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OCCUPATIONS CODETITLE 6. REGULATION OF ENGINEERING, ARCHITECTURE, LAND SURVEYING, AND RELATED PRACTICESSUBTITLE B. REGULATION OF ARCHITECTURE AND RELATED PRACTICESCHAPTER 1052. LANDSCAPE ARCHITECTSSUBCHAPTER A. GENERAL PROVISIONSSEC. 1052.003. PRACTICE OF LANDSCAPE ARCHITECTURE. (a) A person may not engage in the practice of landscape architecture unless the person holds a certificate of registration under this chapter or the person:(1) holds a license or permit issued by the Department of Agriculture, if that license or permit authorizes the person to engage in the business of selling nursery stock in this state;(2) is a building designer;(3) is a landscape contractor;(4) is a landscape designer;(5) is a golf course designer or planner involved in services such as consultation, investigation, reconnaissance, research, design, preparation of drawings and specifications, and supervision, if the dominant purpose of the service is golf course design or planning;(6) makes a plan, drawing, or specification for personal use, if the plan, drawing, or specification is for property that is owned by that person;(7) makes a plan, drawing, or specification for a single-family residence;(8) makes a plan, drawing, or specification for a multifamily residential project that is not an assisted living facility as defined by Section 247.002, Health and Safety Code;(9) makes a plan, drawing, or specification for residential housing owned and operated by an institution of higher education as defined by Section 61.003, Education Code;(10) 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:(A) the design of structures or facilities with separate and self-contained purposes that are ordinarily included in the practice of engineering or architecture; or(B) the making of land surveys for official approval or recording;(11) is licensed in this state to practice:(A) architecture;(B) engineering; or(C) land surveying;(12) 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;(13) is primarily engaged in maintaining an existing landscape;(14) makes a plan, drawing, or specification for property primarily used for farm, ranch, agriculture, wildlife management, or habitat restoration purposes; or(15) is a volunteer acting under the direction of a governmental entity for a public purpose.(b) A person described by Subsection (a) may not use the term "landscape architect," "landscape architectural," or "landscape architecture," or any similar term, to describe the person or the services the person provides unless the person holds a certificate of registration under this chapter. Added by Acts 2001, 77th Leg., ch. 1421, Sec. 1, eff. June 1, 2003. Amended by Acts 2003, 78th Leg., ch. 1276, Sec. 14A.057(b), eff. Sept. 1, 2003. Sec. 1052.004. ACTIVITIES OF LANDSCAPE ARCHITECT EMPLOYEE. This chapter does not limit the ability of an employee of a landscape architect to act under the landscape architect's instructions, control, or supervision. Added by Acts 2003, 78th Leg., ch. 331, Sec. 4.01, eff. Sept. 1, 2003. Sec. 1052.005. ACTIVITIES OF CERTAIN PERSONS NOT REPRESENTED TO BE LANDSCAPE ARCHITECTS. (a) This chapter does not apply to a person:(1) who does not represent that the person is a landscape architect or use a business or professional title that uses a form of the phrase "landscape architect"; and(2) who is a landscape architect licensed or registered in another state or country who:(A) does not open or maintain a business in this state; and(B) complies with the requirements of Subsection (b).(b) A person described by Subsection (a) who agrees to perform or represents that the person is able to perform a professional service involved in the practice of landscape architecture may perform a landscape architectural service in this state only if, in performing the service, the person:(1) employs a landscape architect registered under this chapter as a consultant; or(2) acts as a consultant of a landscape architect registered in this state. Added by Acts 2003, 78th Leg., ch. 331, Sec. 4.01, eff. Sept. 1, 2003. SUBCHAPTER B. BOARD POWERS AND DUTIESSEC. 1052.054. FEES. (a) The board may set a fee for a board action involving an administrative expense in an amount that is reasonable and necessary to cover the cost of administering this chapter, unless the amount of the fee is set by the General Appropriations Act.(b) The board shall set the fee for renewal of a certificate of registration in an amount that is reasonable and necessary to defray administrative costs.(c) The board may accept payment of a fee by electronic means. The board may charge a fee to process the payment made by electronic means. The board shall set the processing fee in an amount that is reasonably related to the expense incurred by the board in processing the payment made by electronic means, not to exceed five percent of the amount of the fee for which the payment is made.(d) A fee set by the board under this section may not be used for the purpose of earning additional revenue for the board. Added by Acts 2001, 77th Leg., ch. 1421, Sec. 1, eff. June 1, 2003. Amended by Acts 2003, 78th Leg., ch. 331, Sec. 4.02, eff. Sept. 1, 2003. Sec. 1052.056. DESIGN AND APPROVAL OF LANDSCAPE ARCHITECT'S SEAL. (a) The board shall prescribe and approve the seal to be used by a landscape architect.