

RULES AND REGULATIONS

Title 12—COMMERCE, TRADE AND LOCAL GOVERNMENT

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

[12 PA. CODE CH. 147]

Building Energy Conservation Standards

The Department of Community and Economic Development (Department), under section 306 of the Community and Economic Development Enhancement Act (71 P. S. § 1709.306), rescinds Chapter 147 to read as set forth in Annex A.

Introduction

Chapter 147 established administrative procedures and energy conservation standards for the implementation of the Building Energy Conservation Act.

Analysis

Chapter 147 is outdated and no longer consistent with current law. The Building Energy Conservation Act has been repealed and replaced by the Pennsylvania Construction Code Act (35 P. S. §§ 7210.101—7210.1103). Therefore, Chapter 147 is unnecessary.

Fiscal Impact

Commonwealth. There will be no fiscal impact on the Commonwealth.

Political subdivisions. There will be no fiscal impact on political subdivisions.

Public. There will be no fiscal impact on the public.

Paperwork

The rescission of Chapter 147 eliminates paperwork requirements currently in existence.

Notice Proposed Rulemaking Omitted

Notice of proposed rulemaking has been omitted under section 204(2) and (3) of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1204(2) and (3)), known as the Commonwealth Documents Law (CDL), which specifies that a regulation may be adopted without notice of proposed rulemaking if proposed rulemaking procedures are “in the circumstances impracticable, unnecessary, or contrary to the public interest” or if they relate to “Commonwealth property, loans, grants, benefits or contracts.” The proposed rulemaking procedures in this instance is unnecessary because the existing regulation is outdated and no longer consistent with current law.

Regulatory Review

Under section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)), on May 23, 2006, the Department submitted a copy of the final-omitted rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Commerce Committee and the Senate Community and Economic Development Committee. A copy of this material is available to the public upon request.

Under section 5.1(j.2) of the Regulatory Review Act, on July 5, 2006, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on July 6, 2006, and approved the final-omitted rulemaking.

Effective Date/Sunset Date

The final-omitted rulemaking will be effective upon publication in the *Pennsylvania Bulletin*. A sunset date is not applicable because the regulations are being repealed.

Contact Person

Interested persons are invited to submit in writing comments, suggestions or objections regarding the final-omitted rulemaking to Matthew Speicher, Assistant Counsel, Office of Chief Counsel, Department of Community and Economic Development, Commonwealth Keystone Building, 4th Floor, 400 North Street, Harrisburg, PA 17120, (717) 720-7317; or Mark Conte, Chief, Housing Standards Division, Office of Community Development, Department of Community and Economic Development, Commonwealth Keystone Building, 4th Floor, 400 North Street, Harrisburg, PA 17120, (717) 720-7416.

Findings

The Department finds that:

(1) The proposed rulemaking procedures in sections 201 and 202 of the CDL (45 P. S. §§ 1201 and 1202) are inapplicable because they are unnecessary as the existing regulations are outdated and no longer consistent with current law.

(2) Public notice of intention to rescind the regulations has been omitted under section 204 of CDL and the regulation promulgated thereunder, 1 Pa. Code § 7.4.

(3) Delay in implementing the rescission will have a serious adverse impact on the public interest.

Order

The Department, acting under the authorizing statute, orders that:

(a) The regulations of the Department, 12 Pa. Code Chapter 147, are amended by deleting §§ 147.1, 147.1a, 147.2—147.8, 147.17—147.23, 147.31—147.33, 147.34a, 147.41 and 147.42 to read as set forth in Annex A.

(b) The Department shall submit this order and Annex A to the Office of Attorney General and the Office of General Counsel for approval as to legality as required by law.

(c) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

DENNIS YABLONSKY,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 36 Pa.B. 3919 (July 22, 2006).)

Fiscal Note: 4-86. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 12. COMMERCE, TRADE AND LOCAL GOVERNMENT

PART V. COMMUNITY AFFAIRS AND DEVELOPMENT

Subpart C. COMMUNITY DEVELOPMENT AND HOUSING

CHAPTER 147. (Reserved)

§ 147.1. (Reserved).

