE A LICENSEE ON PROBATION, MAY PLACE CONDITIONS OR LIMITATIONS ON THE LICENSE, OR MAY IMPOSE A CENSURE OR FINE IF, AFTER NOTICE AND HEARING, THE BOARD DETERMINES THAT THE LICENSEE HAS COMMITTED ANY OF THE ACTS SPECIFIED IN SECTION 12-45-113.

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

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

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

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

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

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

(6) (a) IF IT APPEARS TO THE BOARD, BASED UPON CREDIBLE EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY PERSON, THAT A LICENSEE IS ACTING IN A MANNER THAT IS AN IMMINENT THREAT TO THE HEALTH AND SAFETY OF THE PUBLIC, OR A PERSON IS ACTING OR HAS ACTED WITHOUT THE REQUIRED LICENSE, THE BOARD MAY ISSUE AN ORDER TO CEASE AND DESIST SUCH ACTIVITY. THE ORDER SHALL SET FORTH THE STATUTES AND RULES ALLEGED TO HAVE BEEN VIOLATED, THE FACTS ALLEGED TO HAVE CONSTITUTED THE VIOLATION, AND THE REQUIREMENT THAT ALL UNLAWFUL ACTS OR UNLICENSED OR UNREGISTERED PRACTICES IMMEDIATELY CEASE.

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

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

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

(c) (I) THE HEARING ON AN ORDER TO SHOW CAUSE SHALL BE COMMENCED NO

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

(II) IF A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (7) DOES NOT APPEAR AT THE HEARING, THE BOARD MAY PRESENT EVIDENCE THAT NOTIFICATION WAS PROPERLY SENT OR SERVED UPON SUCH PERSON PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (7) AND SUCH OTHER EVIDENCE RELATED TO THE MATTER AS THE BOARD DEEMS APPROPRIATE. THE BOARD SHALL ISSUE THE ORDER WITHIN TEN DAYS AFTER THE BOARD'S DETERMINATION RELATED TO REASONABLE ATTEMPTS TO NOTIFY THE RESPONDENT, AND THE ORDER SHALL BECOME FINAL AS TO THAT PERSON BY OPERATION OF LAW. SUCH HEARING SHALL BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105, C.R.S.

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

(IV) THE BOARD SHALL PROVIDE NOTICE, IN THE MANNER SET FORTH IN PARAGRAPH (b) OF THIS SUBSECTION (7), OF THE FINAL CEASE AND DESIST ORDER WITHIN TEN CALENDAR DAYS AFTER THE HEARING CONDUCTED PURSUANT TO THIS PARAGRAPH (c) TO EACH PERSON AGAINST WHOM THE FINAL ORDER HAS BEEN ISSUED. THE FINAL ORDER ISSUED PURSUANT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH (c) SHALL BE EFFECTIVE WHEN ISSUED AND SHALL BE A FINAL ORDER FOR PURPOSES OF JUDICIAL REVIEW.

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

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

(10) ANY DISCIPLINARY ACTION TAKEN BY THE BOARD AND JUDICIAL REVIEW OF

SUCH ACTION SHALL BE IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 4 OF TITLE 24, C.R.S., AND THE HEARING AND OPPORTUNITY FOR REVIEW SHALL BE CONDUCTED PURSUANT TO SAID ARTICLE BY THE BOARD OR AN ADMINISTRATIVE LAW JUDGE AT THE BOARD'S DISCRETION.

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

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

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

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

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

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

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

12-45-116. Judicial review. A PERSON AGGRIEVED BY A FINAL ACTION OR ORDER OF THE BOARD MAY SEEK JUDICIAL REVIEW PURSUANT TO SECTION 24-4-106, C.R.S.

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

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

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

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

(c) THE STAMP AND THE DATE THE DOCUMENT IS STAMPED SHALL BE PLACED ON THE COVER, TITLE PAGE, AND TABLE OF CONTENTS OF SPECIFICATIONS AND ON EACH REPRODUCTION OF DRAWINGS PREPARED UNDER THE DIRECT SUPERVISION OF THE LANDSCAPE ARCHITECT.

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

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

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

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

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

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

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

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

(b) THE PRACTICE OF PROFESSIONAL ENGINEERING BY REGISTERED PROFESSIONAL ENGINEERS PURSUANT TO PART 1 OF ARTICLE 25 OF THIS TITLE;

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

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

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

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

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

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

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

12-45-119. Architecture, engineering, and surveying. NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO AUTHORIZE A LANDSCAPE ARCHITECT TO ENGAGE IN THE PRACTICE OF ARCHITECTURE, AS DEFINED IN PART 3 OF ARTICLE 25 OF THIS TITLE, THE PRACTICE OF ENGINEERING, AS DEFINED IN PART 1 OF ARTICLE 25 OF THIS TITLE, OR PROFESSIONAL LAND SURVEYING, AS DEFINED IN PART 2 OF ARTICLE 25 OF THIS TITLE.

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

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

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (48) THE FOLLOWING AGENCIES, FUNCTIONS, OR BOTH, SHALL TERMINATE ON JULY 1, 2017: THE LICENSING OF LANDSCAPE ARCHITECTS AND THE COLORADO STATE BOARD OF LANDSCAPE ARCHITECTS IN THE DEPARTMENT OF REGULATORY AGENCIES IN ACCORDANCE WITH ARTICLE 45 OF TITLE 12, C.R.S.

SECTION 3. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the division of registrations cash fund created in section 24-34-105 (2) (b) (I), Colorado Revised Statutes, not otherwise appropriated, to the department of regulatory agencies, for allocation to the executive director's office, for legal services, for the fiscal year beginning July 1, 2007, the sum of twenty-nine thousand one hundred forty-one dollars (\$29,141), or

so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the division of registrations cash fund created in section 24-34-105 (2) (b) (I), Colorado Revised Statutes, not otherwise appropriated, to the department of regulatory agencies, for allocation to the division of registrations, for regulation of landscape architects, for the fiscal year beginning July 1, 2007, the sum of one hundred forty-three thousand six hundred ninety-five dollars (\$143,695) and 1.6 FTE, or so much thereof as may be necessary, for the implementation of this act.

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

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

Approved: May 30, 2007