
BOARD OF ARCHITECTS
AND LANDSCAPE ARCHITECTS RULES

AS OF OCTOBER 23, 2021

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DEPARTMENT OF LABOR AND INDUSTRY

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Subchapter 1

Organizational Rule

24.114.101 BOARD ORGANIZATION (1) The Board of Architects and Landscape Architects adopts and incorporates the organizational rules of the Department of Labor and Industry as listed in chapter 1 of this title. (History: 2-4-201, MCA; IMP, 2-4-201, MCA; Eff. 12/31/72; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; TRANS, from Commerce, 2002 MAR p. 173; AMD, 2009 MAR p. 413, Eff. 4/17/09; AMD, 2017 MAR p. 2076, Eff. 11/10/17.)

Subchapter 2

Procedural Rules

24.114.201 PROCEDURAL RULES (1) The Board of Architects and Landscape Architects adopts and incorporates the procedural rules of the Department of Labor and Industry as listed in chapter 2 of this title. (History: 2-4-201, 37-65-204, MCA; IMP, 2-4-201, MCA; Eff. 12/31/72; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; TRANS, from Commerce, 2002 MAR p. 173; AMD, 2009 MAR p. 413, Eff. 4/17/09.)

24.114.202 PUBLIC PARTICIPATION (1) The Board of Architects and Landscape Architects adopts and incorporates by this reference the public participation rules of the Department of Commerce as listed in ARM Title 8, chapter 2, except that the board does not adopt ARM 8.2.202(1)(b), which allows for public participation in the granting or denying of a license for which a hearing is required. The public is entitled to observe, but not participate in the licensing decisions and other contested cases as allowed by law. (History: 2-4-201, MCA; IMP, 2-4-201, MCA; NEW, 1990 MAR p. 583, Eff. 3/30/90; TRANS, from Commerce, 2002 MAR p. 173; AMD, 2017 MAR p. 2076, Eff. 11/10/17.)

Subchapter 3

Definitions

24.114.301 DEFINITIONS (1) "AIA" means the American Institute of Architects.

(2) "ARE" means the Architect Registration Examination, a proprietary exam developed and administered by NCARB.

(3) "AXP" means the Architectural Experience Program comprehensive experience requirement program formerly referenced as the IDP administered by NCARB.

(4) "CACB/CCCA" means the Canadian Architectural Certification Board/Conseil canadien de certification en architecture.

(5) "CLARB" means the Council of Landscape Architects Registration Boards, an international professional organization that provides testing and certification of landscape architects. CLARB may be contacted at www.clarb.org.

(6) "CLARB record" means the CLARB verification of education, experience, examination, licensure history, and professional references.

(7) "Emergency" means earthquake, eruption, flood, storm, hurricane, or other catastrophe designated as a major disaster or emergency by the President of the United States or Governor or other duly authorized official of the state.

(8) "HSW" means health, safety, and welfare continuing education as designated by the American Institute of Architects, American Society of Landscape Architects, Interior Design Continuing Education Council registries, or NCARB.

(9) "Incidental architectural services" per 37-65-103, MCA, means:

(a) those architectural services that are incidental to a professional engineer's engineering practice, which:

(i) can be safely and competently performed by the professional engineer without jeopardizing the health, safety, and welfare of the public;

(ii) are in an area where the professional engineer has demonstrated competence by adequate education, training, and experience;

(iii) arise from, and are directly related to professional engineering work performed by the professional engineer;

(iv) are substantially less in scope and magnitude when compared to the professional engineering work performed or to be performed by the professional engineer; and

(v) comply with all of the laws of Montana relating to the practice of architecture.

(b) A professional engineer performing incidental practice as stated in this rule shall:

(i) perform only that part of the work for which the professional engineer is professionally qualified;

(ii) use architects or other appropriately licensed professionals for those portions of the work in which the professional engineer is not qualified;

(iii) assume responsibility for compliance with all laws, codes, rules, and ordinances of the state or its political subdivisions pertaining to the documents; and

(iv) not hold himself/herself out to be an architect or as performing architectural services.

(10) "LARE" means Landscape Architect Registration Exam, a proprietary exam developed and administered by CLARB.

(11) "NAAB" means National Architectural Accrediting Board.

(12) "NCARB" means the National Council of Architectural Registration Boards. NCARB may be contacted at www.ncarb.org.

(13) "NCARB certificate" means evidence of meeting the NCARB requirements for character, education, training, examination, and registration by an NCARB member board.

(14) "NCARB record" means the NCARB verification and maintenance of a compilation of an applicant's education, experience, examination, and registrations.

