

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5273

61st Legislature
2009 Regular Session

Passed by the Senate April 20, 2009
YEAS 30 NAYS 18

President of the Senate

Passed by the House April 9, 2009
YEAS 62 NAYS 36

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5273** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5273

AS AMENDED BY THE HOUSE

Passed Legislature - 2009 Regular Session

State of Washington 61st Legislature 2009 Regular Session

By Senate Labor, Commerce & Consumer Protection (originally sponsored by Senators Murray, Jacobsen, McDermott, Franklin, and Kohl-Welles)

READ FIRST TIME 02/09/09.

1 AN ACT Relating to the practice of landscape architecture; amending
2 RCW 18.96.010, 18.96.020, 18.96.030, 18.96.040, 18.96.060, 18.96.070,
3 18.96.080, 18.96.090, 18.96.100, 18.96.110, 18.96.120, 18.96.140,
4 18.96.150, 18.96.180, 18.96.190, 43.24.150, and 18.235.020; adding new
5 sections to chapter 18.96 RCW; creating a new section; repealing RCW
6 18.96.050, 18.96.160, and 18.96.170; prescribing penalties; providing
7 effective dates; and declaring an emergency.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

9 NEW SECTION. **Sec. 1.** The legislature finds that in order to
10 safeguard life, health, and property and to promote public welfare, it
11 is necessary to regulate the practice of landscape architecture, based
12 on the first action taken to regulate the profession in 1969, and
13 subsequent review in year 1988 along with review and revisions in 2009.

14 **Sec. 2.** RCW 18.96.010 and 1969 ex.s. c 158 s 1 are each amended to
15 read as follows:

16 In order to safeguard human health and property, and to promote the
17 public welfare, any person in either public or private capacity
18 practicing or offering to practice landscape architecture for hire((7))

1 shall be required to submit evidence that he or she is qualified so to
2 practice and shall be (~~(registered)~~) licensed under the provisions of
3 this chapter.

4 **Sec. 3.** RCW 18.96.020 and 1969 ex.s. c 158 s 2 are each amended to
5 read as follows:

6 (1) It (~~(shall be)~~) is unlawful for any person to (~~(use, or~~
7 ~~advertise the title landscape architect, landscape architecture, or~~
8 ~~landscape architectural, unless such person has duly registered under~~
9 ~~the provisions of this chapter)) practice or offer to practice in this~~
10 ~~state, landscape architecture, or to use in connection with his or her~~
11 ~~name or otherwise assume, use, or advertise any title or description~~
12 ~~including the phrases "landscape architect," "landscape architecture,"~~
13 ~~"landscape architectural," or language tending to imply that he or she~~
14 ~~is a landscape architect, unless the person is licensed or authorized~~
15 ~~to practice in the state of Washington under this chapter.~~

16 (2) A person may use the title "intern landscape architect" after
17 graduation from an accredited degree program in landscape architecture
18 and working under the direct supervision of a licensed landscape
19 architect.

20 (3) This section does not affect the use of the phrases "landscape
21 architect," "landscape architecture," or "landscape architectural"
22 where a person does not practice or offer to practice landscape
23 architecture.

24 **Sec. 4.** RCW 18.96.030 and 1979 c 158 s 73 are each amended to read
25 as follows:

26 (~~The following words and phrases as hereinafter used in this~~
27 ~~chapter shall have the following meanings:~~

28 ~~"Director" means the director of licensing of the state of~~
29 ~~Washington.)) The definitions in this section apply throughout this
30 chapter, unless the context clearly requires otherwise.~~

31 (1) "Administration of the construction contract" means the
32 periodic observation of materials and work to observe the general
33 compliance with the construction contract documents, and does not
34 include responsibility for supervising construction methods and
35 processes, site conditions, equipment operations, personnel, or safety
36 on the worksite.

1 (2) "Board" means the state board of ((registration)) licensure for
2 landscape architects.

3 (3) "Certificate of licensure" means the certificate issued by the
4 director to newly licensed landscape architects.

5 (4) "Department" means the department of licensing.

6 (5) "Design" means the conceiving, planning, delineation, siting,
7 and arrangement of natural and built features. Where applied to the
8 discussion of structures or utility systems, design does not include
9 the act of engineering such features.

10 (6) "Director" means the director of licensing.

11 (7) "Engineer" means an individual who is registered as an engineer
12 under chapter 18.43 RCW.