§ 147.1a. (Reserved).

§§ 147.2—147.8. (Reserved).

§§ 147.17—147.23. (Reserved).

§§ 147.31—147.33. (Reserved).

§ 147.34a. (Reserved).

§ 147.41. (Reserved).

§ 147.42. (Reserved).

[Pa.B. Doc. No. 06-1444. Filed for public inspection July 28, 2006, 9:00 a.m.]

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF LANDSCAPE ARCHITECTS

[49 PA. CODE CH. 15]

General Revisions

The State Board of Landscape Architects (Board) amends §§ 15.2, 15.11, 15.16, 15.18, 15.32—15.34, 15.36, 15.41, 15.54, 15.56, 15.72, 15.73, 15.76 and 15.79 and deletes §§ 15.14, 15.19, 15.20 and 15.37 to read as set forth in Annex A.

Notice of proposed rulemaking was published at 35 Pa.B. 2404 (April 23, 2005). Publication was followed by a 30-day public comment period. The Board received one comment from the American Society of Landscape Architects, which generally supported the proposed amendments and specifically approved of the amendments to §§ 15.36 and 15.76 (relating to permitted practices; and sources of continuing education courses). The House Professional Licensure Committee (HPLC) submitted comments and questions June 7, 2005, and the Independent Regulatory Review Commission (IRRC) submitted comments and questions June 22, 2005. The Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) did not comment on the proposed rulemaking.

Effective Date

This final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin*.

Statutory Authority

This final-form rulemaking is authorized under section 4(9) of the Landscape Architects' Registration Law (act) (63 P. S. § 904(9)).

Summary of Comments and Responses to Proposed Rulemaking

§ 15.2. *Board proceedings and meetings.*

IRRC noted that the Board was amending subsection (b) to state that Board meetings “may,” rather than “will,” be conducted using Robert’s Rules of Order. IRRC suggested that if the use of Robert’s Rules of Order were no longer required, the second sentence in the subsection should be deleted, that is, the sentence making the use of Robert’s Rules of Order a matter of Board discretion. Upon consideration, the Board declines to adopt this suggestion. The Board believes that the amended subsection still provides useful information about Board meeting procedures by informing that Robert’s Rules of Order may still be consulted as a source of authority.

§ 15.14. *Retention of documents.*

The proposed rulemaking deleted the second sentence of this section, which authorized an applicant to submit photocopies of original documents for documentary evidence if the photocopies were notarized as true copies. The HPLC pointed out that under statutory construction principles the deletion of this language would indicate the Board’s intent to require the applicant to submit original documents, but that applicants might not discern this intent. The HPLC recommended that the Board state clearly that the applicant must submit original documents. IRRC pointed out that the preamble to proposed rulemaking indicated that the documents being spoken about were work samples of the applicant. In reviewing the comments to this section, it became apparent to the Board that this section was in part outdated and in part misplaced. Applicants who apply after having completed, among other things, the licensing examination (see section 6(b)(i)—(iii) of the act (63 P. S. § 906(b)(i)—(iii))) do not submit work samples. Documents submitted by them or on their behalf, including official transcripts, letters of reference and letters with employment information, are original documents or documents bearing original certifications regarding their authenticity. These documents are retained by the Board as part of the application and are never returned to the applicant. Under section 6 of the act, applicants who apply without having taken the examination are required to show at least 10 and as many as 15 years of experience in the practice of landscape architecture. These applicants bring work samples to the Board so that they can demonstrate “experience of such grade and character as to fit the person to assume responsible charge of work involved in the practice of landscape architecture.” See section 6(c)(ii) of the act. The Board believes that rules pertaining to landscape architecture documents that are submitted in support of an application without examination are best moved to § 15.56 (relating to registration without examination). In this final-form rulemaking, the Board added § 15.56(b)(2), regarding submission of work samples. This section indicates that the applicant must submit original work samples in support of an application without examination unless the Board agrees to accept photocopies for good cause shown by the applicant and that the work samples will be returned to the applicant at the conclusion of all proceedings related to the application.

