

# SENATE . . . . . No. 328

By Mr. Buell, petition (accompanied by bill, Senate, No. 328) of Robert C. Buell for legislation to further define and regulate the practice of landscape architecture. Government Regulations.

## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Two.

### AN ACT FURTHER DEFINING AND REGULATING THE PRACTICE OF LANDSCAPE ARCHITECTURE.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Section 98 of chapter 112 of the General Laws,  
2 as appearing in the 1988 Official Edition, is hereby amended by  
3 striking out the definition of "Landscape architect" and inserting  
4 in place thereof the following definition: —

5 "Landscape architect", a person licensed to practice landscape  
6 architecture in this commonwealth under the authority of sections  
7 ninety-eight through one hundred and seven, subject to the rules  
8 and regulations of the board.

1 SECTION 2. Section 99 of said chapter 112, as so appearing,  
2 is hereby amended by striking out the first sentence and inserting  
3 in place thereof the following sentence: — No person shall  
4 practice landscape architecture, except as excluded in section one  
5 hundred and seven A, or use the title landscape architect in the  
6 commonwealth on any sign, title card or other device to indicate  
7 that such person is practicing landscape architecture or is a  
8 landscape architect unless such person shall have secured from  
9 the board a certificate of registration as a landscape architect.

1 SECTION 3. The first paragraph of section 101 of said chap-  
2 ter 112, as so appearing, is hereby amended by adding the

3 following sentence: — The board may adopt its own rules and  
4 regulations governing other combinations of academic and  
5 practical experience.

1 SECTION 4. Section 103 of said chapter 112, as so appearing,  
2 is hereby amended by striking out subparagraph (c) and inserting  
3 in place thereof the following subparagraph: —

4 (c) Any holder of a certificate of registration who fails to renew  
5 his registration within sixty days after notification by the board  
6 that his certificate has expired, shall, before again practicing  
7 landscape architecture or using the title landscape architect within  
8 the commonwealth, be required to reregister, pay a fee established  
9 by the commissioner of administration and finance, and may be  
10 required by the board to be reexamined.

1 SECTION 5. Section 107 of said chapter 112, as so appearing,  
2 is hereby amended by striking out clause (a) and inserting in place  
3 thereof the following clause: —

4 (a) practice or offer to practice or hold himself out as being  
5 entitled to practice landscape architecture, unless he is registered  
6 under the provisions of sections ninety-eight to one hundred and  
7 seven, inclusive.

1 SECTION 6. Said chapter, as so appearing, is hereby amended  
2 by inserting after section 107 the following section: —

3 Section 107A. This chapter shall not prohibit any person from  
4 preparing plans or drawings and specifications for private  
5 residential property. Registered or licensed professionals such as  
6 architects, engineers and land surveyors shall not be required to  
7 register under this chapter. Contractors, suppliers, horticulturists  
8 or nurserymen may engage in the preparation of plans or drawings  
9 and specifications as an adjunct to their normal business and shall  
10 not be required to register under this chapter.

11 Notwithstanding the provisions of this section, any person  
12 exempted or persons engaged in activities exempted under this  
13 section shall not indicate, in any way, that such person is  
14 practicing landscape architecture or is a landscape architect unless  
15 such person complies with sections ninety-eight through one

16 hundred and seven. Use of the title landscape designer is not  
17 restricted in any way by this Act.

18 Section 107B. Notwithstanding any other provisions of this act,  
19 any person who submits evidence satisfactory to the board that,  
20 for not less than one year prior to the passage of this act, has been  
21 regularly engaged in the practice of landscape architecture, subject  
22 to the rules and regulations of the board, shall be entitled to  
23 receive, without examination, a certificate of registration to  
24 practice landscape architecture, if he files an application therefor  
25 accompanied by the fee for an original certificate on or before  
26 one year after the act's effective date. In the case of a person  
27 serving in the armed forces of the United States on the effective  
28 date of this act, such one year period shall not commence until  
29 his separation or discharge from such service.