13 (8) "Engineering" means the "practice of engineering" as defined in
14 RCW 18.43.020.

15 (9) "Landscape architect" means ((a person who engages in the
16 ~~practice of landscape architecture as hereinafter defined. A person~~
17 ~~practices landscape architecture within the meaning and intent of this~~
18 ~~chapter who performs for hire professional services such as~~
19 ~~consultations, investigations, reconnaissance, research, planning,~~
20 ~~design or teaching supervision in connection with the development of~~
21 ~~land areas where, and to the extent that, the dominant purpose of such~~
22 ~~services is the preservation, enhancement, or determination of proper~~
23 ~~land uses, natural land features, ground cover and planting,~~
24 ~~naturalistic and aesthetic values, the settings and approaches to~~
25 ~~structures or other improvements, or natural drainage and erosion~~
26 ~~control. This practice shall include the location, design, and~~
27 ~~arrangement of such tangible objects as pools, walls, steps, trellises,~~
28 ~~canopies, and other nonhabitable structures, and such features as are~~
29 ~~incidental and necessary to the purposes outlined herein. It involves~~
30 ~~the design and arrangement of land forms and the development of outdoor~~
31 ~~space including, but not limited to, the design of public parks,~~
32 ~~playgrounds, cemeteries, home and school grounds, and the development~~
33 ~~of industrial and recreational sites)) an individual who engages in the
34 practice of landscape architecture.~~

35 (10) "Landscape architecture" means the rendering of professional
36 services in connection with consultations, investigations,
37 reconnaissance, research, planning, design, construction document
38 preparation, construction administration, or teaching supervision in

1 connection with the development of land areas where, and to the extent
2 that, the dominant purpose of such services is the preservation,
3 enhancement, or determination of proper land uses, natural land
4 features, ground cover and planting, naturalistic and aesthetic values,
5 the settings and approaches to structures or other improvements, or
6 natural drainage and erosion control. This practice includes the
7 location, design, and arrangement of such tangible objects as pools,
8 walls, steps, trellises, canopies, and such features as are incidental
9 and necessary to the purposes in this chapter. Landscape architecture
10 involves the design and arrangement of land forms and the development
11 of outdoor space including, but not limited to, the design of public
12 parks, trails, playgrounds, cemeteries, home and school grounds, and
13 the development of industrial and recreational sites.

14 (11) "Licensed" means holding a currently valid certificate of
15 licensure issued by the director authorizing the practice of landscape
16 architecture.

17 (12) "Person" means any individual, partnership, professional
18 service corporation, corporation, joint stock association, joint
19 venture, or any other entity authorized to do business in the state.

20 (13) "Practice of landscape architecture" means the rendering of
21 services where landscape architectural education, training, experience,
22 and the application of mathematical, physical, and social science
23 principles are applied in consultation, evaluation, planning, design
24 including, but not limited to, the preparation and filing of plans,
25 drawings, specifications, and other contract documents, and
26 administration of contracts relative to projects principally directed
27 at the functional and aesthetic use and preservation of land.

28 **Sec. 5.** RCW 18.96.040 and 1993 c 35 s 1 are each amended to read
29 as follows:

30 (1)(a) There is created a ((state)) licensure board ((of
31 registration)) for landscape architects((. The board shall consist of
32 four landscape architects and one member of the general public.
33 Members of the board shall be)) consisting of five members appointed by
34 the governor ((and must be residents of this state having the
35 qualifications required by this chapter.

36 No public member of the board may be a past or present member of
37 any other licensing board under this title. No public member may make

1 ~~his or her own livelihood from, nor have a parent, spouse, or child~~
2 ~~make their respective livelihood from providing landscape architect~~
3 ~~services, or from enterprises dealing in landscape architecture.~~

4 ~~The landscape architect members of the board must, while serving on~~
5 ~~the board, be actively engaged in their profession or trade and,~~
6 ~~immediately preceding appointment, have had at least five years~~
7 ~~experience in responsible charge of work or teaching within their~~
8 ~~profession or trade)).~~

9 (b) Four members shall be licensed landscape architects who are
10 residents of the state and have at least eight years' experience in the
11 practice of landscape architecture as registered or licensed landscape
12 architects in responsible charge of landscape architectural work or
13 responsible charge of landscape architectural teaching. One member
14 shall be a public member, who is not and has never been a registered or
15 licensed landscape architect and who does not employ and is not
16 employed by or professionally or financially associated with a
17 landscape architect.

