



# Landscape Architecture Licensure Laws

## ASLA Summary of Provisions

### KANSAS

Statutes of the State of Kansas: Chapter 74, Article 70

Kansas Administrative Regulations: Chapter 66

**Type of Law:** Practice/title act.

#### Board of Technical Professions

The 13-member board is appointed by the Governor and comprised of one landscape architect, two public members, four engineers (one of whom may also be a land surveyor), three architects, one geologist, and two land surveyors. Twenty percent of the revenue collected under the act goes to the general fund. Eighty percent is credited to the technical professions fee fund.

**Powers:** Adopt all bylaws and rules and regulations, including rules of professional conduct, which are necessary for performance of the powers, duties and functions required in the administration of the act. Enforce and audit continuing education requirements. Adopt rules and regulations concerning cancelled, inactive and emeritus licensure status.

#### Definitions

**Technical professions:** The professions of engineering, land surveying, architecture, landscape architecture and geology as the practice of such professions are defined in the act.

**Landscape architect:** A person who is qualified to engage in the practice of landscape architecture and who is licensed by the board to practice landscape architecture.

**Landscape architecture or practice of landscape architecture:** The performing professional landscape architectural services including the following: Common technical services [see below]; consultation, planning, designing or responsible supervision in connection with the development of land areas for preservation and enhancement; the development of sustainable designs and technology; preparation, review and analysis of master plans for land use and development; production of overall site development and land enhancement plans, grading and drainage plans, irrigation plans, planting plans and construction details; specifications, cost analysis and reports for land development; and the designing of land forms and non-habitable structures for aesthetic and functional purposes, such as pools, walls and structures for outdoor living spaces, for public and private use. The practice of landscape architecture also encompasses the determination of proper land use as it pertains to: Natural features; ground cover, use, nomenclature and arrangement of plant material adapted to soils and climate; naturalistic and aesthetic values; settings and approaches to structures and other improvements; soil conservation; erosion control; and the development of outdoor space in accordance with ideals of human use and enjoyment. Does not include those services specifically identified in the definition of "architecture," "professional engineering," "professional geology" and "professional surveying" except for those services which are included in the term "common technical services" [Note: these professions have similar language that excludes their profession from practicing landscape architecture.]

**Common technical services:** Those services which may be offered or performed by any licensee under the Board of Technical Profession when performed within the licensee's defined scope of practice: (1) Representation of clients in connection with contracts entered into between clients and others; (2) coordination of elements of technical submissions prepared by the licensee's consultants; (3) administration of contracts for construction; (4) observation of construction for general conformance with requirements of approved construction documents or technical submissions prepared by a licensee; (5) performing acts of consultation and technical investigation; (6) providing expert technical testimony or testimony evaluation; (7) performing technical evaluations and research; (8) teaching in a college or university offering an accredited

Note: Bracketed [ ] material is drawn from regulations.

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technical professional curriculum recognized by the board; and (9) providing responsible supervision of these services, insofar as such services involve safeguarding the health, safety, property and welfare of the public.

Responsible charge: Application of personal supervision and professional judgment, and the incorporation of detailed knowledge with respect to the content of a technical submission by a licensee when applying the normal standard of care for the work that such licensee is licensed to perform.

Standard of care: The duty to exercise the degree of learning and skill ordinarily possessed by a reputable licensee.

### Exemptions

Interprofessional practice: The law does not prohibit the practice of site development planning, in accordance with the practice of architecture, or the practice of landscape architecture by a licensed professional engineer, except that no licensed professional engineer shall perform the following services: (1) Planting plans; or (2) the determination of proper land use as it pertains to natural features; ground cover, use, nomenclature and arrangement of plant material adapted to soils and climate.

Exempt persons:

- Any individual engaged in the occupation of growing and marketing nursery stock, using the title nurseryman, landscape nurseryman or gardener
- A nurseryman engaged in preparing and executing planting plans.
- Any individual planning or planting his or her own property.
- An employee, consultant, or a subordinate of a licensed person if such work does not include final designs or decisions, responsible charge of design or supervision and is done under the direct responsibility and supervision of a licensed person.
- the work of any person who is exclusively and regularly employed by a single employer provided, such employer is not an engineering, architectural, surveying, *landscape architectural or geology* firm, and is not primarily engaged in the business of conveying an interest in real property, and also provided, such work is performed under an employer-employee relationship, and making surveys of land and determinations of physical property rights is performed solely in connection with the affairs of such employer or its subsidiaries and affiliates and *solely* for the uses, purposes and benefit of such employer, subsidiaries and affiliates.

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### Eligibility Requirements – Initial Licensure

Graduation from an approved four year college or university program and a minimum of four years of satisfactory experience in landscape architectural work; or graduation from an approved five year college or university program and a minimum of three years of satisfactory experience in landscape architectural work and satisfactory passage of [the LARE. Landscape architectural work experience must meet the following conditions: (1) fall within the definition of "the practice of landscape architecture"; and (2) be supervised and verified by a licensed landscape architect, architect, or engineer. Applicants for examination must provide a record of landscape architectural experience that has been compiled and transmitted by CLARB.]

Fee: Initial license and biennial renewal, \$70.

### Eligibility Requirements – Reciprocal Licensure

Licensure in a jurisdiction in which the requirements are of a standard accepted by the board and which jurisdiction provides equivalent reciprocity to Kansas licensees; and a professional record which fully meets the requirements of the state in all respects other than examination. [Applicants for reciprocity must provide a record of landscape architectural experience that has been compiled and transmitted by CLARB.]

