Second Regular Session 111th General Assembly (2000)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type.~~

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~*this style type*~~ reconciles conflicts between statutes enacted by the 1999 General Assembly.

SENATE ENROLLED ACT No. 244

AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 23-1.5-1-9, AS AMENDED BY P.L.24-1999, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 9. "Licensing authority" means the following:

(1) In the case of an accounting professional, the Indiana state board of public accountancy.

(2) In the case of an architectural professional, the board of registration for architects **and landscape architects.**

(3) In the case of an engineering professional, the state board of registration for professional engineers.

(4) In the case of an attorney, the Indiana supreme court.

(5) In the case of a health care professional who is:

(A) a chiropractor, the board of chiropractic examiners;

(B) a dentist, the state board of dentistry;

(C) a nurse, the Indiana state board of nursing;

(D) an optometrist, the Indiana optometry board;

(E) a pharmacist, the Indiana board of pharmacy;

(F) a physical therapist, the Indiana physical therapy committee;

(G) a physician, the medical licensing board of Indiana;

(H) a podiatrist, the board of podiatric medicine;

(I) a psychologist, the state psychology board; or

(J) a speech-language pathologist, the speech-language

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pathology and audiology board.

(6) In the case of a veterinarian, the Indiana board of veterinary medical examiners.

(7) In the case of a land surveyor, the state board of registration for land surveyors.

(8) In the case of a real estate professional, the Indiana real estate commission.

SECTION 2. IC 25-1-2-6, AS AMENDED BY P.L.24-1999, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 6. (a) As used in this section, "license" includes all occupational and professional licenses, registrations, permits, and certificates issued under the Indiana Code, and "licensee" includes all occupational and professional licensees, registrants, permittees, and certificate holders regulated under the Indiana Code.

(b) This section applies to the following entities that regulate occupations or professions under the Indiana Code:

(1) Indiana board of accountancy.

(2) Indiana grain buyers and warehouse licensing agency.

(3) Indiana auctioneer commission.

(4) Board of registration for architects **and landscape architects.**

(5) State board of barber examiners.

(6) State board of cosmetology examiners.

(7) Medical licensing board of Indiana.

(8) Secretary of state.

(9) State board of dentistry.

(10) State board of funeral and cemetery service.

(11) Worker's compensation board of Indiana.

(12) Indiana state board of health facility administrators.

(13) Committee of hearing aid dealer examiners.

(14) Indiana state board of nursing.

(15) Indiana optometry board.

(16) Indiana board of pharmacy.

(17) Indiana plumbing commission.

(18) Board of podiatric medicine.

(19) Private detectives licensing board.

(20) State board of registration for professional engineers.

(21) Board of environmental health specialists.

(22) State psychology board.

(23) Indiana real estate commission.

(24) Speech-language pathology and audiology board.

(25) Department of natural resources.

(26) State boxing commission.

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(27) Board of chiropractic examiners.
(28) Mining board.
(29) Indiana board of veterinary medical examiners.
(30) State department of health.
(31) Indiana physical therapy committee.
(32) Respiratory care committee.
(33) Occupational therapy committee.
(34) Social worker, marriage and family therapist, and mental health counselor board.
(35) Real estate appraiser licensure and certification board.
(36) State board of registration for land surveyors.
(37) Physician assistant committee.
(38) Indiana dietitians certification board.
(39) Indiana hypnotist committee.
(40) Any other occupational or professional agency created after June 30, 1981.

(c) Notwithstanding any other law, the entities included in subsection (b) shall send a notice of the upcoming expiration of a license to each licensee at least sixty (60) days prior to the expiration of the license. The notice must inform the licensee of the need to renew and the requirement of payment of the renewal fee. If this notice of expiration is not sent by the entity, the licensee is not subject to a sanction for failure to renew if, once notice is received from the entity, the license is renewed within forty-five (45) days of the receipt of the notice.