18 (c) The term of each newly appointed member shall be six years.

19 (2)(a) Every member of the board shall receive a certificate of
20 appointment from the governor. On the expiration of the term of each
21 member, the governor shall appoint a successor to serve for a term of
22 six years or until the next successor has been appointed.

23 (b) The governor may remove any member of the board for cause.
24 Vacancies in the board for any reason shall be filled by appointment
25 for the unexpired term.

26 (3) The board shall elect a chairman, a vice-chairman, and a
27 secretary. The secretary may delegate his or her authority to the
28 executive director.

29 (4) Members of the board shall be compensated in accordance with
30 RCW 43.03.240 and shall be reimbursed for travel expenses in accordance
31 with RCW 43.03.050 and 43.03.060.

32 **Sec. 6.** RCW 18.96.060 and 2002 c 86 s 234 are each amended to read
33 as follows:

34 (1) The board ((shall adopt rules for its own organization and
35 procedure and such other rules as it may deem necessary to the proper
36 performance of its duties. Three members of the board shall constitute
37 a quorum for the conduct of any business of the board.

1 ~~The board may conduct hearings concerning alleged violations of the~~
2 ~~provisions of this chapter))~~ may adopt such rules under chapter 34.05
3 RCW as are necessary for the proper performance of its duties under
4 this chapter.

5 (2) The director may employ an executive director subject to
6 approval of the board.

7 **Sec. 7.** RCW 18.96.070 and 1969 ex.s. c 158 s 7 are each amended to
8 read as follows:

9 ~~((The following will be considered as))~~ This section establishes
10 the minimum evidence satisfactory to the board that the applicant is
11 qualified for ~~((registration))~~ licensure as a professional landscape
12 architect.

13 ~~((The applicant must have completed a course of study in landscape~~
14 ~~architecture and have been graduated from a college or school approved~~
15 ~~by the board as offering a curriculum in landscape architecture, or the~~
16 ~~equivalent thereof, in any form of training, as determined by the~~
17 ~~board. Each complete year of study in any registered college or school~~
18 ~~of landscape architecture may be accepted in lieu of one year of~~
19 ~~equivalent training.~~

20 ~~He must have a minimum of seven years in any combination of~~
21 ~~training and experience, and shall present proof to the director of~~
22 ~~passing such written examinations as may be prescribed by the board.~~

23 ~~Registration under this chapter shall be on an individual, personal~~
24 ~~basis, and the director shall not register any firm, company,~~
25 ~~partnership, corporation, nor any public agency. Corporate practice is~~
26 ~~not permitted under the provisions of this chapter.))~~

27 (1) A certificate of licensure shall be granted by the director to
28 all qualified applicants who are certified by the board as having
29 passed the required examination and as having given satisfactory proof
30 of completion of the required education and work experience.

31 (2) An applicant for licensure as a landscape architect shall be of
32 a good moral character, at least eighteen years of age, and shall
33 possess one of the following qualifications:

34 (a) Have a professional landscape architectural degree from an
35 institution of higher education accredited by the national landscape
36 architecture accreditation board, or an equivalent degree in landscape

1 architecture as determined by the board, and three years of practical
2 landscape architectural work experience under the supervision of a
3 registered or licensed landscape architect; or

4 (b) Have a high school diploma or equivalent and eight years'
5 practical landscape architectural work experience, which may include
6 landscape design as a principal activity and postsecondary education
7 approved by the board. At least six years of work experience must be
8 under the direct supervision of a registered or licensed landscape
9 architect. An applicant may receive up to two years of practical
10 landscape architectural work experience for postsecondary education
11 courses in landscape architecture, landscape architectural technology,
12 or a related field, including courses in a community or technical
13 college, if the courses are equivalent to education courses in an
14 accredited landscape architectural degree program.

15 **Sec. 8.** RCW 18.96.080 and 1993 c 35 s 2 are each amended to read
16 as follows:

17 (1) Application for ((registration)) licensure shall be filed with
18 the ((director prior to the date set for examination and shall contain
19 statements made under oath showing the applicant's education and a
20 detailed summary of practical experience, and shall contain not less
21 than three references who are landscape architects having personal
22 knowledge of the applicant's landscape architectural experience)) board
23 as provided by rule.