(15) "Responsible control" means the amount of control over and detailed knowledge of the content of technical submissions during their preparation as is ordinarily exercised by registered architects and landscape architects applying the required professional "standard of care" including but not limited to an architect's integration of information from manufacturers, suppliers, installers, the architect's consultants, owners, contractors, or other sources the architect reasonably trusts that is incidental to and intended to be incorporated into the architect's technical submissions if the architect has coordinated and reviewed such information. Other review, or review and correction, of technical submissions after they have been prepared by others does not constitute the exercise of responsible control because the reviewer has neither control over nor detailed professional knowledge of the content of such submissions throughout their preparation. Any licensed architect signing or sealing technical submissions not prepared by that architect but prepared under that architect's responsible control by someone not regularly employed in the office of the architect shall maintain and make available to the board upon request for at least five years following such signing and sealing adequate and complete records demonstrating the nature and extent of the architect's control over and detailed knowledge of such technical submissions throughout their preparation.

(16) "Technical submissions" means the drawing, specifications, studies, and other technical reports prepared in the course of practicing architecture. (History: 37-1-131, 37-1-319, 37-65-204, MCA; IMP, 37-1-131, 37-1-319, 37-65-103, 37-65-303, 37-66-304, MCA; NEW, 2000 MAR p. 2298, Eff. 8/25/00; TRANS, from Commerce, 2002 MAR p. 173; AMD, 2006 MAR p. 1381, Eff. 6/2/06; AMD, 2009 MAR p. 413, Eff. 4/17/09; AMD, 2014 MAR p. 2013, Eff. 9/5/14; AMD, 2017 MAR p. 2076, Eff. 11/10/17.)

Subchapter 4

General Provisions

24.114.401 FEE SCHEDULE (1) The following fees apply to architects:

(a) Application fee for applicants registered in another state or jurisdiction	\$100
(b) Application fee for licensure by examination	50
(c) License renewal	40
(d) Original license fee	80
(e) Emeritus license fee	25
(2) The following fees apply to landscape architects:	
(a) Application for board approval to sit for exam	\$50
(b) Application fee	325
(c) License renewal	170

(3) Additional standardized fees are specified in ARM 24.101.403.

(4) All fees are nonrefundable. (History: 37-1-131, 37-1-134, 37-65-204, MCA; IMP, 37-1-134, 37-1-141, 37-65-307, 37-66-309, MCA; NEW, 1982 MAR p. 1476, Eff. 7/30/82; AMD, 1983 MAR p. 645, Eff. 6/17/83; AMD, 1984 MAR p. 499, Eff. 3/30/84; AMD, 1988 MAR p. 166, Eff. 1/29/88; AMD, 1990 MAR p. 583, Eff. 3/30/90; AMD, 1996 MAR p. 3210, Eff. 12/20/96; AMD, 1998 MAR p. 449, Eff. 2/13/98; AMD, 2000 MAR p. 2298, Eff. 8/25/00; TRANS, from Commerce, 2002 MAR p. 173; AMD, 2002 MAR p. 175, Eff. 2/1/02; AMD, 2006 MAR p. 1381, Eff. 6/2/06; AMD, 2006 MAR p. 1583, Eff. 7/1/06; AMD, 2008 MAR p. 1481, Eff. 7/18/08; AMD, 2009 MAR p. 413, Eff. 4/17/09; AMD, 2009 MAR p. 2151, Eff. 11/13/09; AMD, 2010 MAR p. 1078, Eff. 4/30/10; AMD, 2017 MAR p. 2076, Eff. 11/10/17; AMD, 2021 MAR p. 1406, Eff. 10/23/21.)

24.114.402 ARCHITECT SEAL (1) All technical submissions prepared by an architect must be stamped and signed with the architect's seal. The permit set must bear the architect's original signature. Electronically generated seals and signatures are acceptable under this rule. (History: 37-1-131, 37-65-204, MCA; IMP, 37-1-131, 37-65-308, MCA; Eff. 12/31/72; AMD, 1977 MAR p. 103, Eff. 9/23/77; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1986 MAR p. 789, Eff. 5/16/86; AMD, 1987 MAR p. 253, Eff. 3/13/87; AMD, 1995 MAR p. 352, Eff. 3/17/95; AMD, 1998 MAR p. 449, Eff. 2/13/98; AMD, 2000 MAR p. 2298, Eff. 8/25/00; TRANS, from Commerce, 2002 MAR p. 173; AMD, 2006 MAR p. 1381, Eff. 6/2/06; AMD, 2009 MAR p. 413, Eff. 4/17/09; AMD, 2017 MAR p. 2076, Eff. 11/10/17.)

