



# House of Representatives

General Assembly

**File No. 88**

January Session, 2011

House Bill No. 6338

*House of Representatives, March 17, 2011*

The Committee on General Law reported through REP. TABORSAK of the 109th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

## ***AN ACT CONCERNING LANDSCAPE ARCHITECTS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 20-373 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2011*):

3 After notice and opportunity for hearing as provided in the  
4 regulations adopted by the Commissioner of Consumer Protection, the  
5 board may: [suspend for a definite period, not to exceed one year, or  
6 may] (1) Suspend or revoke any license [or may officially censure any  
7 person holding a license] or registration issued pursuant to this  
8 chapter, (2) issue a letter of reprimand to any such license or  
9 registration holder, (3) place any such license or registration holder on  
10 probationary status with certain conditions, (4) issue a civil penalty in  
11 an amount not greater than one thousand dollars to any such license or  
12 registration holder, or (5) impose any combination of subdivisions (1)  
13 to (4), inclusive, of this section if it is shown that the license or  
14 registration was obtained through fraud or misrepresentation; or if the  
15 holder of the license or registration has been found guilty by the board

16 or by a court of competent jurisdiction of any fraud or deceit in [his]  
17 such license or registration holder's professional practice; or if the  
18 holder of the license or registration has been found guilty by the board  
19 of [gross] negligence or [gross] incompetency; or if the board has  
20 found that the licensee or registrant has violated any provision of this  
21 chapter, or the regulations adopted pursuant to this chapter. [The  
22 Secretary of the State shall be immediately notified of such suspension  
23 or revocation.] Appeals from the decisions of the board may be taken  
24 as provided in section 4-183. [, except such appeals shall be made  
25 returnable to the judicial district of New Britain.] The board may  
26 authorize the Department of Consumer Protection to reissue any  
27 license or registration which has been revoked, and [it] the board may  
28 modify [the suspension of any license which has been suspended] or  
29 discontinue any action taken by it pursuant to this section.

30 Sec. 2. (NEW) (*Effective July 1, 2011*) (a) The practice of or the offer to  
31 practice landscape architecture in this state by individual licensed  
32 landscape architects under the corporate form, or by a corporation or  
33 limited liability company that employs licensed landscape architects, is  
34 permitted, provided: (1) Personnel of such corporation or limited  
35 liability company who act on its behalf as landscape architects are  
36 licensed or are exempt from licensure under the provisions of chapter  
37 396 of the general statutes, and (2) such corporation or limited liability  
38 company has been issued a certificate of registration by the State Board  
39 of Landscape Architects as provided in subsection (b) of this section.

40 (b) A qualifying corporation or limited liability company desiring a  
41 certificate of registration shall file with the board an application upon a  
42 form prescribed by the Department of Consumer Protection,  
43 accompanied by an application fee of eighty dollars. Each such  
44 certificate shall expire annually and shall be renewable upon payment  
45 of a fee of two hundred dollars. If all requirements of chapter 396 are  
46 met, the board shall authorize the department to issue to such  
47 corporation or limited liability company a certificate of registration  
48 within thirty days after such application, provided the board may  
49 refuse to authorize the issuance of a certificate if any facts exist which

50 would entitle the board to suspend or revoke an existing certificate of  
51 registration.

52 (c) Each such corporation or limited liability company shall file with  
53 the board a designation of an individual or individuals licensed to  
54 engage in the practice of landscape architecture in this state who shall  
55 be in charge of landscape architecture by such corporation or limited  
56 liability company in this state. Such corporation or limited liability  
57 company shall notify the board of any change in such designation  
58 within thirty days after such change becomes effective.

59 (d) All final plans, drawings, specifications, reports or other  
60 documents involving the practice of landscape architecture which are  
61 prepared or approved by any such corporation or limited liability  
62 company or landscape architect for use of or for delivery to any person  
63 or for public record within this state shall be dated and bear the  
64 signature and seal of the landscape architect who prepared them or  
65 under whose supervision they were prepared.