SECTION 3. IC 25-1-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 3. (a) There is established the Indiana professional licensing agency. The licensing agency shall perform all administrative functions, duties, and responsibilities assigned by law or rule to the executive director, secretary, or other statutory administrator of the following:

(1) Indiana board of accountancy (IC 25-2.1-2-1).
(2) Board of registration for architects **and landscape architects** (IC 25-4-1-2).
(3) Indiana auctioneer commission (IC 25-6.1-2-1).
(4) State board of barber examiners (IC 25-7-5-1).
(5) State boxing commission (IC 25-9-1).
(6) State board of cosmetology examiners (IC 25-8-3-1).
(7) State board of funeral and cemetery service (IC 25-15-9).
(8) State board of registration for professional engineers (IC 25-31-1-3).
(9) Indiana plumbing commission (IC 25-28.5-1-3).

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(10) Indiana real estate commission (IC 25-34.1).

(11) Until July 1, 1996, Indiana State board of television and radio service examiners (IC 25-36-1-4).

(12) Real estate appraiser licensure and certification board (IC 25-34.1-8-1).

(13) Private detectives licensing board (IC 25-30-1-5.1).

(14) State board of registration for land surveyors (IC 25-21.5-2-1).

(b) Nothing in this chapter may be construed to give the licensing agency policy making authority, which remains with each board.

SECTION 4. IC 25-1-7-1, AS AMENDED BY P.L.24-1999, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 1. As used in this chapter:

"Board" means the appropriate agency listed in the definition of regulated occupation in this section.

"Director" refers to the director of the division of consumer protection.

"Division" refers to the division of consumer protection, office of the attorney general.

"Licensee" means a person who is:

(1) licensed, certified, or registered by a board listed in this section; and

(2) the subject of a complaint filed with the division.

"Person" means an individual, a partnership, a limited liability company, or a corporation.

"Regulated occupation" means an occupation in which a person is licensed, certified, or registered by one (1) of the following:

(1) Indiana board of accountancy (IC 25-2.1-2-1).

(2) Board of registration for architects **and landscape architects** (IC 25-4-1-2).

(3) Indiana auctioneer commission (IC 25-6.1-2-1).

(4) State board of barber examiners (IC 25-7-5-1).

(5) State boxing commission (IC 25-9-1).

(6) Board of chiropractic examiners (IC 25-10-1).

(7) State board of cosmetology examiners (IC 25-8-3-1).

(8) State board of dentistry (IC 25-14-1).

(9) State board of funeral and cemetery service (IC 25-15-9).

(10) State board of registration for professional engineers (IC 25-31-1-3).

(11) Indiana state board of health facility administrators (IC 25-19-1).

(12) Medical licensing board of Indiana (IC 25-22.5-2).

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(13) Indiana state board of nursing (IC 25-23-1).
(14) Indiana optometry board (IC 25-24).
(15) Indiana board of pharmacy (IC 25-26).
(16) Indiana plumbing commission (IC 25-28.5-1-3).
(17) Board of podiatric medicine (IC 25-29-2-1).
(18) Board of environmental health specialists (IC 25-32-1).
(19) State psychology board (IC 25-33).
(20) Speech-language pathology and audiology board (IC 25-35.6-2).
(21) Indiana real estate commission (IC 25-34.1-2).
(22) Indiana board of veterinary medical examiners (IC 15-5-1.1).
(23) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.
(24) Respiratory care committee (IC 25-34.5).
(25) Private detectives licensing board (IC 25-30-1-5.1).
(26) Occupational therapy committee (IC 25-23.5).
(27) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).
(28) Real estate appraiser licensure and certification board (IC 25-34.1-8).
(29) State board of registration for land surveyors (IC 25-21.5-2-1).
(30) Physician assistant committee (IC 25-27.5).
(31) Indiana athletic trainers board (IC 25-5.1-2-1).
(32) Indiana dietitians certification board (IC 25-14.5-2-1).
(33) Indiana hypnotist committee (IC 25-20.5-1-7).
(34) Indiana physical therapy committee (IC 25-27).
(35) Any other occupational or professional agency created after June 30, 1981.

SECTION 5. IC 25-1-8-1, AS AMENDED BY P.L.24-1999, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 1. As used in this chapter, "board" means any of the following:

(1) Indiana board of accountancy (IC 25-2.1-2-1).
(2) Board of registration for architects **and landscape architects** (IC 25-4-1-2).
(3) Indiana auctioneer commission (IC 25-6.1-2-1).
(4) State board of barber examiners (IC 25-7-5-1).
(5) State boxing commission (IC 25-9-1).
(6) Board of chiropractic examiners (IC 25-10-1).
(7) State board of cosmetology examiners (IC 25-8-3-1).
(8) State board of dentistry (IC 25-14-1).

