



Landscape Architecture Licensure Laws

ASLA Summary of Provisions

TEXAS

Texas Civil Statutes: Article 249c

Texas Administrative Code: Title 22, Part 1, Chapter 3

Type of Law: Practice/title act. Sunset date: 9/1/2015.

Board of Architectural Examiners

The board consists of four architects, one landscape architect, one interior designer and three public members, with at least one of the public members having a physical disability.

Powers: Adopt rules and prescribe forms necessary to administer the act.

Definitions

Landscape architect: A person licensed to practice landscape architecture in the state.

Landscape architecture: The art and science of landscape analysis, landscape planning, and landscape design. Includes the performance of professional services such as consultation, investigation, research, the preparation of general development and detailed site design plans, the preparation of studies, the preparation of specifications, and responsible supervision related to the development of landscape areas for: (1) the planning, preservation, enhancement, and arrangement of land forms, natural systems, features, and plantings, including ground and water forms; (2) the planning and design of vegetation, circulation, walks, and other landscape features to fulfill aesthetic and functional requirements; (3) the formulation of graphic and written criteria to govern the planning and design of landscape construction development programs, including: (a) the preparation, review, and analysis of master and site plans for landscape use and development; (b) the analysis of environmental, physical, and social considerations related to land use; (c) the preparation of drawings, construction documents, and specifications; and (d) construction observation; (4) design coordination and review of technical submissions, plans, and construction documents prepared by persons working under the direction of the landscape architect; (5) the preparation of feasibility studies, statements of probable construction costs, and reports and site selection for landscape development and preservation; (6) the integration, site analysis, and determination of the location of buildings, structures, and circulation and environmental systems; (7) the analysis and design of: (a) site landscape grading and drainage; (b) systems for landscape erosion and sediment control; and (c) pedestrian walkway systems; (8) the planning and placement of uninhabitable landscape structures, plants, landscape lighting, and hard surface areas; (9) the collaboration of landscape architects with other professionals in the design of roads, bridges, and structures regarding the functional, environmental, and aesthetic requirements of the areas in which they are to be placed; and (10) field observation of landscape site construction, revegetation, and maintenance.

The definition of landscape architecture does not include: (1) traffic, roadway, or pavement engineering; (2) the design of utilities; (3) the engineering or study of hydrologic management of stormwater systems or floodplains; (4) the making of final plats; or (5) any services or functions within the definition of the practice of engineering, public surveying, or architecture as defined by the laws of this state.

Principal: A landscape architect who is responsible, either alone or with other landscape architects for an organization's practice of landscape architecture.

Exemptions

Interprofessional practice: The law exempts licensed architects, engineers, land surveyors.

Note: Bracketed [] material is drawn from regulations.

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Exempt persons: Exempt persons may not use the title landscape architect or its derivations.

- An employee of a landscape architect working under the landscape architect's instructions, control or supervision.
- Any person who holds a license or permit issued by the Department of Agriculture authorizing the person to engage in the business of selling nursery stock.
- Building designers.
- Landscape contractors.
- Landscape designers.
- Golf course designers or planners involved in services such as consultation, investigation, reconnaissance, research design, preparation of drawings and specifications and supervision if the dominant purpose of the services is golf course design or planning.
- Any person making a plan, drawing, or specification for personal use, if the plan drawing or specification is for property that is owned by that person.
- Any person who makes a plan, drawing or specification for a single-family residence.
- Any person who makes a plan, drawing or specification for a multifamily residential project that is not an assisted living facility.
- Any person who makes a plan, drawing or specification for residential housing owned and operated by an institution of higher education.
- Any person who is primarily engaged in the business of park and recreation planning and involved in services such as consultation, investigation, reconnaissance, research, design, preparation of drawings and specifications and supervision, if the dominant purpose of those services is park and recreation design and planning.
- Any person who is primarily engaged in maintaining an existing landscape.
- Any person who makes a plan, drawing, or specification for property primarily used for farm, ranch, agriculture, wildlife management, or habitat restoration purposes.
- Any person who is a volunteer acting under the direction of a governmental entity for a public purpose.
- Any person who is engaged in the location, arrangement, and design of any tangible objects and features that are incidental and necessary to landscape development, preservation, and aesthetic and functional enhancement, if that engagement is for: (1) the design of structures or facilities with separate and self-contained purposes that are ordinarily included in the practice of engineering or architecture; or (2) the making of land surveys for official approval or recording.