24 (2) The application ((fee)) for ((initial)) examination shall be
25 filed with the board as prescribed by rule.

26 (3) The application and examination fees shall be determined by the
27 director ((as provided in)) under RCW 43.24.086. ((The application and
28 fee must be submitted to the agency prior to the application deadline
29 established by the director.

30 Fees for initial examination and reexamination shall be determined
31 by the director as provided in RCW 43.24.086, and must be filed with
32 the agency prior to the application deadline established by the
33 director.))

34 **Sec. 9.** RCW 18.96.090 and 1993 c 35 s 3 are each amended to read
35 as follows:

36 (1) Examinations of ((applicants)) landscape architects for

1 certificates of (~~registration~~) licensure shall be held at least
2 annually (~~or~~) at such time(~~s~~) and place(~~s~~) as the board (~~may~~)
3 determines. (~~The board shall determine from the examination and the~~
4 ~~material submitted with the applications whether or not the applicants~~
5 ~~possess sufficient knowledge, ability and moral fitness to safely and~~
6 ~~properly practice landscape architecture and to hold themselves out to~~
7 ~~the public as persons qualified for that practice.~~

8 ~~The scope of the examination and methods of examination procedure~~
9 ~~shall be prescribed by the board with special reference to landscape~~
10 ~~construction materials and methods, grading and drainage, plant~~
11 ~~materials suited for use in the northwest, specifications and~~
12 ~~supervisory practice, history and theory of landscape architecture~~
13 ~~relative to landscape architectural design, site planning and land~~
14 ~~design, subdivision, urban design, and a practical knowledge of botany,~~
15 ~~horticulture and similar subjects related to the practice of landscape~~
16 ~~architecture. The board may adopt an appropriate national examination~~
17 ~~and grading procedure.~~

18 ~~Applicants who fail to pass sections of the examination shall be~~
19 ~~permitted to retake the examination in the sections failed. A passing~~
20 ~~grade in a section shall exempt the applicant from examination in that~~
21 ~~subject for five years. The board may determine the standard for~~
22 ~~passing grades computed on a scale of one hundred percent. A~~
23 ~~certificate of registration shall be granted by the director to all~~
24 ~~qualified applicants who shall be certified by the board as having~~
25 ~~passed the required examination and as having given satisfactory proof~~
26 ~~of completion of the required experience.))~~

27 (2) The board shall determine the content, scope, and grading
28 process of the examination. The board may adopt an appropriate
29 national examination and grading procedure.

30 (3) Applicants who fail to pass any section of the examination
31 shall be permitted to retake the parts failed as prescribed by the
32 board. If the entire examination is not successfully completed within
33 five years, a retake of the entire examination is required.

34 (4) Applicants for licensure may begin taking the examination upon
35 graduating from an accredited landscape architecture program if the
36 applicant is employed under the supervision of a registered or licensed
37 landscape architect.

1 (5) The director shall issue a certificate of licensure to
2 qualified applicants as provided in RCW 18.96.150.

3 **Sec. 10.** RCW 18.96.100 and 1993 c 35 s 4 are each amended to read
4 as follows:

5 ~~(1) The director may, upon ((payment of a reciprocity application~~
6 ~~fee and the current registration fee in an amount as determined by the~~
7 ~~director as provided in RCW 43.24.086, grant a certificate of~~
8 ~~registration, upon recommendation by the board, to any applicant who is~~
9 ~~a registered landscape architect in any other state or country whose~~
10 ~~requirements for registration are at least substantially equivalent to~~
11 ~~the requirements of this state for registration by examination, and~~
12 ~~which extends the same privileges of reciprocity to landscape~~
13 ~~architects registered in this state)) receipt of the current licensure~~
14 fee, grant a certificate of licensure to an applicant who is a licensed
15 landscape architect in another state or territory of the United States,
16 the District of Columbia, or another country, if that individual's
17 qualifications and experience are determined by the board to be
18 equivalent to the qualifications and experience required of a person
19 licensed under RCW 18.96.070.

20 (2) A landscape architect licensed or registered in any other
21 jurisdiction recognized by the board may offer to practice landscape
22 architecture in this state if:

23 (a) It is clearly and prominently stated in any such offer that the
24 landscape architect is not licensed to practice landscape architecture
25 in Washington state; and

26 (b) Before practicing landscape architecture or signing a contract
27 to provide landscape architectural services, the landscape architect
28 obtains a certificate of licensure.