§ 15.16. *References.*

The proposed rulemaking added a sentence to subsection (b) that stated “The Board will return completed reference forms sent by the applicant.” IRRC noted that the intent of this provision was to require reference forms to be submitted directly to the Board from the person

providing the reference and that the proposed sentence lacked clarity. The Board agrees and adopted IRRC's suggestion that the sentence state "the Board will not accept completed reference forms that are sent by the applicant."

The proposed rulemaking deleted the language from subsection (d) that required letters of recommendation to address the applicant's moral character. The HPLC questioned the Board's decision to remove this language and asked how the Board would know that the applicant possessed the good moral character required by section 6(b) of the act. The Board agrees and concludes that the letter of reference does provide useful evidence that the applicant possesses good moral character. Therefore, the Board restores the language requiring references to comment on the applicant's moral character.

§ 15.18. Certification.

The proposed rulemaking deleted subsection (b), which indicated that prior to the issuance of a permanent certificate, a letter would be issued advising the landscape architect that he has been granted registration and that the letter would serve as a temporary certificate of registration. The Board proposed deleting the provision because once a license is approved, it is automatically considered active and is listed on the Board's website and the licensee receives the permanent certificate within 2 weeks following approval. IRRC, in the interest of clarity, suggested that the Board replace the provision with one that stated that the licensee could practice once the notification of approval is listed on the website. The Board largely adopts this suggestion and the amended subsection states that a license may begin practicing when he is identified as a licensee on the Board's website or receives a license from the Board.

§ 15.23. Practice by out-of-State landscape architects.

The proposed rulemaking deleted the requirement in subsection (a) that out-of-State landscape architects seeking to practice in this Commonwealth for up to 30 days in 1 year obtain approval from the Board before practicing. The HPLC noted that a landscape architect licensed in another jurisdiction would still have to submit proof of address and licensure, asked where the out-of-State firms would send the proof required by the remaining paragraphs of this subsection and asked if the Board should retain the policy choice that out-of-State landscape architects seek Board approval before practicing. Upon review, the Board determined that it would adopt the suggestion of the HPLC and not make a change to current § 15.23.

§ 15.33. Seals.

The proposed rulemaking deleted subsection (d), which indicated that a license would not be renewed unless the registrant had obtained a seal or stamp. The HPLC asked the Board to provide information as to why it chose to delete the language of subsection (d). The Board's rationale in the proposed rulemaking for deleting this requirement was that it was difficult to enforce. The current rulemaking requires the license not to be renewed if the registrant did not have a seal. The decision not to renew would have to occur in the comparatively short period from the time renewal applications became available to the date when the old license expired, without significant time for the licensee to respond or for a hearing. Upon reviewing the HPLC's concern regarding the loss of an enforcement mechanism that would ensure that licensees obtained a seal or stamp, the Board concluded that it could both facilitate renewals and provide an enforcement mechanism by stating in the final-form rulemaking that a

licensee who fails to obtain a seal or rubber stamp will be subject to disciplinary action and penalties under section 11(b) of the act (63 P. S. § 911(b)).

§ 15.36. Permitted practices.