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(9) State board of funeral and cemetery service (IC 25-15).
(10) State board of registration for professional engineers (IC 25-31-1-3).
(11) Indiana state board of health facility administrators (IC 25-19-1).
(12) Medical licensing board of Indiana (IC 25-22.5-2).
(13) Mining board (IC 22-10-1.5-2).
(14) Indiana state board of nursing (IC 25-23-1).
(15) Indiana optometry board (IC 25-24).
(16) Indiana board of pharmacy (IC 25-26).
(17) Indiana plumbing commission (IC 25-28.5-1-3).
(18) Board of environmental health specialists (IC 25-32-1).
(19) State psychology board (IC 25-33).
(20) Speech-language pathology and audiology board (IC 25-35.6-2).
(21) Indiana real estate commission (IC 25-34.1-2-1).
(22) Indiana board of veterinary medical examiners (IC 15-5-1.1-3).
(23) Department of insurance (IC 27-1).
(24) State police department (IC 10-1-1-1), for purposes of certifying polygraph examiners under IC 25-30-2.
(25) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.
(26) Private detectives licensing board (IC 25-30-1-5.1).
(27) Occupational therapy committee (IC 25-23.5-2-1).
(28) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6-2-1).
(29) Real estate appraiser licensure and certification board (IC 25-34.1-8).
(30) State board of registration for land surveyors (IC 25-21.5-2-1).
(31) Physician assistant committee (IC 25-27.5).
(32) Indiana athletic trainers board (IC 25-5.1-2-1).
(33) Board of podiatric medicine (IC 25-29-2-1).
(34) Indiana dietitians certification board (IC 25-14.5-2-1).
(35) Indiana physical therapy committee (IC 25-27).
(36) Any other occupational or professional agency created after June 30, 1981.

SECTION 6. IC 25-1-11-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 1. As used in this chapter, "board" means any of the following:

(1) Indiana board of accountancy (IC 25-2.1-2-1).

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(2) Board of registration for architects **and landscape architects** (IC 25-4-1-2).
(3) Indiana auctioneer commission (IC 25-6.1-2).
(4) State board of barber examiners (IC 25-7-5-1).
(5) State boxing commission (IC 25-9-1).
(6) State board of cosmetology examiners (IC 25-8-3-1).
(7) State board of registration of land surveyors (IC 25-21.5-2-1).
(8) State board of funeral and cemetery service (IC 25-15-9).
(9) State board of registration for professional engineers (IC 25-31-1-3).
(10) Indiana plumbing commission (IC 25-28.5-1-3).
(11) Indiana real estate commission (IC 25-34.1-2-1).
(12) Until July 1, 1996, Indiana State board of television and radio service examiners (IC 25-36-1-4).
(13) Real estate appraiser licensure certification board (IC 25-34.1-8).
(14) Private detectives licensing board (IC 25-30-1-5.1).

SECTION 7. IC 25-4-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 2. (a) There is hereby created and established a board of registration for architects **and landscape architects,** which shall consist of eight (8) members, who shall be appointed by the governor and who shall serve at the will and pleasure of the governor. All appointments shall be made for terms of three (3) years, ending on ~~the thirty-first (31st) day of~~ December **31.** In any case, each member shall serve for the term for which ~~he~~ **the member** shall have been appointed and until ~~his~~ **the member's** successor shall have been appointed and shall have qualified. Any vacancy which may occur in membership of the board for any cause shall be filled by appointment by the governor for the unexpired term. Each member of the board shall be entitled to receive as compensation for ~~his~~ **the member's** services a salary per diem for each and every day ~~he~~ **the member** may be engaged in attending the meetings or transacting the business of the board; in addition thereto each member shall be entitled to receive as reimbursement all traveling and other necessary expenses incurred in the performance of ~~his~~ **the member's** duties as a member of the board in accordance with travel policies and procedures established by the department of administration and the state budget agency.

(b) Each member of the board shall be a citizen of the United States of America **and** a resident of the state of Indiana. Five (5) of the members must be registered architects under this chapter and shall have had at least ten (10) years of active architectural practice

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preceding ~~his~~ **the member's** appointment.

