



Landscape Architecture Licensure Laws

ASLA Summary of Provisions

INDIANA

Indiana Statutes: Title 25, Article 4, Chapter 2
Indiana Administrative Code: 804

Type of Law: Practice/title act. Sunset law established in 2010, which requires review of every regulated occupation at least every 7 years.

Board of Registration for Architects and Landscape Architects

Consists of five architects, two landscape architects and one public member appointed by the Governor. Financed through the General Fund.

Powers: Adopt rules and regulations, including continuing education requirements.

Definitions

Practitioner: A licensed landscape architect.

Landscape architecture: The practice of professional services such as consultation, investigation, reconnaissance, research, planning, design, or responsible supervision to develop land areas for the dominant purpose of preserving, enhancing, or determining: proper land uses; natural land features; ground cover and planting; naturalistic and aesthetic values; the settings and approaches to structures or other improvements; the natural environment of a facility, an individual building, or other structure; site specific natural surface and subsoil drainage systems; landscape grading, swales, curbs, and walkways; and any inherent problems of the land relating to erosion, overuse, blight, or other hazards.

The term includes the location and arrangement of the proposed tangible objects and features that are incidental and necessary to accomplish the purposes of landscape architecture.

The law does not authorize a licensee to: engage in the design of mechanical lift stations, sewage treatment facilities, sanitary and combined sewers, storm water management projects, public, semi-public, and private utilities, or other structures or facilities with separate and self-contained purposes, if the design work is ordinarily included in the practice of architecture or engineering; engage in the design of highways or traffic control devices; engage in the scientific analysis of hazardous material contamination; engage in topographic mapping or the certification of land surveys or final land plats for official approval or recording; or otherwise engage in the practice of architecture, engineering, land surveying or professional geology.

Exemptions

Interprofessional practice: The law does not apply to architects, engineers or land surveyors or any persons acting under the supervision of those licensees or employees of those licensees.

Exempt persons:

- Any person who acts under the supervision of a licensee or any employee of a person lawfully engaged in the practice of landscape architecture and who, in either event, does not assume responsible charge of design or supervision.
- Employees of the United States government while engaged within the state in the practice of landscape architecture for the United States government.
- Persons engaged in the practice of planning as is customarily done by regional, park, or urban planners.
- Persons engaged in the practice of arborists, foresters, gardeners, turf managers, home builders, horticulturists, farmers, and other similar persons.

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- Persons engaged in the practice of nurserymen or general or landscape contractors, including design, planning, location, planting and arrangements of plantings or other ornamental features.
- Persons engaged in the practice of natural resource professionals, including biologists, geologists, and soil scientists.

Eligibility Requirements – Initial Licensure

Applicants must pass [the CLARB] written examination and may be required to pass an oral examination. To qualify for the examination applicants must have: graduated from an accredited curriculum of landscape architecture presented by a college or school approved by the board. In addition to either the degree or eight years of experience all candidates must submit evidence that the applicant has at least three years of diversified, actual, and practical experience in landscape architectural work of a grade and character satisfactory to the board and provide an affidavit that indicates that the applicant does not have a conviction for an act that would constitute a ground for disciplinary action or a felony that has a direct bearing on his or her ability to practice competently. Note that prior to January 1, 2003, applicants were able to, in lieu of a degree, substitute at least eight years of actual practical experience in landscape architectural work of a grade and character satisfactory to the board.

Fee: [Initial license, \$170 and biennial renewal, \$120. Both fees include a \$20 enforcement fee.]

Eligibility Requirements – Reciprocal Licensure

Licensees in other jurisdictions are eligible for reciprocity if they meet the requirements above and have passed the same written examination or an equivalent examination to that in effect in Indiana at the time of their licensure in the other jurisdiction. [Candidates are required to apply through CLARB. No reciprocal application will be considered in the absence of the CLARB record or its equivalent.]

[The board may issue a temporary permit to an applicant with a valid license in another state for a period of up to one year or for the duration of a specific project, whichever is less.]

Fee: [With CLARB record, \$200. Without CLARB record, \$500.]

Practice Entities

For the purposes of this section “firm” means a corporation, partnership, limited liability company, or sole proprietorship.

The practice of or an offer to practice landscape architecture by a firm may occur through an individual if the individual: is in direct control of the landscape architecture practice; exercises direct supervision of all personnel who act on behalf of the firm in landscape architecture professional and technical matters; and is currently licensed. No firm doing business in Indiana may use the term or title landscape architect, landscape architecture, or landscape architectural or advertise any title or description tending to convey the impression that the firm employs a practitioner unless the firm employs a practitioner. The name of a practitioner employed by the firm must appear whenever the name of the firm is used in the professional practice of landscape architecture. Any plans, sheets of designs, or specifications prepared by the personnel of the firm must carry the signature and seal of the practitioner who is responsible for supervising the landscape architecture work.

