
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)