29 **Sec. 11.** RCW 18.96.110 and 1993 c 35 s 5 are each amended to read
30 as follows:

31 ~~(1) The renewal dates and fees for certificates of ((registration~~
32 ~~shall be set by the director. The director shall set the fee for~~
33 ~~renewal which shall be determined as provided in RCW 43.24.086.~~

34 ~~If a registrant fails to pay the renewal fee within thirty days~~
35 ~~after the renewal date, the renewal shall be delinquent. The renewal~~
36 ~~fee for a delinquent renewal and the penalty fee for a delinquent~~

1 renewal shall be established by the director. Any registrant in good
2 standing, upon fully retiring from landscape architectural practice,
3 may withdraw from practice by giving written notice to the director,
4 and may thereafter resume practice at any time upon payment of the then
5 current renewal fee. Any registrant, other than a properly withdrawn
6 licensee, who fails to renew his or her registration for a period of
7 more than five years may be reinstated under the)) licensure shall be
8 set by the director in accordance with RCW 43.24.086. Licensees who
9 fail to pay the renewal fee within thirty days of the due date shall
10 pay all delinquent fees plus a penalty fee equal to one-third of the
11 renewal fee. A licensee who fails to pay a renewal fee for a period of
12 five years may be reinstated under such circumstances as the board
13 determines.

14 (2) Any licensee in good standing may withdraw from the practice of
15 landscape architecture by giving written notice to the director, and
16 may within five years thereafter resume active practice upon payment of
17 the then-current renewal fee. A licensee may be reinstated after a
18 withdrawal of more than five years under such circumstances as the
19 board determines.

20 (3) A licensed landscape architect must demonstrate continuing
21 professional education activities since the landscape architect's last
22 renewal or initial licensure, as the case may be; the board shall by
23 rule describe the professional development activities required by the
24 board. The board may decline to renew a license if the landscape
25 architect's continuing professional education activities do not meet
26 the standards in the board's rules. In the application of this
27 subsection, the board shall strive to ensure that rules are consistent
28 with the continuing professional education requirements in use by the
29 national professional organizations representing landscape architects
30 and in use by other cohort states. Cohort states are those other
31 United States determined by the board to be comparable to Washington in
32 natural factors and landscape architecture licensure.

33 **Sec. 12.** RCW 18.96.120 and 2002 c 86 s 235 are each amended to
34 read as follows:

35 ((1) In addition to the conduct, acts, or conditions set out in
36 RCW 18.235.130, the following constitute unprofessional conduct for

1 ~~which the director may impose discipline upon any license holder or~~
2 ~~applicant under the jurisdiction of this chapter:~~

3 ~~(a) The holder of the certificate of registration is impersonating~~
4 ~~a practitioner or former practitioner.~~

5 ~~(b) The holder of the certificate of registration permits his or~~
6 ~~her seal to be affixed to any plans, specifications, or drawings that~~
7 ~~were not prepared by him or her or under his or her personal~~
8 ~~supervision by employees subject to his or her direction and control.~~

9 ~~(2) The director shall immediately suspend the certificate of~~
10 ~~registration of a landscape architect who has been certified pursuant~~
11 ~~to RCW 74.20A.320 by the department of social and health services as a~~
12 ~~person who is not in compliance with a support order. If the person~~
13 ~~has continued to meet all other requirements for certification during~~
14 ~~the suspension, reissuance of the certificate of registration shall be~~
15 ~~automatic upon the director's receipt of a release issued by the~~
16 ~~department of social and health services stating that the person is in~~
17 ~~compliance with the order.)) The board may impose any action in RCW~~
18 ~~18.235.110 upon the following grounds:~~

19 ~~(1) Offering to pay, paying, or accepting, either directly or~~
20 ~~indirectly, any substantial gift, bribe, or other consideration to~~
21 ~~influence the award of professional work;~~

22 ~~(2) Being willfully untruthful or deceptive in any professional~~
23 ~~report, statement, or testimony;~~

24 ~~(3) Having a financial interest in the bidding for or the~~
25 ~~performance of a contract to supply labor or materials for or to~~
26 ~~construct a project for which employed or retained as a landscape~~
27 ~~architect except with the consent of the client or employer after~~
28 ~~disclosure of such facts; or allowing an interest in any business to~~
29 ~~affect a decision regarding landscape architectural work for which~~
30 ~~retained, employed, or called upon to perform;~~