Fee: [Initial, \$25. Renewal \$20.]

Seal Requirements

Licensees must obtain a seal approved by the board and the state’s political subdivisions must accept the stamp of the licensee's when submitting plans for approval. [The seal shall be affixed to documents and instruments only during the time the license is current and in good standing, and then only on such documents and instruments which have been created by the licensee, regularly employed subordinates, or subordinates under the direct supervision of the licensee. A person who is not in responsible charge of the

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entire work, but assumes responsibility for portions of the work shown may so denote. The seal and signature on any drawings, documents, or instruments signifies acceptance of full responsibility for the professional work represented thereon, except where another has assumed a limited responsibility for portions of the work.]

Enforcement

Board powers: Suspend or revoke a license; censure a licensee; issue a letter of reprimand; place a licensee on probation; limit practice to those areas prescribed by the board; continue or renew professional education approved by the board until a satisfactory degree of skill has been attained in those areas that are the basis of the probation; or perform or refrain from performing any acts, including community restitution or service without compensation, that the board considers appropriate to the public interest or to the rehabilitation or treatment of the licensee. The board also has the power to issue cease-and-desist orders.

The board may assess civil penalties of up to \$1,000 against licensees. The attorney general provides the board assistance.

Prohibitions/penalties: A licensee is subject disciplinary sanctions if, after a hearing, the board finds that a licensee: permitted the licensee's seal to be affixed to plans, specifications, or drawings that were not prepared by the licensee or under the licensee's personal supervision by his or her regularly employed subordinates; used the title engineer or advertised to practice engineering; knowingly cooperated in fraud or material deception in order to obtain a license to practice, including cheating on a licensing examination; engaged in fraud or material deception in the course of professional services or activities; advertised services or goods in a false or misleading manner; has been convicted of a crime or assessed a civil penalty involving fraudulent billing practices; has been convicted of a crime that either has a direct bearing on the licensee's ability to continue to practice competently or is harmful to the public; has knowingly violated a state statute or rule or federal statute or regulation regulating landscape architecture.

Further causes for disciplinary action include finding that a licensee has: continued to practice although the licensee has become unfit to practice due to: professional incompetence (including undertaking professional activities that the practitioner is unqualified by training or experience to undertake); failure to keep abreast of current professional theory or practice; physical or mental disability; or addiction to, abuse of, or severe dependency on alcohol or other drugs that endanger the public by impairing a licensee's ability to practice safely; has engaged in a course of lewd or immoral conduct in connection with the delivery of services to the public.

Further causes for disciplinary action include finding that a licensee has: allowed the licensee's name or license to be used in connection with an individual or business who renders services beyond the scope of that individual's or business's training, experience, or competence; had disciplinary action taken against the licensee or the licensee's license to practice in another state or jurisdiction on grounds similar to those under the law; assisted another person in committing an act that would constitute a ground for disciplinary sanction under the law; or has allowed a license issued by a board to be: used by another person; or displayed to the public when the license has expired, is inactive, or has been revoked or suspended.

If an applicant or a practitioner has engaged in or knowingly cooperated in fraud or material deception to obtain a license to practice, including cheating on the licensing examination, the board may rescind the license if it has been granted, void the examination or other fraudulent or deceptive material, and prohibit the applicant from reapplying for the license for a length of time established by the board.

The board may deny licensure to an applicant who has had disciplinary action taken against the applicant or the applicant's license in another jurisdiction or who has practiced without a license in violation of the law.

Prohibitions/penalties for unlicensed practice: Rendering or offering to render services to the public, if the words landscape architecture or registered landscape architecture are used to describe these services; using

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the title registered landscape architect or landscape architect; and engaging in the practice of landscape architecture by unlicensed persons; affixing a licensee's seal to a plan, specification, or drawing that has not been prepared by a currently licensed landscape architect or under the immediate supervision of a currently licensed landscape architect are Class B infractions. Each day a violation continues to occur constitutes a separate offense. The board may maintain actions in court for injunctions enjoining unlicensed practice which are in addition to any criminal prosecutions.

The board may suspend or permanently revoke a practitioner's license, censure a practitioner, issue a letter of reprimand, assess a civil penalty (maximum: \$1000), order restitution to a person who suffered damages, or place a practitioner on probation status and require the practitioner to: (1) report regularly to the board upon the matters that are the basis of probation; (2) limit practice to those areas prescribed by the board; (3) continue or renew professional education approved by the board until a satisfactory degree of skill has been attained in those areas that are the basis of the probation; or (4) perform or refrain from performing any acts, including community restitution or service without compensation, that the board considers appropriate to the public interest or to the rehabilitation or treatment of the practitioner.