24.114.403 ARCHITECT BUSINESS ENTITY PRACTICE (REPEALED)
(History: 35-4-301, 35-8-1304, 37-1-131, 37-65-204, MCA; IMP, 35-4-205, 35-4-207, 35-4-208, 35-4-209, 35-4-301, 35-8-1301, 35-8-1304, 37-65-101, 37-65-302, MCA; NEW, 2000 MAR p. 2298, Eff. 8/25/00; TRANS, from Commerce, 2002 MAR p. 173; AMD, 2005 MAR p. 2077, Eff. 10/28/05; AMD, 2006 MAR p. 1381, Eff. 6/2/06; AMD, 2009 MAR p. 413, Eff. 4/17/09; REP, 2010 MAR p. 1080, Eff. 4/30/10.)

24.114.404 ARCHITECT PARTNERSHIPS TO FILE STATEMENT WITH BOARD OFFICE (REPEALED) (History: 37-1-131, 37-65-204, MCA; IMP, 35-4-209, 37-65-302, MCA; NEW, 1986 MAR p. 789, Eff. 5/16/86; AMD, 1998 MAR p. 449, Eff. 2/13/98; TRANS, from Commerce, 2002 MAR p. 173; AMD, 2006 MAR p. 1381, Eff. 6/2/06; REP, 2009 MAR p. 413, Eff. 4/17/09.)

24.114.405 QUALIFICATIONS REQUIRED FOR MONTANA BRANCH OFFICE (REPEALED) (History: 37-1-131, 37-65-204, MCA; IMP, 37-65-303, MCA; Eff. 12/31/72; AMD, Eff. 7/5/74; AMD, 1980 MAR p. 1720, Eff. 6/27/80; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1986 MAR p. 789, Eff. 5/16/86; AMD, 1990 MAR p. 583, Eff. 3/30/90; AMD, 2000 MAR p. 2298, Eff. 8/25/00; TRANS, from Commerce, 2002 MAR p. 173; AMD, 2006 MAR p. 1381, Eff. 6/2/06; REP, 2010 MAR p. 1080, Eff. 4/30/10.)

24.114.406 SOLICITATION OF BUSINESS BY NONRESIDENT ARCHITECTS (REPEALED) (History: 37-1-131, 37-65-204, MCA; IMP, 37-65-301, MCA; NEW, 1996 MAR p. 3210, Eff. 12/20/96; AMD, 1998 MAR p. 449, Eff. 2/13/98; TRANS, from Commerce, 2002 MAR p. 173; AMD, 2006 MAR p. 1381, Eff. 6/2/06; REP, 2017 MAR p. 2076, Eff. 11/10/17.)

24.114.407 EMERGENCY USE OF ARCHITECTS (1) A person who is not licensed to practice architecture in this state and is currently licensed in another United States or Canadian jurisdiction may provide uncompensated (other than reimbursement of expenses) professional services at the scene of an emergency at the request of a public officer, public safety officer, or municipal or county building inspector, acting in an official capacity. (History: 37-1-131, 37-65-204, MCA; IMP, 37-1-131, 37-65-101, 37-65-301, MCA; NEW, 2000 MAR p. 2298, Eff. 8/25/00; TRANS, from Commerce, 2002 MAR p. 173; AMD, 2006 MAR p. 1381, Eff. 6/2/06; AMD, 2009 MAR p. 413, Eff. 4/17/09.)

24.114.408 FEE ABATEMENT (1) The Board of Architects and Landscape Architects adopts and incorporates by reference the fee abatement rule of the Department of Labor and Industry found at ARM 24.101.301.

(2) A copy of ARM 24.101.301 is available by contacting the Board of Architects and Landscape Architects, 301 South Park Avenue, P.O. Box 200513, Helena, MT 59620-0513. (History: 37-1-131, MCA; IMP, 17-2-302, 17-2-303, 37-1-134, MCA; NEW, 2005 MAR p. 2077, Eff. 10/28/05; AMD, 2017 MAR p. 2076, Eff. 11/10/17.)

Rules 24.114.409 and 24.114.410 reserved

24.114.411 MILITARY TRAINING OR EXPERIENCE (1) Pursuant to 37-1-145, MCA, the board shall accept relevant military training, service, or education toward the requirements for licensure as an architect or landscape architect.

(2) Relevant military training, service, or education must be completed by an applicant while a member of either:

- (a) United States Armed Forces;
- (b) United States Reserves;
- (c) state national guard; or
- (d) military reserves.