31 ~~(4) Signing or permitting a seal to be affixed to any drawings or~~
32 ~~specifications that were not prepared or reviewed by the landscape~~
33 ~~architect or under the landscape architect's personal supervision by~~
34 ~~persons subject to the landscape architect's direction and control; or~~

35 ~~(5) Willfully evading or trying to evade any law, ordinance, code,~~
36 ~~or regulation governing site or landscape construction.~~

1 **Sec. 13.** RCW 18.96.140 and 2002 c 86 s 236 are each amended to
2 read as follows:

3 A new certificate of (~~registration~~) licensure to replace any
4 certificate lost or destroyed, or mutilated may be issued by the
5 director, and a charge determined by the director as provided in RCW
6 43.24.086 shall be made for such issuance.

7 **Sec. 14.** RCW 18.96.150 and 1993 c 35 s 6 are each amended to read
8 as follows:

9 (~~The director shall issue a certificate of registration upon
10 payment of the registration fee as provided in this chapter to any
11 applicant who has satisfactorily met all requirements for registration.
12 All certificates of registration shall show the full name of the
13 registrant, shall have a serial number and shall be signed by the
14 chairman and the executive secretary of the board, and by the director.~~

15 Each registrant shall obtain a seal of a design authorized by the
16 board, bearing the registrant's name and the legend, "registered
17 landscape architect". ~~All sheets of drawings and title pages of
18 specifications prepared by the registrant shall be stamped with said
19 seal.~~)

20 (1) The director shall issue a certificate of licensure to any
21 applicant who has, to the satisfaction of the board, met all the
22 requirements for licensure upon payment of the licensure fee as
23 provided in this chapter. All certificates of licensure shall show the
24 full name of the licensee, have the license number, and shall be signed
25 by the chair of the board and by the director. The issuance of a
26 certificate of licensure by the director is prima facie evidence that
27 the person named therein is entitled to all the rights and privileges
28 of a licensed landscape architect.

29 (2) Each licensee shall obtain a seal of the design authorized by
30 the board bearing the landscape architect's name, license number, the
31 legend "Licensed Landscape Architect," and the name of this state.
32 Drawings prepared by the licensee shall be sealed and signed by the
33 licensee when filed with public authorities. It is unlawful to seal
34 and sign a document after a licensee's certificate of licensure or
35 authorization has expired, been revoked, or is suspended. A landscape
36 architect shall not seal and sign technical submissions not prepared by
37 the landscape architect or his or her regularly employed subordinates
or individuals under his or her direct control, or if prepared by a

1 landscape architect licensed in any jurisdiction recognized by the
2 board, reviewed and accepted as the sealing landscape architect's own
3 work; a landscape architect who signs or seals drawings or
4 specifications that he or she has reviewed is responsible to the same
5 extent as if prepared by that landscape architect.

6 **Sec. 15.** RCW 18.96.180 and 1969 ex.s. c 158 s 18 are each amended
7 to read as follows:

8 The board (~~(is authorized to apply for relief by injunction without~~
9 ~~bond to restrain a person from the commission of any act which is~~
10 ~~prohibited by this chapter. The members of the board shall not be~~
11 ~~personally liable for their action in any such proceeding or in any~~
12 ~~other proceeding instituted by the board under the provisions of this~~
13 ~~chapter. The board, in any proper case, shall cause prosecution to be~~
14 ~~instituted in any county or counties where any violation of this~~
15 ~~chapter occurs, and shall aid in the prosecution of the violator)),~~

16 through the director, shall immediately suspend the certificate of
17 licensure to practice landscape architecture of a person who has been
18 certified under RCW 74.20A.320 by the department of social and health
19 services as a person who is not in compliance with a support order or
20 a residential or visitation order. If the person has continued to meet
21 other requirements for reinstatement during the suspension, reissuance
22 of the certificate shall be automatic upon the director's receipt of a
23 release issued by the department of social and health services stating
24 that the individual is in compliance with the order.