Fee: Initial license \$250; biennial renewal \$70.

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### **Practice Entities**

A licensee may practice landscape architecture through a corporation as an officer, employee or agent of the corporation if one or more of the principals is licensed and designated as responsible for the activities and decisions relating to the practice of landscape architecture and is a regular employee of and active participant in the corporation. All personnel who act on behalf of the corporation in the practice of landscape architecture must be licensed or exempt and the corporation must be issued a certificate of authorization by the board. Each separate office or place of business established by the entity must have a licensed professional who is regularly supervising the work of the office and has responsible charge of each respective technical professional practicing in the office (does not apply to offices established to provide construction administration services only).

Fee: Initial certificate, \$170. Biennial renewal \$95.

### **Seal Requirements**

Each licensee shall obtain a seal of a distinctive design authorized by the board, bearing the licensee's name and number and a uniform inscription formulated by the board. Documents signed by the licensee in the licensee's professional capacity shall be stamped with the seal during the duration of the license, but it shall be unlawful for anyone to stamp any document with the seal after the license has expired or has been revoked, unless the license has been renewed or reissued. No person shall tamper with or revise the seal without express written approval by the board. [Original drawings, documents, reports, legal descriptions, records and papers] in the licensee's professional capacity shall be stamped with the seal during the duration of the license. Public officials may not accept any technical submissions unless appropriately stamped.

### **Enforcement**

Board powers: Reprimand or otherwise discipline licensees; suspend or revoke licenses; reprimand or otherwise discipline, suspend or revoke the certificate of authorization of corporations.

Prohibitions/penalties: presenting or attempting to use as one's own, the license or seal of another; the practice of any fraud or deceit in obtaining a license or certificate of authorization; any gross negligence, incompetence, misconduct or wanton disregard for the rights of others in the practice of any technical profession; a conviction of a felony as set forth in the criminal statutes of the state of Kansas, of any other state or of the United States; violation of any rules of professional conduct adopted and promulgated by the board or violation of rules and regulations adopted by the board.

Present or attempt to use, as such person's own, the license, certificate of authorization or seal of another; falsely impersonate any other practitioner of like or different name; give false or forged evidence to the board or any member thereof in obtaining a license or certificate of authorization; use or attempt to use a license or certificate of authorization that has expired or been suspended or revoked; falsely advertise as a licensed practitioner or as the holder of a certificate of authorization; use in connection with such person's name, or otherwise assume, or advertise any title or description intended to convey the impression that such person is a licensed practitioner or holds a certificate of authorization. Violating any rules of professional conduct or otherwise violating any of the provisions of the act or any rule or regulation is cause for disciplinary action and a Class A misdemeanor.

The board may reprimand or otherwise discipline, suspend or revoke the certificate of authorization of any corporation whose officers or directors have committed any act or have been guilty of any conduct for which the board would be authorized to discipline an individual licensee.

The board may assess civil fines and costs, including attorney fees, against any person or entity for a violation of the statutes, rules and regulations or orders enforceable by the board in an amount not to exceed \$5,000 for the first violation, \$10,000 for the second violation and \$15,000 for the third violation and for each subsequent violation.

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Prohibitions/penalties for unlicensed practice: Practicing or offering to practice landscape architecture; falsely advertising as a licensee; using in connection with one's name, or otherwise assuming or advertising any title or description intended to convey the impression that an unlicensed person is a licensee. Violation of these prohibitions is a class A misdemeanor.

### **Mandatory Continuing Education**

Kansas requires 30 Professional Development Hours (PDH) as a condition of biennial renewal. One PDH is a contact hour of not less than 50 minutes of instruction or presentation.

Administration: The board has the power to audit licensee records.

Activities:

- A "continuing education activity" is defined as an activity that "enhances a licensee's level of technical, professional, managerial, or ethical competence in order to further the goal of protecting the health, safety, and welfare of the public.
- Activities must: have a definable purpose and objective; be conducted by a person qualified in the subject area; and provide a record of registration of attendance to a licensee
- Attending professional or technical presentations at meetings, conventions or conferences
- Attending in-house programs sponsored by corporations or other organizations
- Successfully completing seminars, tutorials, short courses, correspondence courses, televised courses or videotaped courses
- Making professional or technical presentations at meetings, conventions or conferences
- Teaching or instructing (4 PDH for each contact hour spent in the classroom for the initial presentation only; full-time faculty do not receive credit for regularly assigned courses)
- Authoring published papers, articles or books (10 PDH)
- Serving as an officer or committee member of a technical profession society or organization (2 PDH maximum for each organization; earned at the completion of each year of service)
- Successfully completing college sponsored courses (semester hour=45 PDH; quarter hour=30 PDH)
- Successfully completing courses which are awarded CEUs
- Actively mentoring individuals who are preparing for licensure (6 PDH/year)

Recordkeeping: Licensee has responsibility for maintaining four-year record, with sufficient detail to permit audit verification. Records must include a log showing the type of activity claimed, the sponsoring organization, location, duration, instructor, and PDH earned. Attendance verification records (completion certificates or other documents) must also be kept for supporting evidence. The licensee must [provide proof of compliance](#) with license renewal application.

Reciprocity: Deems compliance with the provisions if the individual resides in another state having CE requirements and meets those requirements.

- Exemptions:
- New licensees upon the first renewal
- Inactive or Emeritus-status licensees (includes licensees called to active duty in the U.S. armed forces for more than 120 consecutive days in a calendar year, who must apply for inactive status to qualify for exemption and may be exempt from obtaining the 15 PDH required only during that year).

**Last updated March 2, 2015**

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