(3) An applicant must submit satisfactory evidence of receiving military training, service, or education that is equivalent to relevant licensure requirements as an architect or landscape architect. Satisfactory evidence shall include:

(a) a copy of the applicant's military discharge document (DD 214 or other discharge documentation);

(b) a document that clearly shows all relevant training, certification, service, or education the applicant received while in the military, including dates of training and completion or graduation; and

(c) any other documentation as required by the board.

(4) The board shall consider all documentation received to determine whether an applicant's military training, service, or education is equivalent to relevant licensure requirements. (History: 37-1-145, MCA; IMP, 37-1-145, MCA; NEW, 2014 MAR p. 853, Eff. 4/25/14; AMD, 2017 MAR p. 2076, Eff. 11/10/17.)

Subchapter 5

Licensing for Architects

24.114.501 ARCHITECT EXAMINATION (1) Eligibility for admission to the ARE must be verified by the NCARB record and satisfied in accordance with the NCARB requirements. The requirements are available at www.ncarb.org.

(2) Applicants for the ARE must establish an NCARB record and:

(a) submit an application for examination through the NCARB direct registration program;

(b) meet the education standards requirements of NCARB either:

(i) by holding a degree in architecture from a school of architecture, the degree curriculum of which was accredited by the NAAB or CACB/CCCA not later than two years after graduation or retained its accreditation without revocation for two years or less before graduation; or

(ii) by actively participating in a NAAB-accepted integrated path to architectural licensure option within a NAAB-accredited degree program; or

(iii) by meeting education standards through the NCARB Education Evaluation Service for Architects (EESA) evaluation; and

(c) either be enrolled in the AXP or have completed the AXP.

(3) Applicants may retake any section of the examination that the applicant failed to pass in accordance with the NCARB requirements.

(4) Examination records are confidential and not considered public records. The board may report applicants' examination scores to architectural registration boards in other jurisdictions or to NCARB.

(5) The ARE is a proprietary examination developed and administered by NCARB. The board does not provide examination review of any type. (History: 37-1-131, 37-65-204, MCA; IMP, 37-1-131, 37-65-303, MCA; Eff. 12/31/72; AMD, 1980 MAR p. 2662, Eff. 9/26/80; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1986 MAR p. 789, Eff. 5/16/86; AMD, 1990 MAR p. 583, Eff. 3/30/90; AMD, 1992 MAR p. 1468, Eff. 7/17/92; AMD, 1995 MAR p. 352, Eff. 3/17/95; AMD, 1996 MAR p. 3210, Eff. 12/20/96; AMD, 1998 MAR p. 449, Eff. 2/13/98; AMD, 2000 MAR p. 2298, Eff. 8/25/00; TRANS, from Commerce, 2002 MAR p. 173; AMD, 2002 MAR p. 175, Eff. 2/1/02; AMD, 2002 MAR p. 3046, Eff. 11/1/02; AMD, 2006 MAR p. 1381, Eff. 6/2/06; AMD, 2008 MAR 1481, Eff. 7/18/08; AMD, 2009 MAR p. 413, Eff. 4/17/09; AMD, 2011 MAR p. 2397, Eff. 11/11/11; AMD, 2017 MAR p. 2076, Eff. 11/10/17; AMD, 2019 MAR p. 1052, Eff. 7/27/19.)

24.114.502 ARCHITECT LICENSURE BY EXAMINATION (1) Applicants for licensure by examination shall:

- (a) submit to the board a completed application, on forms prescribed by the department, including all required fees and documentation;
- (b) take and pass the ARE;
- (c) submit the ARE scores from the applicant's designated state;
- (d) complete the AXP requirements; and
- (e) submit a complete NCARB record. (History: 37-1-131, 37-65-204, MCA; IMP, 37-1-131, 37-65-301, 37-65-303, MCA; NEW, 2000 MAR p. 2298, Eff. 8/25/00; TRANS, from Commerce, 2002 MAR p. 173; AMD, 2006 MAR p. 1381, Eff. 6/2/06; AMD, 2009 MAR p. 413, Eff. 4/17/09; AMD, 2017 MAR p. 2076, Eff. 11/10/17; AMD, 2019 MAR p. 1052, Eff. 7/27/19.)