25 **Sec. 16.** RCW 18.96.190 and 1996 c 293 s 15 are each amended to
26 read as follows:

27 The (~~(director))~~ board, through the director, shall suspend the
28 certificate of (~~(registration))~~ licensure of any person who has been
29 certified by a lending agency and reported to the (~~(director))~~ board
30 for nonpayment or default on a federally or state-guaranteed
31 educational loan or service-conditional scholarship. (~~(Prior to))~~
32 Before the suspension, the agency must provide the person an
33 opportunity for a brief adjudicative proceeding under RCW 34.05.485
34 through 34.05.494 and issue a finding of nonpayment or default on a
35 federally or state-guaranteed educational loan or service-conditional
36 scholarship. The person's certificate of (~~(registration))~~ licensure

1 shall not be reissued until the person provides the ((director)) board
2 a written release issued by the lending agency stating that the person
3 is making payments on the loan in accordance with a repayment agreement
4 approved by the lending agency. If the person has continued to meet
5 all other requirements for certification of licensure during the
6 suspension, reinstatement shall be automatic upon receipt of the notice
7 and payment of any reinstatement fee the director may impose.

8 NEW SECTION. Sec. 17. The landscape architects' license account
9 is created in the custody of the state treasurer. All receipts from
10 fees under this chapter must be deposited into the account.
11 Expenditures from the account may be used only for administrative and
12 operating purposes under this chapter. Only the director or the
13 director's designees may authorize expenditures from the account. The
14 account is subject to allotment procedures under chapter 43.88 RCW, but
15 an appropriation is not required for expenditures.

16 NEW SECTION. Sec. 18. This chapter does not affect or prevent:
17 (1) The practice of architecture, land surveying, engineering,
18 geology, or any recognized profession by persons not licensed as
19 landscape architects;
20 (2) Drafters, clerks, project managers, superintendents, and other
21 employees of landscape architects from acting under the instructions,
22 control, or supervision of their employers;
23 (3) The construction, alteration, or supervision of sites by
24 contractors or superintendents employed by contractors or the
25 preparation of shop drawings in connection therewith;
26 (4) Owners or contractors under chapter 18.27 RCW from engaging
27 persons who are not landscape architects to observe and supervise site
28 construction of a project;
29 (5) Qualified professional biologists as referenced in chapter
30 36.70 RCW from providing services for natural site areas that also fall
31 within the definition of the practice of landscape architecture without
32 a violation of this chapter;
33 (6) The preparation of construction documents including planting
34 plans, landscape materials, or other horticulture-related elements;
35 (7) Individuals from making plans, drawings, or specifications for
36 any property owned by them and for their own personal use;

- 1 (8) The design of irrigation systems; and
- 2 (9) Landscape design on residential properties.

3 **Sec. 19.** RCW 43.24.150 and 2008 c 119 s 22 are each amended to
4 read as follows:

5 (1) The business and professions account is created in the state
6 treasury. All receipts from business or professional licenses,
7 registrations, certifications, renewals, examinations, or civil
8 penalties assessed and collected by the department from the following
9 chapters must be deposited into the account:

- 10 (a) Chapter 18.11 RCW, auctioneers;
- 11 (b) Chapter 18.16 RCW, cosmetologists, barbers, and manicurists;
- 12 (c) (~~Chapter 18.96 RCW, landscape architects;~~
- 13 ~~(d)~~) Chapter 18.145 RCW, court reporters;
- 14 (~~(e)~~) (d) Chapter 18.165 RCW, private investigators;
- 15 (~~(f)~~) (e) Chapter 18.170 RCW, security guards;
- 16 (~~(g)~~) (f) Chapter 18.185 RCW, bail bond agents;
- 17 (~~(h)~~) (g) Chapter 18.280 RCW, home inspectors;
- 18 (~~(i)~~) (h) Chapter 19.16 RCW, collection agencies;
- 19 (~~(j)~~) (i) Chapter 19.31 RCW, employment agencies;
- 20 (~~(k)~~) (j) Chapter 19.105 RCW, camping resorts;
- 21 (~~(l)~~) (k) Chapter 19.138 RCW, sellers of travel;
- 22 (~~(m)~~) (l) Chapter 42.44 RCW, notaries public; and
- 23 (~~(n)~~) (m) Chapter 64.36 RCW, timeshares.

24 Moneys in the account may be spent only after appropriation.
25 Expenditures from the account may be used only for expenses incurred in
26 carrying out these business and professions licensing activities of the
27 department. Any residue in the account shall be accumulated and shall
28 not revert to the general fund at the end of the biennium.

29 (2) The director shall biennially prepare a budget request based on
30 the anticipated costs of administering the business and professions
31 licensing activities listed in subsection (1) of this section, which
32 shall include the estimated income from these business and professions
33 fees.

