



# Landscape Architecture Licensure Laws

## ASLA Summary of Provisions

### HAWAII

Hawaii Revised Statutes: Chapter 464  
Hawaii Administrative Rules, Title 16, Chapter 115, Subchapter 5

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

#### **Board of Professional Engineers, Architects, Surveyors and Landscape Architects.**

The 14 member board consists of four engineers, three architects, two surveyors, two landscape architects and three public members appointed by the Governor. Financed by the General Fund.

**Powers:** Adopt, amend, or repeal rules.

#### **Definitions**

**Landscape architect:** A person who holds oneself out as able to perform, or who does perform, any professional services such as consultation, investigation, reconnaissance, research, design, preparation of drawings and specifications, and observation of construction where the dominant purpose of the services is the: preservation and enhancement of land uses and natural land features; location and construction of aesthetically pleasing and functional approaches for structures, roadways, and walkways; and design for equestrian trails, plantings, landscape irrigation, landscape lighting, and landscape grading. This practice shall include the location, arrangement, and design of tangible objects and features as are incidental and necessary to the purposes outlined herein. Nothing herein shall preclude a licensed landscape architect from planning the development of land areas and elements used thereon or from performing any of the described services in connection with the settings, approaches, or environment for buildings, structures, or facilities.

**Directly in charge of the professional work:** [Personal preparation or direct supervision of the preparation and personal review of all instruments of professional service.]

**Observation of construction:** [Making visits to the site by a licensed landscape architect, or qualified representatives working under the supervision of a licensed landscape architect, as the case may require, to observe the progress and quality of the executed work and to determine, in general, if the work is proceeding in accordance with the contract documents. It is not required that they make exhaustive or continuous on-site observations to check the quality or quantity of work nor is it intended that the landscape architect be responsible for construction means, methods, techniques, sequences, or procedures, or for safety precautions and programs in connection with the work.]

**Responsible charge:** [Direct control or personal supervision of landscape architecture work.]

#### **Exemptions**

**Interprofessional practice:** All engineering work, architectural work, and landscape architectural work in which the public health or safety is involved shall be designed by and the construction observed by a duly licensed professional engineer, architect, or landscape architect, respectively.

**Exempt persons:**

- Persons practicing solely as officers or employees of the United States.
- Any agriculturist, horticulturist, tree expert, arborist, forester, garden shop operator, nursery operator or landscape nursery operator, gardener, landscape gardener, landscape contractor, landscape designer, landscape consultant, garden or lawn caretaker, or cultivator of land.
- Any person doing work on any property which that person owns or is in exclusive control of and any persons hired by the owner to do the work and undertakings on that property, unless the work and undertakings involve the safety or health of the public.

Note: Bracketed [ ] material is drawn from regulations.

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Exempt structures: Privately owned property as outlined under exempt persons above.

### **Eligibility Requirements – Initial Licensure**

An applicant must have successfully fulfilled one of the following:

- A masters degree in landscape architecture from an approved institution of higher education and two years of full-time satisfactory experience in landscape architecture work or equivalent part-time experience.
- Graduation from an approved school or college with a landscape architectural curriculum of four years or more and three years of full-time satisfactory experience in landscape architecture work or equivalent part-time experience.
- Graduation from an approved school with a pre-landscape architecture program or arts & sciences curriculum and five years of full-time satisfactory experience in landscape architecture work or equivalent part-time experience.
- Twelve years of satisfactory full-time lawful experience in landscape architecture work or equivalent part-time experience.

Applicants must successfully pass the national landscape architect licensing examination and a written examination, prescribed by the board designed to test the person's knowledge of the State's climatic conditions, native plants and native ecosystems, land use ordinance and special management area requirements, and cultural and historical conditions affecting landscape architecture. Applicants who have at least 15 years of experience are not required to have passed the LARE, but they must pass the state exam.

Experience must be obtained by field or office training under the supervision of a licensed landscape architect, or by teaching (3<sup>rd</sup>, 4<sup>th</sup>, or 5<sup>th</sup> year courses) at an accredited institution. Teaching can qualify for up to one year of the requirement.

Fee: Application, \$75. Initial license and biennial renewal, \$130.

Hawaii is offering a 25% discount on renewal fees if renewal is processed online.

### **Eligibility Requirements – Reciprocal Licensure**

An applicant for a reciprocal license must be a current licensee in a jurisdiction in which the requirements for licensure at the time the person was first licensed are of a standard satisfactory to the board.

Fee: Application, \$75. Initial license and biennial renewal, \$150.

Hawaii is offering a 25% discount on renewal fees if renewal is processed online.

### **Practice Entities**

A corporation or partnership may engage in the practice of professional landscape architecture if the person or persons connected with the entities directly in charge of the professional work are licensed.

[The person or persons in direct charge shall be full-time employee(s), principal(s), officer(s), or partner(s) of the corporation or partnership, and shall have been delegated the legal authority to bind the company in all matters relating to the professional work, and the person's or persons' name(s) shall be filed with the board.]