24.114.503 LICENSURE OF APPLICANTS REGISTERED IN ANOTHER STATE (1) Applicants holding a valid license to practice architecture in another state or jurisdiction shall:

- (a) submit a completed application including all required fees and documentation; and
- (b) present proof the applicant is the holder of a current NCARB certificate. (History: 37-1-131, 37-65-204, MCA; IMP, 37-1-304, 37-65-301, MCA; Eff. 12/31/72; AMD, Eff. 10/5/74; AMD, 1979 MAR p. 1391, Eff. 11/16/79; AMD, 1980 MAR p. 1720, Eff. 6/27/80; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1982 MAR p. 1476, Eff. 7/30/82; AMD, 1987 MAR p. 253, Eff. 3/13/87; AMD, 1994 MAR p. 1577, Eff. 6/10/94; AMD, 1996 MAR p. 3210, Eff. 12/20/96; AMD, 1998 MAR p. 449, Eff. 2/13/98; AMD, 2000 MAR p. 2298, Eff. 8/25/00; TRANS, from Commerce, 2002 MAR p. 173; AMD, 2002 MAR p. 175, Eff. 2/1/02; AMD, 2002 MAR p. 3046, Eff. 11/1/02; AMD, 2006 MAR p. 1381, Eff. 6/2/06; AMD, 2014 MAR p. 2013, Eff. 9/5/14; AMD, 2017 MAR p. 2076, Eff. 11/10/17; AMD, 2020 MAR p. 790, Eff. 5/1/20.)

Rules 24.114.504 and 24.114.505 reserved

24.114.506 NONROUTINE APPLICATIONS (1) For the purpose of processing nonroutine applications, the board incorporates the definitions of routine and nonroutine at ARM 24.101.402 by reference.

- (2) Nonroutine applications must be reviewed and approved by the board before a license may be issued. (History: 37-1-131, MCA; IMP, 37-1-101, 37-1-131, MCA; NEW, 2021 MAR p. 556, Eff. 5/15/21.)

24.114.507 APPLICANTS WITH CRIMINAL CONVICTIONS (1) The board incorporates ARM 24.101.406 by reference with no modifications. (History: 37-1-131, MCA; IMP, 37-1-101, 37-1-131, MCA; NEW, 2021 MAR p. 556, Eff. 5/15/21.)

Rules 24.114.508 and 24.114.509 reserved

24.114.510 ARCHITECTS-IN-TRAINING (REPEALED) (History: 37-1-131, 37-65-204, MCA; IMP, 37-65-301, MCA; NEW, 1998 MAR p. 449, Eff. 2/13/98; TRANS, from Commerce, 2002 MAR p. 173; AMD, 2006 MAR p. 1381, Eff. 6/2/06; REP, 2017 MAR p. 2076, Eff. 11/10/17.)

Rules 24.114.511 through 24.114.514 reserved

24.114.515 ARCHITECT EMERITUS STATUS (1) A licensee who has terminated his or her practice of architecture may apply for a certificate of emeritus status by submitting to the board a completed application for emeritus status and the fee established by ARM 24.114.401.

(2) Emeritus status does not require annual renewal.

(3) An emeritus licensee who wants to hold an active license must:

(a) file a new license application, indicating they hold a current emeritus license;

(b) hold a complete NCARB record;

(c) provide evidence of 24 hours of CE; and

(d) pay all application fees. (History: 37-65-204, MCA; IMP, 37-65-311, MCA; NEW, 2009 MAR p. 413, Eff. 4/17/09; AMD, 2017 MAR p. 2076, Eff. 11/10/17.)

Subchapters 6 through 13 reserved

Subchapter 14

Licensing for Landscape Architects

24.114.1401 LANDSCAPE ARCHITECT LICENSURE BY EXAMINATION

(1) Applicants must submit a complete application form, the application fee, and:

- (a) a complete CLARB record, or
- (b) proof of education and professional experience established in ARM

24.114.1402, which must include:

- (i) verification of completion of education submitted directly from the source;
- (ii) experience detail sheets verified by the licensed supervisor under whose direct supervision the applicant has worked; and
- (iii) verification of successful completion of the LARE. (History: 37-1-131, 37-65-204, MCA; IMP, 37-1-131, 37-66-301, 37-66-304, MCA; NEW, 2009 MAR p. 413, Eff. 4/17/09; AMD, 2009 MAR p. 2151, Eff. 11/13/09; AMD, 2011 MAR p. 2397, Eff. 11/11/11; AMD, 2017 MAR p. 2076, Eff. 11/10/17.)

24.114.1402 EDUCATION AND EXPERIENCE REQUIRED FOR LANDSCAPE ARCHITECT LICENSURE (1) Applicants for licensure must meet the following minimum requirements for education and experience:

- (a) an applicant with an accredited landscape architect degree must have at least two years of practical experience in landscape architecture;
- (b) an applicant with a nonaccredited landscape architect degree must have three years of practical experience in landscape architecture;
- (c) an applicant with a bachelor's degree other than in landscape architecture must have four years of practical experience in landscape architecture;
- (d) an applicant with an associate's degree must have six years of practical experience in landscape architecture; or
- (e) an applicant with no post-secondary education must have eight years of practical experience in landscape architecture.