Display of license

Licensees must display their licenses in their principal office.

Mandatory Continuing Education

Indiana requires 24 contact hours per biennial renewal cycle.

- Contact hour = 60 minutes of educational activity with 50 minutes of instructional content
- No carryover permitted
- 16 hours must be related to health, safety and welfare issues
- 16 hours must be obtained in structured educational activities
- The rules, including the definitions, are designed to apply to both landscape architects and architects

Administration:

- Requires, every two years, the board to randomly audit for compliance more than 1% but less than 10% of the landscape architects required to complete CE courses
- Authorizes the board to audit continuing education providers

Activities:

- 'Continuing education' is defined as 'an orderly process of instruction that is approved by an approved organization or the board for a profession...that is designed to directly enhance the practitioner's knowledge and skill in providing services relevant to the practitioners profession or occupation.' It includes an activity that is approved by the board that augments the practitioner's knowledge and skill in providing services relevant to the practitioner's profession. [The language excluded from the above quote does not pertain to landscape architects.]
- Indicates that course offered by ASLA are acceptable, as well as those provide by accredited colleges, universities, or other postsecondary educational institution, AIA, APA, CSI, the Board of Registration for Architects and Landscape Architects, CLARB, NCARB, and other related technical or professional societies, organizations, or institutions.
- 'Health, safety and welfare' is defined as the planning and designing of buildings and structures and the spaces within and surrounding the buildings and structures that: (1) minimize the risk of injury to persons or property and comply with applicable building and safety codes; (2) are durable, environmentally friendly, cost effective, and conserve resources; (3) are aesthetically appealing; (4) function properly in all relevant respects; and (5) enhance the public's overall sense of well-being, harmony, and community and integrate effectively with the surrounding environment. Topics include:
 - Codes, statutes and regulations governing practice
 - Environmental and ecological resources

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- Professional ethics
- Indiana licensing statutes and rules
- Legal aspects of contracts, documents, insurance, bonds and project administration
- Construction documents and services
- Materials and methods
- Mechanical, plumbing, electrical and life safety
- Structural technology
- Energy efficiency
- Project administration
- Accessibility issues
- Security and safety issues
- New technical and professional skills
- The following meet the requirement for structured educational activities:
 - College-sponsored short courses or seminars on landscape architectural subjects
 - College-sponsored credit courses dealing with landscape architectural subjects (semester hour=15 CH; quarter hour=10 CH)
 - Presentations held in conjunction with meetings, conferences or conventions of landscape architect professional organizations recognized by the board (educational program only)
 - Short courses or seminars relating to professional practice or new technology offered by colleges, professional organizations, or system suppliers
 - Teaching or instructing a landscape architecture course, seminar, lecture, presentation, or workshop (3x credit for the initial presentation only; maximum 9 CH/biennium)
 - Landscape architectural research that is published or formally presented to the profession or public (maximum 9 hours/biennium)
 - Structured self-study courses, presented by correspondence, Internet, television, video or audio, ending with an examination or other verification process
 - Educational tours of landscape architecturally significant projects, where tour is sponsored by a college, professional organization or system supplier (maximum 8 CH/biennium)
 - Professional service to the public that draws upon the licensee's professional expertise on boards and commissions, such as planning commissions, building code advisory boards, urban renewal boards, code study committees, regulatory boards and professional accreditation teams (maximum 8 CH/biennium)
- The following individually planned educational activities may qualify for a maximum of 8 CH in the two-year renewal period:
 - Planned activities related to landscape architecture, including business and practice efficiency, business development, personal improvement, and new skills
 - Actively participating in a technical or professional society or organization, which must consist of serving as an officer or serving on a committee of the organization (2 CH are earned for one full year of service, with the maximum set at 2 CH)

Recordkeeping: Licensee has responsibility to maintain a 3-year record, including copies of certificates of completion for CE courses. The licensee must provide the board with copies of the certificates of completion upon the board's request for a compliance audit using between 1-10% of licensees required to take continuing education courses.

Reciprocity: Allows the board to accept credit toward CE through courses accepted for credit toward CE in other states.

Exemptions:

- New licensees are not required to meet the provisions for the first biennium in which the licensee is licensed

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- Licensees serving in the U.S. armed forces
- Licensees incapacitated by illness or injury
- Licensees may apply for a waiver for other circumstances
- Licensees under inactive status

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