66 (e) No corporation or limited liability company shall be relieved of  
67 responsibility for the conduct or acts of its agents, employees or  
68 officers by reason of its compliance with the provisions of this section,  
69 nor shall any individual practicing landscape architect be relieved of  
70 responsibility for landscape architecture services performed by reason  
71 of such individual's employment or relationship with such corporation  
72 or limited liability company.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2011	20-373
Sec. 2	July 1, 2011	New section

**GL**            *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

**OFA Fiscal Note**

**State Impact:**

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 12 \$</b>	<b>FY 13 \$</b>
Consumer Protection, Dept.	GF - Revenue Gain	17,880	37,200

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill results in a revenue gain in FY 12 of \$17,880 and \$37,200 in FY 13 due to two factors 1) broadening of civil penalties and 2) instituting a fee for landscape architects. The Department of Consumer Protection had 5 complaints in FY10 of the nature specified in the bill which would now be subject to a \$1,000 civil penalty. Additionally the bill results in a revenue gain of \$12,880 in FY 12 and \$32,200 in FY 13 by instituting an initial \$80 application fee and a \$200 annual fee thereafter for registering as a practicing landscape architect. There are currently 161 landscape architects in the state.

**The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

**OLR Bill Analysis****HB 6338*****AN ACT CONCERNING LANDSCAPE ARCHITECTS.*****SUMMARY:**

This bill:

1. allows corporations and limited liability companies (businesses) to register to practice landscape architecture;
2. broadens the penalties the State Board of Landscape Architects may impose;
3. extends the board's enforcement authority to cover businesses registered to practice landscape architecture in the state;
4. eliminates a requirement for the board to notify the secretary of the state when a license is suspended or revoked; and
5. gives parties discretion to appeal a board decision to the judicial district court where they live, instead of only to the New Britain Superior Court.

EFFECTIVE DATE: July 1, 2011

**REGISTRATION**

The bill allows landscape architects to incorporate and businesses to practice landscape architecture if (1) the landscape architects for the business are either licensed or exempt and (2) the business has been issued a certificate of registration by the Department of Consumer Protection (DCP) upon authorization from the board.

A qualifying business must apply to the board for a certificate of registration on an application form prescribed by the DCP, along with

an \$80 application fee. Each certificate expires annually and is renewable for a \$200 fee. If the requirements are met, the board must authorize DCP to issue a certificate of registration within 30 days of the application. The board may refuse to authorize DCP to issue the certificate if it finds grounds for suspending or revoking an existing certificate, such as fraud or misrepresentation.

Each business must designate at least one individual to be in charge of landscape architecture and file their name or names with the board. The business must notify the board of any change in designation within 30 days of the change.

The bill requires landscape architects working for registered businesses to sign, date, and seal all final plans, drawings, specifications, reports, and other related documents they approve or prepare for use or delivery to any person or for public record in the state.

The bill specifies that it does not relieve businesses of the responsibility for the conduct or acts of its agents, employees, or officers because they have complied with the bill's provisions. No individuals practicing landscape architect are relieved of responsibility for services they perform because they are employed by, or have relationship with, a business engaging in landscape architecture.

## **PENALTIES**

The bill broadens the penalties the board may impose on people who (1) obtain a license or registration through fraud or misrepresentation, (2) engage in fraud or deceit in their professional practice, (3) violate any laws or regulations on the practice of landscape architecture, and (4) are found guilty of general negligence or incompetency, instead of gross acts.

Currently, the law allows the board to (1) suspend a license for up to one year, (2) revoke it, or (3) officially censure any licensee. The bill eliminates the one year cap on suspensions; thus allowing the board to impose unlimited suspensions. The bill removes the board's authority

to censure. It applies all penalties to both licenses and registrations and authorizes the board to (1) issue a letter of reprimand, (2) place license and registration holders on probationary status with certain conditions, (3) issue a civil penalty of up to \$1,000, or (4) a combination of any penalties listed. It authorizes the board to modify or discontinue any action it takes. The bill also allows the board to authorize DCP to reissue any registration that has been revoked. Currently, it can only reissue licenses.

**COMMITTEE ACTION**

General Law Committee

Joint Favorable

Yea 15    Nay 0    (03/03/2011)