### **Seal Requirements**

All plans, specifications, maps, reports, surveys and descriptions prepared by or under the supervision of a landscape architect shall be stamped with a seal or stamp when filed with public officials.

### **Enforcement**

Board powers: Revoke, suspend, or refuse to renew licenses.

Department (Licensing Authority) powers:

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- Adopt, amend, or repeal rules, issue declaratory rulings or informal non-binding interpretations, and conduct contested case proceedings;
- Grant, deny, convert, forfeit, renew, reinstate or restore licenses, including the issuance of conditional licenses;
- Revoke, suspend, or otherwise limit the license of any licensee for any violation of the provisions in the Professional and Vocational Licensing Act (PVLA), the licensing laws, or any rule or order of the licensing authority;
- Develop requirements for licensure through the applicable licensing laws or rules;
- Investigate and conduct hearings regarding any violation of the PVLA, the licensing laws, and any rule or order of the licensing authority;
- Monitor the scope of practice of the profession regulated by the licensing authority;
- Prepare, administer, and grade examinations; provided that the licensing authority may contract with a testing agency to provide those services, and the licensing authority may also reserve the right to modify, amend, change, or regrade the examination;
- Create fact-finding committees which may make recommendations to the licensing authority for its deliberations;
- Contract with qualified persons including investigators who shall assist the licensing authority in exercising its powers and duties; and
- Subpoena witnesses and documents, administer oaths, and receive affidavits and oral testimony, including telephonic communications, and do any and all things necessary or incidental to the exercise of the licensing authority's power and duties, including the authority to conduct contested case proceedings.

Prohibitions/penalties: All of the following are prohibited:

- Failure to meet or maintain the conditions and requirements necessary to qualify for the granting of a license including violation of a child support order.
- Engaging in false, fraudulent, or deceptive advertising, or making untruthful or improbable statements.
- Engaging in excessive drug use or practicing the profession impaired by alcohol, drugs, physical disability, or mental instability.
- Procuring a license through fraud, misrepresentation, or deceit;
- Aiding and abetting an unlicensed person to directly or indirectly perform activities requiring a license.
- Professional misconduct, incompetence, gross negligence, or manifest incapacity in the practice of the licensed profession or vocation.
- Violating any condition or limitation upon which a conditional or temporary license was issued.
- Conduct or practice contrary to recognized standards of ethics for the licensed profession.
- Failure to maintain a record or history of competency, trustworthiness, fair dealing, and financial integrity.
- Engaging in business under a past or present license issued pursuant to the licensing laws, in a manner causing injury to one or more members of the public.
- Failure to comply, observe, or adhere to any law in a manner such that the licensing authority deems the applicant or holder to be an unfit or improper person to hold a license.
- Revocation, suspension, or other disciplinary action by another state or federal agency against a licensee or applicant for any reason provided by the licensing laws or this section.
- Criminal conviction, whether by nolo contendere or otherwise, of a penal crime directly related to the qualifications, functions, or duties of the licensed profession or vocation.
- Failure to report in writing to the licensing authority any disciplinary decision issued against the licensee or the applicant in another jurisdiction within 30 days of the decision.
- Employing, utilizing or attempting to employ or utilize at any time any person not licensed under the licensing laws where licensure is required.

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The board may refuse to renew, reinstate or restore, or may deny, revoke, suspend, or condition in any manner, any license for any one or more of the above acts or conditions on the part of the licensee. Any licensee who violates the law or rules may also be fined not less than \$500 or more than \$1,000 per violation. Each day of violation or failure to comply constitutes a separate offense.

The licensing authority shall also refuse to renew, reinstate or restore, or shall deny or suspend any license if the authority has received certification that a licensee is not in compliance with a child support order or has defaulted or breached any obligation for a student loan.

Prohibitions/penalties for unlicensed practice: Any person who practices, offers to practice, or holds oneself out as authorized and qualified to practice landscape architecture or who uses the title landscape architect, or any title, sign, card, or device to indicate that such person is practicing professional landscape architecture, or is a landscape architect, without having first acquired a license in accordance with this chapter and without having a valid unexpired license; or who uses or attempts to use as the person's own the seal, certificate or license of another, or who falsely impersonates any duly licensed practitioner hereunder, or who uses or attempts to use an expired, suspended, or revoked license shall be fined not more than \$500 or imprisoned not more than one year, or both.

Any corporation or partnership that advertises that it furnishes landscape architectural services in the making of plans or specifications or in the construction of any building or other structure, without first complying with the law or any corporation or partnership which furnishes or offers to furnish landscape architectural services for the construction of any building, structure, project, or utility in the State, without complying the law shall be fined not more than \$1,000.

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#### **Mandatory Continuing Education**

Hawaii does not require continuing education for landscape architects.

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