Eligibility Requirements – Initial Licensure

Applicants must pass [the CLARB] examination within five years after passing one section of the exam. An applicant must have an [LAAB accredited professional degree (or a degree from a landscape architectural education program that became accredited not later than two years after graduation) and two years actual experience working directly under a licensed landscape architect or other experience approved by the board. Applicants may also have a professional degree from a landscape architectural education program outside the United States where an evaluation by Education Credential Evaluators or other organization acceptable to the board has concluded that the program is substantially equivalent to an LAAB-accredited program. Applicants may be approved to take the exam after completing education requirements and six months of experience. A degree from a landscape architectural program that became accredited not later than two years after the applicant's graduation from that program will also qualify.]

[An applicant who applies for the LARE on or before August 31, 2011 and commenced his or her education or experience prior to September 1, 1999, is subject to the rules and regulations in effect at that time. Prior to September 1, 1999, to qualify to take the examination a candidate must have received a professional degree from a recognized school whose study of landscape architecture is LAAB accredited, or have had not less than

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seven years actual experience in the office of a landscape architect. An applicant is considered to have commenced his or her landscape architectural education upon enrollment in an acceptable landscape architectural education program.]

[Candidates for licensure by examination must process their applications through CLARB.]

[Fee: Application: 100; Initial license, \$355(in-state)/\$380 (out-of-state). Annual renewal, \$305 (in-state)/\$400 (out-of-state).]

Eligibility Requirements – Reciprocal Licensure

Authorizes the Board to waive registration requirements for applicants who hold a valid license from another state with substantially similar requirements [or the state has entered into a reciprocity agreement with Texas. Applicants may apply through CLARB or through the Board's direct application process. An applicant must demonstrate that the applicant has passed the LARE (or other CLARB-approved exam) and has acquired at least two years acceptable landscape architectural experience following licensure in another jurisdiction. CLARB certification may substitute for these requirements.]

[Fee: Initial license, \$550 (\$150 application + \$400 license). Annual renewal, \$400.]

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Practice Entities

[Licenses are issued to individuals only and no license will be issued to any firm, partnership, corporation or other group of persons. A landscape architect who forms a business association, either formally or informally, to jointly offer landscape architecture services with any person who is (1) not an employee of the licensee or his/her firm; (2) not a client of the licensee or his/her firm; and (3) not a subcontractor nor consultant of the licensee or his/her firm must, prior to offering such services on behalf of the business association, enter into a written agreement of association with the unlicensed person(s) whereby the landscape architect agrees to be responsible for the preparation of all construction documents prepared and issued for use in the state pursuant to the agreement of association. All construction documents prepared and issued for use in Texas pursuant to the agreement of association must be prepared by the landscape architect or under the landscape architect's supervision and control. The licensee is required to retain paper or electronic copies of all construction documents (and the written agreement of the association) for 10 years. The written agreement of association must be signed by all parties to the agreement and must contain such additional information as required by the board.]

[A firm, partnership, corporation, or other business association may offer and perform landscape architecture services only under the following conditions: the business employs at least one landscape architect on a full-time basis or associates with at least one landscape architect pursuant to the provisions governing associations between licensees and unlicensed persons requiring an agreement of association; and the landscape architect(s) employed by or associated with the business exercises supervision and control over all landscape architectural services performed by unlicensed persons on behalf of the business.]

[A landscape architecture firm or other business entity (other than sole practitioners) that offers or provides landscape architecture services must annually register with the board.]

[Fee: Initial business registration and annual renewal, \$30.]

