



General Assembly

**Amendment**

January Session, 2011

LCO No. 6454

**\*HB0633806454HDO\***

Offered by:

REP. TABORSAK, 109<sup>th</sup> Dist.

SEN. DOYLE, 9<sup>th</sup> Dist.

To: House Bill No. 6338

File No. 88

Cal. No. 70

**"AN ACT CONCERNING LANDSCAPE ARCHITECTS."**

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

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 Section 20-373 of the general statutes is repealed and the  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

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

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29 license or registration which has been revoked, and [it] the board may  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

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

42 (b) A qualifying corporation or limited liability company desiring a  
43 certificate of registration shall file with the board an application upon a  
44 form prescribed by the Department of Consumer Protection,  
45 accompanied by an application fee of eighty dollars. Each such  
46 certificate shall expire annually and shall be renewable upon payment  
47 of a fee of two hundred dollars. If all requirements of chapter 396 of  
48 the general statutes are met, the board shall authorize the department  
49 to issue to such corporation or limited liability company a certificate of

50 registration within thirty days after such application, provided the  
51 board may refuse to authorize the issuance of a certificate if any facts  
52 exist which would entitle the board to suspend or revoke an existing  
53 certificate of registration.

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

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

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

75 Sec. 3. Subsection (a) of section 20-341 of the general statutes is  
76 repealed and the following is substituted in lieu thereof (*Effective*  
77 *October 1, 2011*):

78 (a) Any person who wilfully engages in or practices the work or  
79 occupation for which a license is required by this chapter without  
80 having first obtained an apprentice permit or a certificate and license  
81 for such work, or who wilfully employs or supplies for employment a

82 person who does not have a certificate and license for such work, or  
83 who wilfully and falsely pretends to qualify to engage in or practice  
84 such work or occupation, including, but not limited to, offering to  
85 perform such work in any print, electronic, television or radio  
86 advertising or listing when such person does not hold a license for  
87 such work as required by this chapter, or who wilfully engages in or  
88 practices any of the work or occupations for which a license is required  
89 by this chapter after the expiration of such person's license, shall be  
90 guilty of a class B misdemeanor, provided no criminal charges shall be  
91 instituted against such person pursuant to this subsection unless the  
92 work activity in question is reviewed by the Commissioner of  
93 Consumer Protection, or the commissioner's authorized agent, and the  
94 commissioner or such agent specifically determines, in writing, that  
95 such work activity requires a license and is not the subject of a bona  
96 fide dispute between persons engaged in any trade or craft, whether  
97 licensed or unlicensed. Notwithstanding the provisions of subsection  
98 (d) or (e) of section 53a-29 and subsection (d) of section 54-56e, if the  
99 court determines that such person cannot fully repay any victims of  
100 such person within the period of probation established in subsection  
101 (d) or (e) of section 53a-29 or subsection (d) of section 54-56e, the court  
102 may impose probation for a period of not more than five years. The  
103 penalty provided in this subsection shall be in addition to any other  
104 penalties and remedies available under this chapter or chapter 416.

105 Sec. 4. Subsection (a) of section 20-334 of the general statutes is  
106 repealed and the following is substituted in lieu thereof (*Effective*  
107 *October 1, 2011*):

108 (a) No person shall engage in, practice or offer to perform the work  
109 of any occupation subject to this chapter in this state, including  
110 offering to perform such work in any print, electronic, television or  
111 radio advertising or listing, unless such person has first obtained a  
112 license as provided in section 20-333, or possesses a card of registration  
113 from the Labor Department or the board and is subject to all of the  
114 regulations adopted under this chapter for the purpose of governing  
115 apprenticeship training, or has been issued a license for such particular

116 work under this chapter prior to July 6, 1967.

117 Sec. 5. (NEW) (*Effective January 1, 2012*) (a) Any person currently  
118 holding a license issued by the Department of Consumer Protection  
119 pursuant to title 20 of the general statutes who has attained the age of  
120 sixty-five may renew his or her license as a retirement status license  
121 pursuant to subsections (b) to (d), inclusive, of this section.

122 (b) An applicant for a retirement status license shall submit his or  
123 her original license to the Department of Consumer Protection, along  
124 with a letter of request for such classification. The letter shall contain a  
125 statement expressing the licensee's current retirement status and the  
126 acceptance of a restriction on the retirement status license prohibiting  
127 the applicant from actively engaging in the practice of the occupation  
128 or trade for which a license was originally issued.

129 (c) A licensee issued a retirement status license shall not practice or  
130 offer to practice the occupation or trade for which a license was  
131 originally issued.

132 (d) If the Department of Consumer Protection issues a retirement  
133 status license pursuant to this section, it shall return the original  
134 license submitted pursuant to subsection (b) of this section to the  
135 applicant. Such original license shall bear a designation or be stamped  
136 "Retired".

137 (e) The fee for a retirement status license shall be twenty dollars.

138 (f) A licensee issued a retirement status license may restore such  
139 licensee's original license by submitting a form, to be provided by the  
140 Department of Consumer Protection, requesting reinstatement and by  
141 paying the current annual fee for such license.

142 (g) The Commissioner of Consumer Protection may, for good cause  
143 shown, grant a retirement status license to a person who does not meet  
144 the requirements of subsection (a) of this section."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2011</i>	20-373
Sec. 2	<i>July 1, 2011</i>	New section
Sec. 3	<i>October 1, 2011</i>	20-341(a)
Sec. 4	<i>October 1, 2011</i>	20-334(a)
Sec. 5	<i>January 1, 2012</i>	New section