The proposed rulemaking deleted subsections (b) and (d) and most of subsection (c), which generally required licensees to file copies of articles of incorporation and fictitious name registrations with the Board as well as the Corporation Bureau if they practiced as part of a corporation or used a fictitious name and required licensees to sign documents arising out of professional services and to have their name appear on association documents when they did not sign the document. The HPLC and IRRC asked why the Board sought to delete subsection (d), which requires that a landscape architect sign documents that arise out of the rendering of professional services and, if he practices in association with others, that his name appear with the name of the association on documents not signed by him. Upon review of these questions, the Board concluded that it should keep the requirement that a landscape architect sign documents that arise out of the rendering of professional services. This requirement now appears as subsection (c) in the final-form rulemaking. The Board, however, declines to keep the requirement that a landscape architect who practices in association with others have his name appear with the name of the association on documents not signed by him. The Board notes that there could be a large number of people in the firm, resulting in a long list of people who might have nothing to do with a project, who are nevertheless identified on project documents. The Board does not believe that lists of names help it to regulate landscape architects or promote public protection. The HPLC also asked why the Board sought to delete the requirement in subsection (c)(3) that requires a licensee to notify the Board of changes of ownership of a business and to seek the Board's approval before practicing under a new name or owner. These pieces of information do not assist the Board in its enforcement activities. Unlike the State Board of Accountancy; the State Board of Pharmacy; the State Board of Vehicle Manufacturers, Dealers and Salespersons and the State Real Estate Commission, the Board does not have statutory authority to issue licenses, permits or registrations for businesses or corporations. The Board only licenses natural persons who meet the statutory qualifications for a landscape architect license. The Board's computerized licensing records record individual licensees, but do not record or register landscape architecture businesses or firms and do not record fictitious names. These records are available at the Corporation Bureau.

§ 15.37. Public information.

This section was proposed to be rescinded. The HPLC asked whether the Board intended to cease providing information regarding names of licensees, whether a licensee was in good standing and test results, or whether requests for information would have to be made as a formal request under the act of June 21, 1957 (P. L. 390, No. 212) (65 P. S. §§ 66.1—66.4), known as the Right-to-Know Law. The HPLC also asked whether the effect of rescinding this section meant the Board would no longer provide this information to applicants and the licensing boards of other states. The Board does not intend to cease providing any information that it currently provides. On the contrary, the Board provides more information to licensees and the public than ever before. Information concerning licensees is now readily and immediately available on the Department of State website at www.dos.state.pa.us. Interested persons with access to the Internet

can instantly look up a licensee, city, state, zip code, whether the license is in good standing and whether there has been prior disciplinary action against the licensee. This website further instructs visitors how to access further information about prior disciplinary action. The same information may also be obtained by calling or writing to the Board. The Board administrative staff routinely provides information regarding a licensee's test results to the administrative staffs of other states. It is also routine for licensees to obtain verification of their licensure status and certification of their licensure for matters such as seeking employment or a license in another state. See § 15.12 (relating to fees). This website also tells licensees how to request certification of licensure and examination scores, among other things. It should be pointed out that the Board and candidates for licensure by examination only learn whether they passed or failed the examination. The Board and examinees do not receive numerical scores. Other information may be available upon written request under and in accordance with the Right-to-Know Law.

§ 15.72. Requirement for biennial renewal.

The proposed rulemaking added subsection (b), indicating that the Board would exempt from the continuing education requirement a licensee who received a license within 2 years preceding the licensee's first application for biennial renewal. Both IRRC and the HPLC raised questions regarding this subsection. The HPLC asked the Board to clarify whether the policy choice of this subsection conflicted with section 9.1(b) of the act (63 P.S. § 909.1(b)), which states that "each person licensed under this act shall be required to obtain ten hours of mandatory continuing education during each two-year license period." IRRC questioned why the Board would allow a blanket waiver for a licensee who was licensed within 2 years preceding the biennial renewal and recommended that the Board reduce or waive the required continuing education for licensees who obtained their licenses just before a renewal. The Board does not believe that there is a policy conflict between this subsection and the act, but believes strongly that new licensees should be exempt from the continuing education requirements if they became licensed within the 2 years prior to the first renewal. The new licensee would not have the full statutory "2-year license period" to complete the 10 hours of continuing education, unlike the licensee who already has renewed the license at least one time. The Board also notes in this regard that certified public accountants are exempt from the continuing education requirement for the biennial period during which the applicants completed the examination. See § 11.62(d) (relating to credit-hour requirements). Similarly, pharmacists who are newly graduated are exempt from the continuing education requirements for the license renewal immediately following licensure. See § 27.32(e) (relating to continuing education). Funeral directors are not required to complete continuing education during the renewal period in which the funeral director is first issued a license. See § 13.401(a) (relating to credit hour requirements). IRRC also suggested that the Board use the word "waive" rather than "exempt" in this subsection. However "exemption" is a word that has taken root in the *Pennsylvania Code* for releasing new licensees from a continuing education obligation when they lack the full 2 years to accumulate the necessary hours. See §§ 11.62(d) and 27.32(e).