Seal Requirements

Each landscape architect must obtain and keep a seal with which the person must stamp or impress each drawing or specification issued from the person's office for use in the state. A person may not use or attempt

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to use the seal, a similar seal, or a replica of the seal unless the use is by and through a landscape architect. A landscape architect may not authorize or permit the use of the landscape architect's seal by an unlicensed person without the landscape architect's personal supervision. The board may cancel the license of a landscape architect who violates these provisions.

[The landscape architect seal, signature, and the date must be visible on all copies of original construction documents issued for use in the state. Original construction documents requiring seal, signature, and date include the following:

- Each sheet of drawings, or its electronic equivalent.
- Each specification in conspicuous place for bound groupings; any individual specification sheet must be sealed individually.
- Each sheet that identifies the project and lists any sealed construction documents, such as a title sheet, table of contents, or index.
- Addenda, change orders, and supplemental documents.
- Drawings and specifications included in a feasibility study.
- Certain documents issued for purposes other than regulatory approval, permitting and construction must also be sealed and include the following statement, 'Not for regulatory approval, permitting, or construction'.]

Criminal Background Check

All licensees and applicants for licensure must submit a complete and legible set of fingerprints for the purpose of obtaining a criminal history record. Only one check is necessary.

Enforcement

Board powers: Revoke, refuse to renew, or suspend a license, issue a provisional license, or place on probation a person whose license has been suspended, reprimand a licensee and assess an administrative penalty against both licensees and unlicensed persons in an amount not to exceed \$5,000. The board may also seek injunctive relief or issue a cease and desist order.

Prohibitions/penalties: The board may take disciplinary against licensees for: violations of provisions of the law or of a rule of the board; the practice of any fraud or deceit in obtaining a license; any gross negligence, incompetency, or misconduct in the practice of landscape architecture; failing to provide or to timely provide to the Department of Licensing and Regulation any document required to be provided to the department relevant to compliance with the Americans with Disabilities Act pursuant to Article 9102; holding oneself out as an engineer or making use of the words engineer, engineered, professional engineer, P.E., or any other terms tending to create the impression that the licensee is authorized to practice engineering or any other profession unless he or she is so licensed; holding oneself out to as a surveyor or making use of the words surveyor, surveyed, registered professional land surveyor, or any other terms tending to create the impression that the licensee is authorized to practice surveying or any other profession unless he or she is so licensed.

If a license suspension is probated, the board may require a person holding the license to report regularly to the board on matters that are the basis of the probation; to limit the person's practice to areas prescribed by the board; or to continue or renew professional education until the person attains a degree of skill satisfactory to the board. The board may refuse to renew a license of the licensee has defaulted on a loan guaranteed by the Texas Guaranteed Student Loan Corporation or if the licensee has failed to pay court-ordered child support.

[If the board determines that an administrative penalty is the appropriate sanction for violation of statute or rules, there are guidelines to determine if the violation was minor, moderate, or a major violation. In the case of a minor violation, each violation carries a penalty of \$500. For a moderate violation, the penalty for each violation is less than \$2,000. Major violations carry a penalty of no more than \$5,000.]

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Prohibitions/penalties for unlicensed practice: It is unlawful for an unlicensed person to represent himself or herself as a landscape architect, present or attempt to use as the person's own the license or the seal of another, give any false or forged evidence of any kind to the board in obtaining or assisting in attaining for another a license, or violate any other provision of the law. A person who violates any of these provisions is subject to a civil penalty of not more than \$1,000. Each day of such violation is a separate violation.

Provisional Licensure

[The board may grant a provisional license in cases when the applicant has been convicted of certain crimes.]

Written statement to clients

[A landscape architect must provide a written statement of jurisdiction to each client for whom the licensee renders landscape architectural services. The statement of jurisdiction must say, "The Texas Board of Architectural Examiners has jurisdiction over complaints regarding the professional practices of persons registered as Landscape Architects in Texas," and must include the board's current mailing address and telephone number. The board requires that the statement be placed in any written contract for landscape architectural services. In the absence of a written contract, the statement must be otherwise presented to each client in the client's gbill or posted generally in the landscape architect's office.]

Records

Records must be maintained for a minimum of 10 years from the date of signature on each construction document sealed by a landscape architect.