34 **Sec. 20.** RCW 18.235.020 and 2008 c 119 s 21 are each amended to
35 read as follows:

36 (1) This chapter applies only to the director and the boards and

1 commissions having jurisdiction in relation to the businesses and
2 professions licensed under the chapters specified in this section.
3 This chapter does not apply to any business or profession not licensed
4 under the chapters specified in this section.

5 (2)(a) The director has authority under this chapter in relation to
6 the following businesses and professions:

7 (i) Auctioneers under chapter 18.11 RCW;

8 (ii) Bail bond agents and bail bond recovery agents under chapter
9 18.185 RCW;

10 (iii) Camping resorts' operators and salespersons under chapter
11 19.105 RCW;

12 (iv) Commercial telephone solicitors under chapter 19.158 RCW;

13 (v) Cosmetologists, barbers, manicurists, and estheticians under
14 chapter 18.16 RCW;

15 (vi) Court reporters under chapter 18.145 RCW;

16 (vii) Driver training schools and instructors under chapter 46.82
17 RCW;

18 (viii) Employment agencies under chapter 19.31 RCW;

19 (ix) For hire vehicle operators under chapter 46.72 RCW;

20 (x) Limousines under chapter 46.72A RCW;

21 (xi) Notaries public under chapter 42.44 RCW;

22 (xii) Private investigators under chapter 18.165 RCW;

23 (xiii) Professional boxing, martial arts, and wrestling under
24 chapter 67.08 RCW;

25 (xiv) Real estate appraisers under chapter 18.140 RCW;

26 (xv) Real estate brokers and salespersons under chapters 18.85 and
27 18.86 RCW;

28 (xvi) Security guards under chapter 18.170 RCW;

29 (xvii) Sellers of travel under chapter 19.138 RCW;

30 (xviii) Timeshares and timeshare salespersons under chapter 64.36
31 RCW;

32 (xix) Whitewater river outfitters under chapter 79A.60 RCW; and

33 (xx) Home inspectors under chapter 18.280 RCW.

34 (b) The boards and commissions having authority under this chapter
35 are as follows:

36 (i) The state board of registration for architects established in
37 chapter 18.08 RCW;

38 (ii) The cemetery board established in chapter 68.05 RCW;

1 (iii) The Washington state collection agency board established in
2 chapter 19.16 RCW;

3 (iv) The state board of registration for professional engineers and
4 land surveyors established in chapter 18.43 RCW governing licenses
5 issued under chapters 18.43 and 18.210 RCW;

6 (v) The state board of funeral directors and embalmers established
7 in chapter 18.39 RCW;

8 (vi) The state board of (~~registration~~) licensure for landscape
9 architects established in chapter 18.96 RCW; and

10 (vii) The state geologist licensing board established in chapter
11 18.220 RCW.

12 (3) In addition to the authority to discipline license holders, the
13 disciplinary authority may grant or deny licenses based on the
14 conditions and criteria established in this chapter and the chapters
15 specified in subsection (2) of this section. This chapter also governs
16 any investigation, hearing, or proceeding relating to denial of
17 licensure or issuance of a license conditioned on the applicant's
18 compliance with an order entered under RCW 18.235.110 by the
19 disciplinary authority.

20 NEW SECTION. **Sec. 21.** The following acts or parts of acts are
21 each repealed:

22 (1) RCW 18.96.050 (Board--Terms of office--Removal--Compensation
23 and travel expenses) and 2005 c 25 s 2, 1984 c 287 s 52, 1975-'76 2nd
24 ex.s. c 34 s 54, & 1969 ex.s. c 158 s 5; and

25 (2) RCW 18.96.160 (Misuse of seal) and 1969 ex.s. c 158 s 16; and

26 (3) RCW 18.96.170 (Penalty) and 1969 ex.s. c 158 s 17.

27 NEW SECTION. **Sec. 22.** Sections 17 and 18 of this act are each
28 added to chapter 18.96 RCW.

29 NEW SECTION. **Sec. 23.** Sections 17 and 19 of this act are
30 necessary for the immediate preservation of the public peace, health,
31 or safety, or support of the state government and its existing public
32 institutions, and take effect July 1, 2009.

1 NEW SECTION. **Sec. 24.** Sections 1 through 16, 18, 20, and 21 of
2 this act take effect July 1, 2010.

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