§ 15.73. Acceptable continuing education courses.

Currently, subsection (c) authorizes a licensee to meet up to 5 of the 10-hour continuing education requirement with satellite seminars and electronic presentations. The proposed rulemaking amended subsection (c) to add correspondence courses to the types of nontraditional classroom courses that may be used for up to 5 hours of the continuing education requirement. IRRC called attention to the phrase "electronic presentations" and suggested that clarity would be improved by providing examples of these types of presentations. The phrase "electronic presentations" is already defined in § 15.71 (relating to definitions) as "[t]ransmittal of information by means of applications such as computer technology, telecommunications, television, and the like." The Board believes that this definition clarifies the phrase.

In final-form rulemaking the Board is changing "[a] maximum of 5 clock hours . . ." of subsection (c) to read "[a] maximum of 1/2 of the required clock hours . . ." This amendment will not currently alter the number of hours of continuing education that may be satisfied by satellite seminars, electronic presentations and correspondence courses, but will clarify, in the event the act is modified to require more than 10 hours of continuing education, that the Board intends to keep the principle that half of the requirement may be met through these types of programs. Senate Bill 200, referred to the SCP/PLC on February 7, 2005, for example, would increase the continuing education requirement to 20 hours, if enacted.

§ 15.79. Reporting of hours spent in continuing education.

The proposed rulemaking deleted the phrase "on Board-provided forms" from this section which described how and what licensees were supposed to report regarding the hours they spent in continuing education. The HPLC asked the Board to provide information regarding the type of proof acceptable to the Board in terms of attendance and asked how, given the proposed deletion of the phrase "on Board-provided forms," the Board would be able to sufficiently verify attendance.

In reviewing this section, both in its current form and in the proposed rulemaking, the Board realized that the section caused confusion among licensees and did not accurately reflect the procedures used to renew licenses and to verify attendance at continuing education courses. When a licensee renews a license, the renewal application only asks the licensee to verify whether the licensee has taken 10 hours of Board-approved continuing education courses. The renewal application does not ask the licensee to provide certificates of attendance, transcripts or other documentation. Records and documentation of course completion are only requested when the Board conducts a random audit of continuing education after the license renewal as indicated in § 15.80 (relating to retention of records), which describes the acceptable types of proof of attendance at courses: certificates, transcripts or other documents prepared by the course provider. The continuing education audit is, in fact, the Board's means of verifying attendance.

The Board amended § 15.79 to conform to the actual practice and states that an applicant for license renewal shall certify on the renewal application whether the applicant has completed the required number of hours of Board-approved continuing education courses.

Fiscal Impact

The final-form rulemaking will have no fiscal impact on the Board or its licensees. The final-form rulemaking should have no fiscal impact on the private sector, the general public or political subdivisions.

Paperwork Requirements

The final-form rulemaking should not create additional paperwork for the private sector.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 29, 2005, the Board submitted a copy of the notice of proposed rulemaking, published at 35 Pa.B. 2404, to the IRRC and the Chairpersons of the HPLC and the SCP/PLC for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Department has considered all comments from IRRC, the House and Senate Committees and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on June 13, 2006, the final-form rulemaking was approved by the HPLC. On June 14, 2006, the final-form rulemaking was deemed approved by the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on July 6, 2006, and approved the final-form rulemaking.