(b) The design of the seal must be the same as the design used by the board, except that the words "Registered Landscape Architect, State of Texas" must be used instead of "Texas Board of Architectural Examiners." (V.A.C.S. Art. 249c, Sec. 8D(b)). Added by Acts 2001, 77th Leg., ch. 1421, Sec. 1, eff. June 1, 2003. Amended by Acts 2003, 78th Leg., ch. 331, Sec. 4.03, 4.04, eff. Sept. 1, 2003. SUBCHAPTER D. REGISTRATION REQUIREMENTSSEC. 1052.151. REGISTRATION REQUIRED; EXCEPTIONS. (a) A person may not engage in the practice of landscape architecture unless the person:(1) holds a certificate of registration under this chapter; or(2) is authorized under Section 1052.003 to engage in the practice of landscape architecture without holding a certificate of registration.(b) Except as provided by Subsections (c) and (d), a person may not represent the person to be a landscape architect or use the term "landscape architect," "landscape architectural," or "landscape architecture" or any similar term to describe the person's services unless the person holds a certificate of registration under this chapter.(c) A business entity may engage in the practice of landscape architecture without holding a certificate of registration under this chapter if:(1) the entity is authorized under Section 1052.003 to engage in the practice of landscape architecture without holding a certificate of registration; or(2) any landscape architecture performed on behalf of the entity is performed by or under the supervision and control of a person who:(A) holds a certificate of registration under this chapter; and(B) is a regular, full-time employee of the entity.(d) A business entity may use the term "landscape architect," "landscape architectural," or "landscape architecture" or any similar term to describe the entity or the services provided by the entity without holding a certificate of registration under this chapter if any practice of landscape architecture performed on behalf of the entity is performed by or under the supervision and control of a person who:(1) holds a certificate of registration under this chapter; and(2) is a regular, full-time employee of the entity. Added by Acts 2001, 77th Leg., ch. 1421, Sec. 1, eff. June 1, 2003. Amended by Acts 2003, 78th Leg., ch. 1276, Sec. 14A.057(c), eff. Sept. 1, 2003. Amended by Acts 2007, 80th Leg., R.S., Ch. 1360 (H.B. 2060), Sec. 8, eff. September 1, 2007. Sec. 1052.154. ACCEPTANCE OF ASSIGNMENTS. A landscape architect may not accept an assignment to engage in the practice of landscape architecture unless:(1) the landscape architect is qualified by education, examination, or experience to adequately and competently perform the assignment; or(2) if the landscape architect is not qualified to perform part of the assignment, that part of the assignment is to be performed by persons who are qualified. Added by Acts 2003, 78th Leg., ch. 1276, Sec. 14A.057(d), eff. Sept. 1, 2003. Sec. 1052.152. USE OF LANDSCAPE ARCHITECT'S SEAL. (a) A landscape architect shall maintain a seal as described by Section 1052.056 and shall stamp or impress the seal on each drawing or specification issued from the landscape architect's office for use in this state.(b) A person may not use or attempt to use a landscape architect's seal, a similar seal, or a replica of the seal unless the use is by or through a landscape architect.(c) A landscape architect may not permit a person who is not a landscape architect to use the landscape architect's seal without the landscape architect's personal supervision.(d) A person may not present or attempt to use as the person's own the seal of another person. Added by Acts 2001, 77th Leg., ch. 1421, Sec. 1, eff. June 1, 2003. Sec. 1052.153. EXAMINATION. (a) A person must pass an examination prescribed by the board to receive a certificate of registration as a landscape architect.(b) The board shall prescribe the scope of the examination and the methods of procedure with special reference to the applicant's ability that will ensure the safety of the public welfare and property rights. The board by rule may adopt the examination of the Council of Landscape Architectural Registration Boards or the examination of a nationally recognized testing organization whose examination is determined by the board to be at least as stringent as the council's examination.(c) The board shall approve the examination.(d) The board at least annually shall administer the examination or enter into a contract with a nationally recognized testing organization to administer the examination. The board, in the manner provided by board rule, shall provide reasonable public notice of the dates on and locations at which each portion of the examination will be administered. Added by Acts 2001, 77th Leg., ch. 1421, Sec. 1, eff. June 1, 2003. Amended by Acts 2007, 80th Leg., R.S., Ch. 1360 (H.B. 2060), Sec. 9, eff. September 1, 2007. Sec. 1052.154. ELIGIBILITY FOR EXAMINATION; APPLICATION. (a) A person may apply for examination under this chapter if the person:(1) is a graduate of a landscape architecture educational program recognized and approved by the board; and(2) has satisfactory experience in landscape architecture as required by board rule.