(c) Two (2) members of the board ~~to represent the landscape architects, shall be residents of this state who must have had at least seven (7) years of active landscape architecture practice prior to appointment and who holds a degree from an American Society of Landscape Architects accredited school. After December 31, 1983, the landscape architecture member must be a certified landscape architect under IC 25-4-2~~ **must be registered landscape architects under this chapter and must have at least ten (10) years of active landscape architectural practice preceding the member's appointment.**

(d) One (1) member of the board, to represent the general public, shall be a resident of this state who has never been associated with the architecture or landscape architecture profession in any way other than as a consumer.

SECTION 8. IC 25-4-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 3. The board shall organize by the election of a chairman and vice chairman, each of whom shall serve for a term of one (1) year. The first meeting of the board shall be held within thirty (30) days after the members thereof shall have been appointed, on call of the chairman of the board. Thereafter, the board shall hold at least two (2) regular meetings each year and may hold such special meetings, as the board in its discretion may deem necessary or advisable. The time for holding the regular meetings, the method of calling special meetings and the manner of giving notice of all meetings shall be prescribed in the bylaws of the board. Five (5) members of the board shall constitute a quorum for the transaction of any and all business which may come before the board. Approval by a majority of all members of the board shall be required for action to be taken. The board shall adopt ~~an~~ official ~~seal which~~ **seals representing the different professions that** shall be affixed to all certificates of registration granted and issued, as provided in this chapter. Subject to the approval of the governor, the board is hereby authorized to make such bylaws and prescribe and promulgate such rules as may be deemed necessary in the performance of its duty. The board shall adopt rules establishing standards for the competent practice of architecture **and landscape architecture.** Suitable office quarters shall be provided for the use of the board in the city of Indianapolis.

SECTION 9. IC 25-4-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 4. The board shall be entitled to the services of the attorney general in connection with any of the business of the board. The board shall have the power to administer oaths and take testimony and proofs concerning any matter which may come

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within its jurisdiction. The attorney general, the prosecuting attorney of any county, the ~~state~~ board of registration for architects **and landscape architects,** or any citizen of any county wherein any person, not herein exempted, shall engage in the practice of architecture **or landscape architecture,** as herein defined, without first having obtained a certificate of registration, or without first having renewed an expired certificate of registration, so to practice, may, in accordance with the provisions of the laws of this state governing injunctions, maintain an action, in the name of the state of Indiana, to enjoin such person from engaging in the practice of architecture **or landscape architecture,** as herein defined, until a certificate of registration is secured, or renewed, in accordance with the provisions of this chapter. Any person who has been so enjoined and who shall violate such injunction shall be punished for contempt of court. Such injunction shall not relieve such person so practicing architecture **or landscape architecture** without a certificate of registration, or without first having renewed an expired certificate of registration, from a criminal prosecution therefor, as is provided by this chapter, but such remedy by injunction shall be in addition to any remedy provided for herein for the criminal prosecution of such offender. In charging any person in a complaint for an injunction, or in an affidavit, information or indictment, with the violation of the provisions of this chapter, by practicing architecture **or landscape architecture** without a certificate of registration or without having renewed an expired certificate of registration, it shall be sufficient to charge that ~~he~~ **the person** did upon a certain day and in a certain county engage in the practice of architecture ~~he not~~ **or landscape architecture, without** having a certificate of registration or ~~he not~~ **without** having renewed an expired certificate of registration, to so practice, without averring any further or more particular facts concerning the same.

SECTION 10. IC 25-4-1-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 22. Except where the context clearly indicates a different meaning, the following terms, as used in this chapter, shall be construed to have the meaning hereinafter indicated:

The term "board" shall be construed to mean the board of registration for architects **and landscape architects.**

SECTION 11. IC 25-4-1-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 25. The board shall keep a record open to public inspection at all reasonable times of its proceedings relating to the issuance, refusal, renewal, suspension or revocation of certificates of registration. This record shall also contain

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the name, place of business and residence, and the date and number of registration of each registered architect **and landscape architect** in this state.

SECTION 12. IC 25-4-1-28 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 28. This chapter shall be known and cited as "The Indiana Architectural **and Landscape Architectural** Act".