Mandatory Continuing Education

Texas requires landscape architects to complete 12 continuing education program hours for each annual renewal period.

- Deems courses provided by LA CES approved providers as acceptable for continuing education requirements
- CEPH = 50 minutes of course time
- 12 CEPH may be carried over to the subsequent year
- All CEPH must be in topics pertinent to the public welfare, contributing to environmental and economic sustainability, promoting public health and well-being, encouraging community building and stewardship, offering aesthetic and creative experiences, and enabling people and communities to function more effectively. Topics may include the following life and safety categories: legal (laws, codes, zoning, regulations, standards, life-safety, accessibility, ethics, insurance to protect owners and public); technical (surveying, grading, drainage, site layout, selection and placement of trees and plants); environmental (sustainability, natural resources, natural hazards, design of surfaces and selection and placement of trees and plants appropriate to environmental conditions); occupant comfort (air quality, water quality, lighting, acoustics, ergonomics); materials and methods (building systems, products); preservation (historic, reuse, adaptation) pre-design (land use analysis, programming, site selection, site and soils analysis); design (urban planning, master planning, site design, interiors, safety and security measures); construction documents (drawings, specifications, delivery methods); and construction administration (contract, bidding, contract negotiations).
- The study of topics related to barrier-free design must be used to satisfy the requirements for at least 1 CEPH
- The study of sustainable or energy-efficient design standards must be used to satisfy the requirements for at least 1 CEPH

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- Sustainable design is defined as an integrative approach to the process of design which seeks to avoid depletion of energy, water, and raw material resources; prevent environmental degradation caused by facility and infrastructure development during their implementation and over their life cycle; and create environments that are livable and promote health, safety, and well-being. Sustainability is the concept of meeting present needs without compromising the ability of future generations to meet their own needs.
 - Energy efficient design is defined as the design of a project and the specification of materials to minimize the consumption of energy in the use of the project. The term includes energy efficiency strategies by design as well as the incorporation of alternative energy systems.
- Minimum of 8 CEPH in structured course study (educational activities presented by individuals or groups qualified by professional, practical, or academic experience to conduct courses of study). Credit is not available for the same structured course during the preceding 3 years, with the exception of the Texas Accessibility Academy.
 - Maximum of 4 CEPH in self-directed study

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

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Activities:

- Courses dealing with technical landscape architectural subjects, ethical business practices or new technology
- Teaching landscape architectural courses (including preparation time), with a maximum of 3 CEPH claimed per class hour spent teaching (each course may only be claimed once, and faculty may not claim credit for teaching)
- Hours spent in professional service to the general public that draws on the landscape architect's expertise, such as serving on planning commissions, building code advisory boards, urban renewal boards, or code study commissions
- Hours spent in landscape architectural research that is published or formally presented to the profession or public during the annual licensure period
- Self-directed study, which must utilize articles, monographs, or other study materials that the landscape architect has not previously utilized for self-directed study (approved courses include those organized, sponsored or approved by ASLA and CLARB)
- College credit courses dealing with landscape architectural subjects or ethical business practices (1 semester or quarter credit hour = 1 CEPH)
- One CEPH may be claimed for attendance at one full-day session of a meeting of the TX Board of Architectural Examiners

Recordkeeping: Licensee has responsibility for maintaining five-year record, and must certify compliance with license renewal application.

Reciprocity: Licensee who has an active license in another jurisdiction that has licensure requirements which are substantially equivalent to Texas and that has a CE program is exempt for any licensure period during which the licensee satisfies such other jurisdiction's CE requirements. However, such individuals must still complete the one CEPH related to sustainable or energy-efficient design.

Exemptions:

- New licensees in the first renewal period and licensees who have been reinstated through 12/31 of the initial/reinstated license period.

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- Licensees serving on temporary active duty in the U.S. armed forces for more than 90 consecutive days
- Licensees under inactive or emeritus status
- Full-time faculty members or other permanent employees of an institution of higher education who are engaged in teaching landscape architecture. Only applies to those who meet this definition as of September 1, 1999.

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