(2) At least two-thirds of the applicable practical experience must be gained under the direct supervision of a licensed landscape architect. The remaining one-third of the applicable practical experience can be gained under the direct supervision of a licensed civil engineer, licensed architect, or a city planner certified by a nationally recognized certifying body (e.g., American Institute of Certified Planners).

(a) "Practical experience" means a diversity of experience directly related to landscape architecture.

(b) "Direct supervision" means working conditions where a design professional supervises the applicant through personal contact and/or remote communication (e-mail, online markups, Internet), and is directly responsible for all tactical and technical decisions on the applicant's work.

(c) "Year" means a total of 2,000 hours. (History: 37-1-131, 37-65-204, MCA; IMP, 37-1-131, 37-66-304, MCA; NEW, 2009 MAR p. 413, Eff. 4/17/09; AMD, 2009 MAR p. 2151, Eff. 11/13/09; AMD, 2011 MAR p. 2397, Eff. 11/11/11; AMD, 2017 MAR p. 2076, Eff. 11/10/17; AMD, 2019 MAR p. 1052, Eff. 7/27/19.)

24.114.1403 LANDSCAPE ARCHITECT EXAMINATIONS (1) The LARE is the recognized and acceptable qualifying examination.

(2) All candidates must schedule and sit for the LARE through CLARB. The board has established no education or experiential prerequisites to examination.

(3) Candidates who do not meet the testing eligibility requirements set by the testing entity may submit a request for board approval to sit for the exam and pay the fee set by ARM 24.114.401. The request shall be submitted on a form provided by the department. (History: 37-1-131, 37-65-204, MCA; IMP, 37-1-131, 37-66-304, MCA; NEW, 2009 MAR p. 413, Eff. 4/17/09; AMD, 2009 MAR p. 2151, Eff. 11/13/09; AMD, 2017 MAR p. 2076, Eff. 11/10/17.)

24.114.1404 LANDSCAPE ARCHITECT LICENSURE BY ENDORSEMENT

(1) Applicants holding a valid license to practice landscape architecture in another state or jurisdiction shall:

(a) submit a completed application including all required fees and documentation; and

(b) present proof the applicant is the holder of a current CLARB record; or

(i) provide written verification of licensure from the licensing entities in all jurisdictions where the applicant currently holds a license or has ever been licensed; and

(ii) submit verification from CLARB of passing all sections of the LARE.

(History: 37-1-131, 37-65-204, MCA; IMP, 37-1-131, 37-1-304, 37-66-304, MCA; NEW, 2009 MAR p. 413, Eff. 4/17/09; AMD, 2017 MAR p. 2076, Eff. 11/10/17; AMD, 2020 MAR p. 790, Eff. 5/1/20.)

Rules 24.114.1405 through 24.114.1409 reserved

24.114.1410 LANDSCAPE ARCHITECT SEAL (1) Every licensed landscape architect must have a seal that contains the name of the landscape architect, the landscape architect's Montana license number, the signature of the licensed landscape architect, and the words "LICENSED LANDSCAPE ARCHITECT, STATE OF MONTANA."

(2) For the purpose of sealing printed drawings, specifications, and other appropriate documents, each landscape architect must obtain an embossing or rubber stamp and a reproduction facsimile of the seal to be used on documents prepared by or under the supervision of a licensed landscape architect. The seal or reproducible facsimile must be applied on all original drawings to produce legible reproduction on all copies or prints made from the drawings.

(3) A signature is an original manual signature of the landscape architect or a digital signature. A digital signature must either have an electronic authentication process attached or must be logically associated with an electronic document and unique to the person using it; capable of verification; under the sole control of the person using it; and linked to a document in such a manner that the digital signature is invalidated if any data in the document are changed.

(4) When the efforts of more than one licensed landscape architect combine to produce documents requiring a seal, only one licensed landscape architect is required to affix a seal to the document. (History: 37-65-204, MCA; IMP, 37-66-308, MCA; NEW, 2009 MAR p. 413, Eff. 4/17/09; AMD, 2017 MAR p. 2076, Eff. 11/10/17.)