SECTION 13. IC 25-4-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 1. (a) As used in this chapter, "board" means the board of registration for architects **and landscape architects** as established under IC 25-4-1-2.

(b) As used in this chapter, "landscape architecture" means the practice of professional services such as consultation, investigation, reconnaissance, research, planning, design, or responsible supervision to develop land areas for the dominant purpose of preserving, enhancing, or determining:

(1) proper land uses;
(2) natural land features;
(3) ground cover and planting;
(4) naturalistic and aesthetic values;
(5) the settings and approaches to structures or other improvements;
(6) the natural environment of a facility, an individual building, or other structure;
(7) site specific natural surface and subsoil drainage systems;
(8) landscape grading, swales, curbs, and walkways; and
(9) any inherent problems of the land relating to erosion, overuse, blight, or other hazards.

~~"Landscape architecture"~~ **The term** includes the location and arrangement of the proposed tangible objects and features that are incidental and necessary to accomplish the purposes of landscape architecture.

(c) As used in this chapter, "practitioner" means an individual registered as a landscape architect under this chapter.

~~(b)~~ **(d) Except as provided in subsection (b),** this chapter does not authorize a practitioner to:

(1) engage in the design of mechanical lift stations, sewage treatment facilities, ~~sanitary sewers~~ **sanitary and combined sewers, storm water management projects, public, semi-public, and private utilities,** or other structures or facilities with separate and self-contained purposes, if the design work is ordinarily included in the practice of architecture or engineering;

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(2) **engage in the design of highways or traffic control devices;**

(3) engage in the scientific analysis of hazardous material contamination;

(4) engage in topographic mapping or the certification of land surveys or final land plats for official approval or recording;

~~(3)~~ **(5)** otherwise engage in the practice of architecture (as defined in IC 25-4-1);

~~(4)~~ **(6)** otherwise engage in the practice of **professional** engineering (as defined in IC 25-31); ~~or~~

~~(5)~~ **(7)** engage in the practice of land surveying (as defined in IC 25-21.5); **or**

(8) engage in the practice of professional geology (as defined in IC 25-17.6).

~~(c)~~ **(e)** This chapter, except section ~~10~~ **10(a)(1) and 10(a)(2)** of this chapter, does not apply to:

(1) the practice of landscape architecture by any person who acts under the supervision of a practitioner or by an employee of a person lawfully engaged in the practice of landscape architecture and who, in either event, does not assume responsible charge of design or supervision;

(2) the practice of architecture or land planning and proper land usage by a duly registered professional architect or the doing of landscape architectural work by a registered architect ~~if the work is incidental to their practice~~ **or by an employee under the supervision of a registered architect;**

(3) the practice of engineering or land planning and proper land usage by a duly registered professional engineer and the doing of landscape architectural work by a registered **professional** engineer or by an employee under supervision of a registered **professional** engineer; ~~if the work is incidental to their practice;~~

(4) the practice of surveying or land planning and proper land usage by a registered land surveyor and the doing of landscape architectural work by a registered land surveyor or by an employee under supervision of a registered land surveyor; ~~if the work is incidental to their practice;~~

(5) the practice of landscape architecture by employees of the United States government while engaged within this state in the practice of landscape architecture for the United States government;

(6) the practice of planning as is customarily done by regional, **park,** or urban planners;

(7) the practice of arborists, foresters, gardeners, turf managers,

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home builders, horticulturists, farmers, and other similar persons; ~~or~~

(8) the practice of any nurseryman or general or landscape contractor, including design, planning, location, planting and arrangements of plantings or other ornamental features; **or**

(9) the practice of natural resource professionals, including biologists, geologists, or soil scientists.

SECTION 14. IC 25-4-2-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: **Sec. 1.5. (a) The state and all of the state's political subdivisions shall:**

(1) accept the stamp of a landscape architect when the landscape architect is submitting plans for approval within the scope of practice of landscape architecture; and

(2) allow the engagement of a landscape architect for work within the scope of practice of landscape architecture.

(b) This section shall not be construed to restrict the practice of architects, professional engineers, or land surveyors in any way.