Additional Information

Additional information may be obtained by contacting to Terrie Kocher, Board Administrator, State Board of Landscape Architects, P. O. Box 2649, Harrisburg, PA 17105-2649.

Findings

The Board finds that:

(1) Public notice of intention to adopt these amendments has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and comments were received.

(3) The amendments made to the final-form rulemaking do not enlarge the original purpose of the proposed rulemaking as published at 35 Pa.B. 2404.

(4) This final-form rulemaking is necessary and appropriate for the administration of the act.

Order

The Board orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 15, are amended by amending §§ 15.2, 15.11, 15.16, 15.18, 15.32—15.34, 15.36, 15.41, 15.54, 15.56, 15.72, 15.73, 15.76 and 15.79 and by deleting §§ 15.14, 15.19, 15.20 and 15.37 to read as set forth in Annex A.

(*Editor's Note:* The proposal to amend § 15.23, included in the proposal at 35 Pa.B. 2404, has been withdrawn by the Board.)

(b) The Board shall submit a copy of this order and Annex A to the Office of Attorney General and the Office of General Counsel for approval as required by law.

(c) The Board shall certify this order and Annex A and shall deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

JAMES W. BARNES,
Chairperson

(*Editor's Note:* For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 36 Pa.B. 3919 (July 22, 2006).)

Fiscal Note: Fiscal Note 16A-618 remains valid for the final adoption of the subject regulations.

Annex A**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS****PART I. DEPARTMENT OF STATE****Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS****CHAPTER 15. STATE BOARD OF LANDSCAPE ARCHITECTS****GENERAL PROVISIONS****§ 15.2. Board proceedings and meetings.**

(a) Under 1 Pa. Code § 31.1 (relating to scope of part), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) applies to practice and procedure before the Board, except if provided otherwise in the act or in this chapter.

(b) Five members of the Board constitute a quorum. Board meetings may be conducted according to Roberts' Rules of Order.

(c) If a conflict arises between 1 Pa. Code Part II and Roberts' Rules, 1 Pa. Code Part II applies.

APPLICATION PROCEDURES**§ 15.11. Filing procedures.**

(a) An application for registration shall be submitted to the Board.

(b) An application shall be submitted on forms provided by the Board along with the appropriate fee.

(c) An application for examination shall be submitted directly to the professional testing organization along with the fee in accordance with the deadline provided by the professional testing organization.

(d) The Board may credit an applicant's experience requirements 4 months in advance of the administration of the examination, if the applicant submits satisfactory certification to the Board that the applicant has attained the required experience during the interim period between the date of application and the date of examination.

§ 15.14. (Reserved).**§ 15.16. References.**

(a) Members of the Board may not serve as references for applicants.

(b) The applicant shall provide three references on the application and shall forward forms to the references to be completed and mailed directly to the Board by the references. The Board will not accept completed reference forms that are sent by the applicant.

(c) Two references shall be landscape architects licensed by the Board. The remaining reference may be another design professional.

(d) A reference must attest that the reference is familiar with the applicant's professional work and the applicant's moral character. The Board will accept additional references pertaining to the applicant's moral character from individuals who are not design professionals if the professional references do not have personal knowledge of the applicant's moral character.

§ 15.18. Certification.

(a) An applicant granted registration will be issued a permanent certificate of registration.

(b) The applicant may begin practicing as a landscape architect when the applicant is identified as a licensee on the Board's website or receives the license from the Board.

§ 15.19. (Reserved).

§ 15.20. (Reserved).

ADMINISTRATION

§ 15.32. Change of name or address.

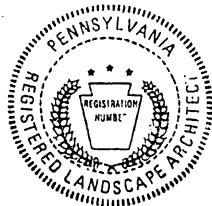
Responsibility for a name or address change is that of the registrant. Correspondence from the Board not received by the registrant as a result of failure to notify the Board of a name or address change may lead to violation of the act and may cause the registrant to be subject to penalty as set forth in section 4(4), (5) and (6) of the act (63 P. S. § 904(4), (5) and (6)).