Subchapters 15 through 20 reserved

Subchapter 21

Renewals and Continuing Education

24.114.2101 RENEWALS (REPEALED) (History: 37-1-131, 37-65-204, MCA; IMP, 37-1-131, 37-1-141, MCA; Eff. 12/31/72; AMD, 1977 MAR p. 104, Eff. 9/23/77; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1982 MAR p. 1476, Eff. 7/30/82; AMD, 1990 MAR p. 583, Eff. 3/30/90; AMD, 1998 MAR p. 449, Eff. 2/13/98; TRANS, from Commerce, 2002 MAR p. 173; AMD, 2002 MAR p. 175, Eff. 2/1/02; AMD, 2006 MAR p. 1583, Eff. 7/1/06; AMD, 2014 MAR p. 2013, Eff. 9/5/14; REP, 2017 MAR p. 2076, Eff. 11/10/17.)

Rule 24.114.2102 reserved

24.114.2103 REPLACEMENT LICENSES (REPEALED) (History: 37-1-131, 37-65-204, MCA; IMP, 37-1-131, MCA; NEW, 2009 MAR p. 413, Eff. 4/17/09; REP, 2017 MAR p. 2076, Eff. 11/10/17.)

Rule 24.114.2104 reserved

24.114.2105 ARCHITECT CONTINUING EDUCATION REQUIREMENTS

(1) Active licensed architects shall obtain 12 hours of HSW continuing education (CE) every calendar year by December 31.

(a) Licensees who have been granted emeritus status are exempt from the CE requirements.

(b) Continuing education is not required for licensees renewing their licenses for the first time.

(2) Licensees will be required to affirm their understanding of the basic requirement of 12 hours of continuing education completed during the calendar year immediately preceding the annual renewal.

(3) Continuing education courses must be formal group or self-study courses designed to increase or update the knowledge and professional competence of architects in technical and professional subjects related to the practice of architecture that safeguard the public's health, safety, and welfare, as follows:

(a) acquired in structured educational activities;

(b) provided by individuals or organizations approved by the American Institute of Architects Continuing Education System, Landscape Architect Continuing Education System, or Interior Design Continuing Education Council; and

(c) at least 75 percent of the course content and instruction time must be devoted to health, safety, and welfare subjects necessary for proper evaluation, design, construction, and utilization of buildings and the built environment that are within the following areas:

(i) Practice Management focuses on areas related to the management of architectural practice and the details of running a business. Examples include applicable laws and regulations, ethics, insurance to protect the owner and public, business management, risk management, information management, design for community needs, and supervisor training.

(ii) Project Management focuses on areas related to the management of architectural projects through execution. Examples include project delivery methods, contract negotiation, pre-design services, site and soils analysis, consultant management, and project scheduling.

(iii) Program & Analysis focuses on areas related to the evaluation of project requirements, constraints, and opportunities. Examples include land-use analysis, programming, site selection, historic preservation, adaptive reuse, codes, regulations, standards, natural resources, environmental impact and ecosystem risk assessment, hazardous materials, resilience to natural and human impacts, life safety, and feasibility.

(iv) Project Planning & Design focuses on areas related to the preliminary design of sites and buildings. Examples include building systems, urban planning, master planning, building design, site design, safety and security measures, impacts adaptations and mitigation of a changing climate, energy efficiency and positive energy design, sustainability, indoor air quality, ergonomics, lighting, acoustics, accessibility, construction systems, and budget development.

(v) Project Development & Documentation focuses on areas related to the integration and documentation of building systems, material selection, and material assemblies into a project. Examples include construction documents, materials and assemblies, fixture furnishing, and equipment.

(vi) Construction & Evaluation focuses on areas related to construction contract administration and post-occupancy evaluation of projects. Examples include construction contract administration, bidding and negotiation, post occupancy evaluation (POE), and building commissioning.

(4) The department will not pre-approve CE courses.

(5) All licensees shall retain course completion certificates or AIA CE transcripts for a minimum of two years, for auditing purposes. Course completion certificates must contain all of the following:

- (a) date of course;
- (b) location of course;
- (c) name of instructor(s);
- (d) name of licensee;
- (e) approval organization's course approval number; and
- (f) number of completed hours of instruction.

(6) Audited licensees must furnish to the department certificates of completion or AIA CE transcripts to verify completion of the 12-hour CE requirement. (History: 37-1-131, 37-1-319, MCA; IMP, 37-1-131, 37-1-141, 37-1-306, MCA; NEW, 2014 MAR p. 2013, Eff. 9/5/14; AMD, 2017 MAR p. 2076, Eff. 11/10/17; AMD, 2019 MAR p. 1052, Eff. 7/27/19.)