SECTION 15. IC 25-4-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 3. (a) To qualify for registration as a landscape architect, an applicant must:

(1) submit evidence that the applicant is an individual who is at least eighteen (18) years of age;

(2) submit evidence that the applicant **has:**

(A) ~~has been~~ graduated from an ~~approved~~ **accredited** curriculum of landscape architecture presented by a college or school approved by the board; or

(B) ~~has~~ **attained before January 1, 2003,** at least eight (8) years of actual practical experience in landscape architectural work of a grade and character satisfactory to the board;

(3) submit evidence that the applicant has paid the examination fee and the license fee set by the board;

(4) provide an affidavit that indicates that the applicant does not have a conviction for:

(A) an act that would constitute a ground for disciplinary action under IC 25-1-11; or

(B) a felony that has a direct bearing on his ability to practice competently; ~~and~~

(5) pass the examination required by the board under section 4 of this chapter after meeting the requirements in subdivisions (1) through (4); **and**

(6) submit evidence that the applicant has at least three (3)

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years of diversified, actual, and practical experience in landscape architectural work of a grade and character satisfactory to the board.

(b) The board shall issue a certificate of registration under this chapter to an applicant who meets the requirements in this section.

SECTION 16. IC 25-4-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 6. The board may issue a certificate of registration to a landscape architect licensed, certified, or registered in another state ~~without the examination required by section 4 of this chapter~~ if the applicant:

(1) is an individual who is at least eighteen (18) years of age;

(2) pays the fee established by the board; and

(3) submits evidence satisfactory to the board that:

(A) the out-of-state applicant meets the requirements in ~~section 3(a)(2)~~ **section 3** of this chapter or its equivalent, as determined by the board;

(B) the applicant does not have a conviction for:

(i) an act that would constitute a ground for disciplinary action under IC 25-1-11; or

(ii) a felony that has a direct bearing on the applicant's ability to practice competently; and

(C) the applicant has met the same or equivalent examination requirements in effect in Indiana at the time the applicant was registered in the other jurisdiction.

SECTION 17. IC 25-4-2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 10. (a) Any person who:

(1) renders or offers to render services to the public, if the words "landscape architecture" or "registered landscape architecture" are used to describe these services; ~~or~~

(2) uses the title "registered landscape architect" or "landscape architect"; **or**

(3) engages in the practice of landscape architecture described in IC 25-4-2-1;

without a **current** registration issued under this chapter commits a Class B infraction. **A person who affixes a registered landscape architect's seal to a plan, specification, or drawing that has not been prepared by a currently registered landscape architect or under the immediate supervision of a currently registered landscape architect commits a Class B infraction.**

(b) **Each day a violation described in this section continues to occur constitutes a separate offense.**

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(c) The board may appear in its own name in the courts of the state and apply for injunctions to prevent violations of this chapter.

SECTION 18. IC 25-4-2-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 11. **(a) For purposes of this section, "firm" means a corporation, partnership, limited liability company, or sole proprietorship.**

(b) The practice of or an offer to practice landscape architecture by a firm may occur through an individual if the individual:

(1) is in direct control of the landscape architecture practice;

(2) exercises direct supervision of all personnel who act on behalf of the firm in landscape architecture professional and technical matters; and

(3) holds a current registration under this chapter.

No ~~partnership~~ firm ~~or corporation~~ doing business in Indiana may use the term or title "landscape architect", "landscape architecture", or "landscape architectural" or advertise any title or description tending to convey the impression that the ~~partnership~~ firm ~~or corporation~~ employs a practitioner unless the ~~partnership~~ firm ~~or corporation~~ employs a practitioner. The name of a practitioner employed by the ~~partnership~~ firm ~~or corporation~~ must appear whenever the name of the firm ~~corporation or partnership~~ is used in the professional practice of landscape architecture. Any plans, sheets of designs, or specifications prepared by the personnel of the ~~partnership~~ firm ~~or corporation~~ must carry the signature and seal of the practitioner who is responsible for supervising the landscape architecture work.

SECTION 19. IC 25-4-2-7 IS REPEALED [EFFECTIVE JULY 1, 2000].

SECTION 20. [EFFECTIVE JULY 1, 2000] **The rules adopted by the board of registration for architects before July 1, 2000, are considered, after June 30, 2000, to be rules of the board of registration for architects and landscape architects.**

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President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Approved:

Governor of the State of Indiana

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