§ 15.33. Seals.

(a) An approved seal or stamp will be required for a registrant for the purpose of signing and sealing drawings, preliminary documents, specifications and contract documents.

(b) Only one registered landscape architect's name may be used per seal. However, more than one seal or stamp may appear on drawings, specifications and documents.

(c) A registrant shall be required to obtain the authorized seal or a rubber stamp. A sample seal is as follows:



(d) A licensee who fails to obtain a seal or rubber stamp will be subject to disciplinary action and penalties under section 11(b) of the act (63 P. S. § 911(b)).

§ 15.34. Biennial registration, inactive status and expired certificates.

(a) *Registration fee.* A landscape architect licensed in this Commonwealth shall pay the biennial registration fee set forth in § 15.12 (relating to fees).

(b) *Inactive status and registration renewal.* A landscape architect who is not engaged in the practice of landscape architecture may request the Board, in writing, to place the landscape architect's name on inactive status. The landscape architect shall notify the Board, in writing, of the landscape architect's desire to reregister. The

landscape architect shall comply with the requirements for the renewal of a license that exist at the time the landscape architect applies to become currently registered. There is no fee or penalty for preceding biennial periods in which the landscape architect did not engage in practice in this Commonwealth. The landscape architect applying to return to active status shall submit to the Board an application form prescribed by the Board stating that the applicant has not practiced landscape architecture in this Commonwealth during inactive status and the current renewal fee.

(c) *Lapsed certificates.* A landscape architect who has allowed his certificate of licensure to lapse by failing to pay a biennial renewal fee, may reactivate a certificate by submitting to the Board an application on the form prescribed by the Board. The application shall be accompanied by past due biennial renewal fees, including the biennial renewal fee for the current period and penalty fees as set forth in section 225 of the Bureau of Professional and Occupational Affairs Fee Act (63 P. S. § 1401-225). The payment of these fees does not preclude the Board from taking disciplinary action against the landscape architect for practicing landscape architecture without a current license.

§ 15.36. Permitted practices.

(a) A landscape architect may practice alone or with other persons in the form of an association or corporation as permitted by law.

(b) A landscape architect, partnership, professional corporation, association or other group practice may do business under a fictitious name and advertise in any medium if the name and the advertisement are not misleading, deceptive or fraudulent

(c) A landscape architect shall sign documents which arise out of the rendering of professional services.

§ 15.37. (Reserved).

EXPERIENCE

§ 15.41. General requirements.

(a) For experience to be of a grade and character satisfactory to the Board, it must be progressive and of a varied and increasing level of experience and responsibility evidenced by a comprehensive work sample, technical knowledge and professional experience.

(b) Professional experience means 2 years of experience obtained under the supervision of a design professional. If the applicant is not supervised by a landscape architect, the applicant shall have his professional work product reviewed by a registered landscape architect every 6 months for 2 consecutive years. This person shall be one of the applicant's landscape architect references under § 15.16(c) (relating to references).

(c) Acceptable military experience shall have been spent engaged in landscape architecture of a grade and character satisfactory to the Board.

(d) Professional experience gained while pursuing an undergraduate degree in landscape architecture or first professional degree will not be considered by the Board as an acceptable experience.

EXAMINATIONS**§ 15.54. Registration by examination.**

An applicant who meets one or more of the following requirements is eligible for licensure by written examination:

(1) An individual who has received an undergraduate degree in landscape architecture from an approved institution or college and after graduation has at least 2 years of practical experience in landscape architectural work of a grade and character satisfactory to the Board.

(2) An individual who has received an undergraduate degree in landscape architecture from an approved institution or college and has completed at least 1 year of graduate school in landscape architecture, and after graduation also has at least 1 year of practical experience in landscape architectural work of a grade and character satisfactory to the Board.

(3) An individual who has received a graduate degree in landscape architecture from an approved institution or college and has an undergraduate degree in another subject matter, and after graduation also has at least 2 years of practical experience in landscape architectural work of a grade and character satisfactory to the Board.

