



Landscape Architecture Licensure Laws

ASLA Summary of Provisions

NORTH DAKOTA

Century Code Chapter 43-03, et seq.
Article 8-02, et seq.

Type of Law: Practice/title act.

State Board of Architecture and Landscape Architecture

The Board consists of three architects. There is a committee that consists of three landscape architects that works under the jurisdiction of the Board on landscape architectural matters.

Powers: [Prohibits a firm from offering landscape architectural services without at least one principal of the firm licensed to provide landscape architectural services.]

Definitions

Landscape architect: An individual who practice landscape architecture. [‘Landscape architect’ means, in general, a person who has qualified by skill, training, experience, and professional attitude to practice landscape architecture and is registered as a landscape architect. Specifically, landscape architect means a landscape architect registered and thereby entitled to practice landscape architecture in North Dakota.]

Landscape architecture: rendering or offering to render service to clients generally, including any one or any combination of the following practices or professional services: advice, consultation, planning, landscape architectural design, drawings, and specifications; and general administration of the contract as the owner's representative during the construction phase in which expert knowledge and skill are required in connection with landscape enhancement or landscape development, including the formulation of graphic or written criteria to govern the planning or design of land construction projects, production of overall site plans, landscape grading, and landscape drainage plans, planting plans, irrigation plans, and construction details if the safeguarding of the public health, safety, or welfare is concerned or involved.

[A service in which landscape architectural education, training, and experience and the application of mathematical, physical, and social science principles are applied in consultation, evaluation, planning, design, and administration of contracts relative to projects principally directed at the functional and aesthetic use and preservation of land. The term includes performing and professional service in connection with the development of land areas where the dominant purpose of the service is the preservation, enhancement, or determination of proper land uses, natural land features, ground cover and planting, naturalistic and aesthetic values, the settings, approaches, or environment for structures or other improvements, and the consideration and determination of inherent problems of the land relating to erosion, wear and tear, blight and hazards. The practice includes the location and arrangement of tangible objects and features incidental and necessary to the purposes outlined, but does not include the design of structures or facilities with separate and self-contained purposes, as ordinarily included in the practice of engineering or architecture, or the preparation of boundary surveys or final land plats, as ordinarily included in the practice of land surveying.]

Exemptions

Interprofessional practice: The law specifies under the definitions that “landscape architecture” does not include the practice of engineering and practice of professional engineering as defined under state law. The law exempts an architect, a professional engineer, or land surveyor in the course of providing services for which otherwise licensed. A provision also specifies that: (1) the law does not curtail or extend the right of any other state-regulated profession; (2) the law does not prevent the independent employment of a licensed PE for any professional service related solely to civil, structural, mechanical, or electrical engineering

Note: Bracketed [] material is drawn from regulations.



in connection with any building or building project; and (3) the law does not supersede, override, or amend the law relating to licensure for professional engineers, surveyors, or contractors.

Exempt persons:

- A nursery worker, gardener, landscape designer, landscape contractor in the course of preparing planting plans or installing plant material, to the extent these activities do not impact the public health, safety and welfare.
- An individual in the course of planning or otherwise caring for that individual's property.
- An irrigation designer, contractor, or service provider in the course of preparing irrigation plans or installing, repairing, or maintaining irrigation systems
- Officers or employees of the Federal government while engaged in governmental work
- [Management of construction contracts by persons customarily engaged in contracting work.
- Employees of a landscape architect
- A person preparing shop drawings or other graphic instruments to carry out the landscape architect's design intent, subject to the landscape architect's approval]

Eligibility Requirements – Initial Licensure

Applicants must be at least 18 years of age, must be of good moral character (without conviction of an offense determined by the board to have a direct bearing on the ability to serve the public as a landscape architect), and must successfully complete the examination. [Initial eligibility based upon the CLARB Standards of Eligibility. Applicants must hold a professional degree from a first professional LAAB-accredited landscape architecture program, earn three years of work experience, and pass the LARE. In lieu of these requirements, applicants may use other educational background in combination with work experience and the LARE to qualify under CLARB standards. Experience must be diverse landscape architectural experience under direct supervision of a licensed landscape architect. Up to two years of the experience may be either diverse landscape architecture experience acting as a principal or experience related to landscape architecture under the supervision of a licensed civil engineer, architect or certified planner. An applicant may substitute up to one year of the experience with teaching in a LAAB-accredited program; on-site construction, maintenance or installation; or non-diversified experience in landscape architecture under the direct supervision of a licensed landscape architect, architect, civil engineer or certified planner.]

Fee: Initial license \$200; biennial renewal, \$150.

Eligibility Requirements – Reciprocal Licensure

Applicants who are licensed to practice in another state that has requirements substantially equal to North Dakota. [Applicants for reciprocal licensure must be CLARB certified.]

Fee: Initial license \$200; biennial renewal, \$150.

Practice Entities

[Prohibits a firm from offering landscape architectural services without at least one principal of the firm licensed to provide landscape architectural services. In a partnership of architects or landscape architects, each partner must be licensed.]

Seal Requirements

A stamp is to be impressed upon drawings, plans and other documents prepared by the licensee [to be used for construction or technical submissions]. [The title sheet of drawings, specifications, or technical submissions, or any combination of those items, intended for the construction of an landscape architectural

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project shall be imprinted by the stamp or facsimile. The landscape architect under whose responsible control these instruments were prepared shall manually sign each original imprint of the seal.]

Enforcement

Board powers: The board may revoke a license.

Prohibitions/penalties: A license may be revoked upon proof that the license was obtained by fraud or misrepresentation; the licensee has been guilty of malfeasance, fraud, gross incompetency, or negligence in connection to the practice of landscape architecture; the licensee has been convicted of any offense determined by the board to have direct bearing on the licensee's ability to serve the public as a landscape architect. Any person willfully violating this law is guilty of a Class B misdemeanor.

Prohibitions/penalties for unlicensed practice: A person may not practice landscape architecture unless licensed. An unlicensed person may not use the title or designation "registered landscape architect", "licensed landscape architect", any variation of the terms, or any other words, letters or device to indicate that the person is a landscape architect authorized to practice in North Dakota. An unlicensed person may not advertise, represent, or in any manner hold that person out as a landscape architect. Unlicensed individuals may not engage in the practice of landscape architecture as a corporation. [Nonresident landscape architects who hold a CLARB certificate may offer professional services, but may not practice landscape architecture until licensed by the state.]

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Liability

A landscape architect is not liable for the safety of persons or property on or about a construction project site, or for the construction techniques, procedures, sequences, and schedules, or for the conduct, action, errors, or omissions of any construction contractor, subcontractor, or material supplier, unless the landscape architect assumes responsibility by contract or by the landscape architect's actual conduct. This provision does not relieve the landscape architect from liability from the landscape architect's design work or otherwise.

Mandatory Continuing Education

No provisions.

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