(b) The application must be accompanied by a fee set by the board in an amount that is reasonable and necessary to defray administrative costs. Added by Acts 2001, 77th Leg., ch. 1421, Sec. 1, eff. June 1, 2003. Sec. 1052.155. EMERITUS STATUS; LANDSCAPE ARCHITECTS. (a) The board by rule shall establish a procedure by which a landscape architect may place the landscape architect's certificate of registration on emeritus status. The landscape architect must apply for emeritus status, on a form prescribed by the board, before the landscape architect's certificate of registration expires.(b) A landscape architect is eligible for emeritus status if the landscape architect:(1) has been a landscape architect for 20 years or more; and(2) is 65 years of age or older.(c) A landscape architect whose certificate of registration is on emeritus status:(1) may engage in the practice of landscape architecture to the extent that a person who does not hold a certificate of registration as a landscape architect may under Section 1052.003(a);(2) may use the title "Emeritus Landscape Architect" or "Landscape Architect Emeritus";(3) must pay a renewal fee on a date and in a manner prescribed by board rule; and(4) is exempt from continuing education requirements under this chapter.(d) The board shall change a landscape architect's certificate of registration from emeritus status to active status if the landscape architect:(1) requests in writing that the board change the landscape architect's certificate of registration from emeritus status to active status;(2) pays an administrative fee; and(3) complies with education or other requirements established by board rule.(e) The renewal fee charged under Subsection (c) may not exceed an amount reasonable and necessary to recover the costs to administer this section. Added by Acts 2007, 80th Leg., R.S., Ch. 1360 (H.B. 2060), Sec. 10, eff. September 1, 2007. SUBCHAPTER F. DISCIPLINARY PROCEDURESSEC. 1052.251. DISCIPLINARY POWERS OF BOARD. (a) On a determination that a ground for discipline exists under Section 1052.252, the board shall:(1) revoke, suspend, or refuse to renew a certificate of registration;(2) reprimand a certificate holder; or(3) impose an administrative penalty on a person under Subchapter I, Chapter 1051.(b) The board may place on probation a person whose certificate of registration is suspended. If the suspension is probated, the board may require the person to:(1) report regularly to the board on matters that are the basis of the probation;(2) limit practice to the areas prescribed by the board; or(3) continue or review professional education until the person attains a degree of skill satisfactory to the board in those areas that are the basis of the probation. Added by Acts 2001, 77th Leg., ch. 1421, Sec. 1, eff. June 1, 2003. Amended by Acts 2003, 78th Leg., ch. 331, Sec. 4.05, eff. Sept. 1, 2003. Sec. 1052.252. GROUNDS FOR DISCIPLINARY ACTION. A person is subject to disciplinary action under Section 1052.251 for:(1) violating this subtitle or a board rule adopted under this subtitle that applies to landscape architects;(2) using fraud or deceit in obtaining a certificate of registration;(3) giving false or forged evidence to the board or a member of the board in obtaining or assisting another person to obtain a certificate of registration;(4) using or attempting to use as the person's own the certificate of registration of another person;(5) holding the person out to the public as an engineer or using the term "engineer," "engineered," "professional engineer," or "P.E." or any other term tending to create the impression that the person is authorized to practice engineering or another profession unless the person is licensed under Chapter 1001 or another licensing law of this state, as applicable;(6) holding the person out to the public as a surveyor or using the term "surveyor," "surveyed," or "registered professional land surveyor" or any other term tending to create the impression that the person is authorized to practice surveying or another profession unless the person is licensed under Chapter 1071 or another licensing law of this state, as applicable;(7) committing an act of recklessness, gross incompetency, or misconduct in the practice of landscape architecture;(8) failing to provide or to timely provide to the Texas Department of Licensing and Regulation any document designated by Chapter 469, Government Code, as a document the person is required to provide to the department;(9) acting dishonestly in the practice of landscape architecture; or(10) aiding or abetting a person not registered under this subtitle in violating this subtitle. Added by Acts 2001, 77th Leg., ch. 1421, Sec. 1, eff. June 1, 2003. Amended by Acts 2003, 78th Leg., ch. 331, Sec. 4.05, eff. Sept. 1, 2003; Acts 2003, 78th Leg., ch. 1276, Sec. 14A.060(a), eff. Sept. 1, 2003.

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