(4) An individual who has not graduated from an approved institution or college but has at least 8 years of practical experience in landscape architectural work of a grade and character satisfactory to the Board.

§ 15.56. Registration without examination.

(a) *Requirements.* An applicant who meets one or more of the following requirements is eligible for registration without examination:

(1) An individual who possesses 10 years of practical experience in landscape architecture, of a grade and character satisfactory to the Board, and who has graduated from an approved institution.

(2) An individual who possesses 15 years of practical experience in landscape architecture of a grade and character satisfactory to the Board.

(3) An individual who has passed the examination in another state with a score required by the Board and who has met the education experience requirements of the act.

(b) Procedure.

(1) Prior to issuing a license without examination, the Board will require the applicant to appear before representatives of the Board for an interview. The applicant will be required to submit the following work samples to the representatives during the interview:

- (i) Site and development plans.
- (ii) Specifications and drawings.
- (iii) Grading and drainage plans.
- (iv) Layout plans.
- (v) Planting plans.
- (vi) Stormwater management plans and calculations.
- (vii) Site construction details and specifications.
- (viii) Photographs of completed projects.
- (ix) Evidence of cost estimating and supervision of construction.

(x) A variety of project types including experience with residential subdivision, commercial land developments, environmental projects and park and recreation projects.

(2) Submission of work samples.

(i) The applicant shall submit original work samples in support of an application for registration without examination, unless the Board agrees to accept photocopies for good cause shown by the applicant.

(ii) The work samples will be returned to the applicant at the conclusion of all proceedings related to the application.

(3) Prior to issuing a license without examination, the Board will review the applicant's qualifications, and by a majority vote approve or disapprove the application.

(4) If an application has been disapproved, the Board may vote to allow the applicant to take the written examination.

CONTINUING EDUCATION**§ 15.72. Requirement for biennial renewal.**

(a) As a condition of biennial renewal commencing with the 2003 biennium and continuing thereafter, licensees shall have completed during the preceding biennium 10 clock hours of continuing education in acceptable courses approved under this subchapter.

(b) The Board will exempt from the continuing education requirement a licensee who received a license within 2 years preceding the licensee's first application for biennial renewal.

(c) A licensee who wishes to reactivate a lapsed license or who has been on inactive status shall have completed 10 hours of continuing education in the 2-year period immediately prior to reactivation.

§ 15.73. Acceptable continuing education courses.

(a) Only courses approved by the Board will be accepted for continuing education credit. The licensee shall be responsible for ascertaining the approved status of the course before undertaking a continuing education activity.

(b) Acceptable subject matter for continuing education courses is limited to courses pertaining to the enhancement of the landscape architect's professional skills. The Board will not approve courses in office management.

(c) A maximum of 1/2 of the required clock hours per biennium will be accepted in courses consisting of satellite seminars, electronic presentations and correspondence courses.

§ 15.76. Sources of continuing education courses.

The Board finds the courses provided, approved, sponsored or co-sponsored by the following entities meet the standards of the act and this subchapter:

- (1) The American Society of Landscape Architects and its chapters.
- (2) The American Nursery & Landscape Association and its chapters.
- (3) The American Planning Association and its chapters.
- (4) The American Institute of Architects and its chapters.
- (5) The National Society of Professional Engineers and its chapters.
- (6) The National Recreation and Parks Association and its chapters.
- (7) The Pennsylvania Society of Land Surveyors.
- (8) The Urban Land Institute.

(9) Accredited landscape architect programs or programs in fields related to landscape architecture in colleges and universities.

(10) Agencies of the Commonwealth and Federal government offering training programs in landscape architecture and its related fields.

(11) The Council of Landscape Architects Registration Boards (CLARB) or its successor.

§ 15.79. Reporting of hours spent in continuing education.

An applicant for license renewal shall certify on the renewal application whether the applicant has completed the required number of hours of Board-approved continuing education courses.

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