Subchapter 22 reserved

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Subchapter 23

Unprofessional Conduct

24.114.2301 UNPROFESSIONAL CONDUCT (1) Violation of any of these standards by a licensee constitutes unprofessional conduct and is grounds for disciplinary action:

- (a) being incompetent or negligent, or using any practice or procedure in the practice of the profession which creates an unreasonable risk of physical harm or serious financial loss to the client or to the public;
- (b) practicing beyond the scope of knowledge and expertise of the licensee as defined by law;
- (c) failing to comply with applicable federal, state, and local building laws and regulations;
- (d) failing to supervise the work of another whereby the supervisor has both responsible control over and detailed professional knowledge of the work prepared under the supervisor's supervision;
- (e) accepting compensation for professional services from more than one party on a project, unless the circumstances are fully disclosed to and agreed to in writing by all interested parties;
- (f) soliciting or accepting compensation from material or equipment suppliers in return for specifying or endorsing their products;
- (g) performing professional services with or after acquiring a conflict of interest that is not fully disclosed and waived in writing by all parties;
- (h) misrepresenting to a prospective or existing client or employer the licensee's qualifications and the scope of responsibility in connection with work for which the licensee is claiming credit or being compensated;
- (i) offering or making any gifts, other than gifts of nominal value (including, for example, reasonable entertainment and hospitality), with the intent of influencing the judgment of an existing or prospective client in connection with a project in which the licensee is interested;
- (j) making public statements on professional questions, without disclosing that the licensee is being compensated for making such statements;
- (k) knowingly injuring or attempting to injure, falsely or maliciously, directly or indirectly, the professional reputation, prospects or practice of another licensed architect or landscape architect;
- (l) representing the work of others as the licensee's own;
- (m) using or altering material prepared by another person without the knowledge and consent of that person;
- (n) performing professional services which have not been authorized by the client or the client's legal representative;
- (o) failure to disclose in writing to a client any business association or direct or indirect financial interest that is substantial enough to influence the licensee's professional judgment in connection with the performance of services to a client;

(p) signing or attaching a seal to drawings, specifications, reports, or other professional work for which the licensee does not have responsible control or direct professional knowledge;

(q) failure to comply with the continuing education requirement;

(r) failure to comply with the deadline and documentation reporting requirement of a CE audit;

(s) failing to respond to correspondence from the board or to comply with orders of the board;

(t) willfully making or filing false reports or records; and

(u) failure to comply with the provisions of Title 37, chapter 65 or chapter 66, MCA, or these rules. (History: 37-1-131, 37-1-319, MCA; IMP, 37-1-131, 37-1-316, MCA; NEW, Eff. 7/5/74; AMD, 1978 MAR p. 1487, Eff. 10/27/78; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1987 MAR p. 253, Eff. 3/13/87; AMD, 1990 MAR p. 583, Eff. 3/30/90; AMD, 1995 MAR p. 352, Eff. 3/17/95; AMD, 1996 MAR p. 3210, Eff. 12/20/96; AMD, 1998 MAR p. 449, Eff. 2/13/98; AMD, 2000 MAR p. 2298, Eff. 8/25/00; TRANS, from Commerce, 2002 MAR p. 173; AMD, 2006 MAR p. 1381, Eff. 6/2/06; AMD, 2009 MAR p. 413, Eff. 4/17/09; AMD, 2014 MAR p. 2013, Eff. 9/5/14; AMD, 2017 MAR p. 2076, Eff. 11/10/17; AMD, 2019 MAR p. 1052, Eff. 7/27/19.)

Subchapter 24

Complaint Procedures

24.114.2401 COMPLAINT PROCEDURE (REPEALED) (History: 37-65-204, MCA; IMP, 37-1-308, 37-1-309, MCA; NEW, 1996 MAR p. 3210, Eff. 12/20/96; TRANS, from Commerce, 2002 MAR p. 173; REP, 2006 MAR p. 1381, Eff. 6/2/06.)

24.114.2402 SCREENING AND ADJUDICATION PANELS (1) The board screening panel consists of three members of the board and includes at least one architect and one landscape architect, as chosen by the board president. The president may reappoint or replace screening panel members as necessary at the president's discretion.

(2) The board adjudication panel consists of three members of the board and includes at least one architect and one landscape architect, as chosen by the board president. The president may reappoint or replace adjudication panel members as necessary at the president's discretion. (History: 37-1-131, MCA; IMP, 37-1-131, 37-1-307, MCA; NEW, 1996 MAR p. 3210, Eff. 12/20/96; AMD, 1998 MAR p. 449, Eff. 2/13/98; TRANS, from Commerce, 2002 MAR p. 173; AMD, 2006 MAR p. 1381, Eff. 6/2/06; AMD, 2009 MAR p. 413, Eff. 4/17/09; AMD, 2017 MAR p. 2076, Eff. 11/10/17.)