

ARCHITECTS AND LANDSCAPE
ARCHITECTS BOARD LAWS
AS OF THE 2019 LEGISLATIVE SESSION

TITLE 37, CHAPTER 66
LANDSCAPE ARCHITECTURE

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CHAPTER 66

LANDSCAPE ARCHITECTURE

Chapter Administrative Rules

Title 24, chapter 114, ARM Board of Architects and Landscape Architects.

Part 1

General

37-66-101. Short title. This chapter shall be known and cited as the "Landscape Architecture Registration and Licensing Act".

History: En. 66-3801 by Sec. 1, Ch. 476, L. 1975; R.C.M. 1947, 66-3801; amd. Sec. 4, Ch. 325, L. 1979.

37-66-102. Purpose. The purpose of this chapter is to safeguard life, health, property, and to promote the public welfare by requiring that only properly qualified persons shall be licensed to practice landscape architecture in this state.

History: En. 66-3802 by Sec. 2, Ch. 476, L. 1975; R.C.M. 1947, 66-3802.

37-66-103. Definitions. As used in this chapter, the following definitions apply:

- (1) "Board" means the board of architects and landscape architects provided for in 2-15-1761.
- (2) "Department" means the department of labor and industry provided for in Title 2, chapter 15, part 17.
- (3) "Landscape architect" means a person who holds a license to practice landscape architecture in the state of Montana under the provisions of this chapter.
- (4) (a) "Landscape architecture" means performing services in conjunction with all aspects of the planning and design of the exterior environment for human use and environmental protection. It is the design discipline specifically oriented to addressing the problems involved in adapting the uses of land to the characteristics of the exterior environment both functionally and aesthetically.
(b) The term includes regional planning of natural resources; urban and rural planning and design; institutional design; park and recreation planning and design; contract negotiations; the preparation of project master plans, contract documents, construction specifications, construction cost estimates, and project contracts; project management; and construction management.
(c) The term does not include the design of structures or facilities with separate and self-contained purposes that are ordinarily included in the practice of engineering or architecture and does not include the making of land surveys or final land plats for official approval or recording.

History: En. 66-3803 by Sec. 3, Ch. 476, L. 1975; R.C.M. 1947, 66-3803; amd. Sec. 24, Ch. 22, L. 1979; amd. Sec. 5, Ch. 325, L. 1979; amd. Sec. 3, Ch. 274, L. 1981; amd. Sec. 149, Ch. 483, L. 2001; amd. Sec. 22, Ch. 11, L. 2007.

Compiler's Comments

2007 Amendment: Chapter 11 in definition of board after "board of" inserted "architects and" and at end substituted "2-15-1761" for "2-15-1762"; in definition of landscape architect after "holds a" substituted "license" for "certificate"; and made minor changes in style. Amendment effective July 1, 2007.

2001 Amendment: Chapter 483 in definition of department substituted reference to department of labor and industry for reference to department of commerce and substituted "part 17" for "part 18". Amendment effective July 1, 2001.

1981 Amendment: Substituted "department of commerce" for "department of professional and occupational licensing" in (2); changed internal references to the department and the board.

37-66-104. Acts declared unlawful. It is unlawful for a person to:

- (1) offer to practice or hold out to the public that the person is entitled to practice landscape architecture unless licensed and registered under this chapter;
- (2) present as the person's own the license of another;
- (3) give false or forged evidence to the board or any board member in obtaining a license;
- (4) falsely impersonate any other practitioner of like or different name;
- (5) otherwise violate any of the provisions of this chapter.

History: En. 66-3812 by Sec. 14, Ch. 476, L. 1975; R.C.M. 1947, 66-3812(1); amd. Sec. 1445, Ch. 56, L. 2009.

Compiler's Comments

2009 Amendment: Chapter 56 made section gender neutral; and made minor changes in style. Amendment effective October 1, 2009.

37-66-105. Exemptions. (1) The provisions of this chapter do not prevent employees of those lawfully practicing as landscape architects from acting under the instruction, control, or supervision of their employers.

(2) The provisions of this chapter do not apply to any business conducted in this state by a horticulturist, nursery operator, landscape nursery operator, gardener, landscape gardener, landscape designer, landscape artist, landscape contractor, or land use planner, as these terms are generally used. However, an unlicensed person may not use the title "landscape architect", "landscape architecture", or any description tending to convey the impression that the person is a licensed landscape architect unless the person is licensed as provided in this chapter.

(3) This chapter does not apply to architects, professional engineers, and professional land surveyors licensed to practice their respective professions.

(4) This chapter does not apply to a person performing any of the services mentioned in this chapter upon the person's own property.

(5) This chapter does not require the hiring of a landscape architect.

History: En. 66-3808 by Sec. 10, Ch. 476, L. 1975; R.C.M. 1947, 66-3808; amd. Sec. 52, Ch. 83, L. 1989; amd. Sec. 1446, Ch. 56, L. 2009.

Compiler's Comments

2009 Amendment: Chapter 56 made section gender neutral; and made minor changes in style. Amendment effective October 1, 2009.

1989 Amendment: In (3), before "land surveyors", inserted "professional".

Cross-References

Architecture, Title 37, ch. 65.

Engineers and land surveyors, Title 37, ch. 67.

Part 2 Board of Landscape Architects (Repealed)

37-66-201. Repealed. Sec. 24, Ch. 11, L. 2007.

History: En. 82A-1602.30 by Sec. 8, Ch. 476, L. 1975; amd. Sec. 24, Ch. 453, L. 1977; R.C.M. 1947, 82A-1602.30(5); amd. Sec. 6, Ch. 325, L. 1979; amd. Sec. 31, Ch. 474, L. 1981; amd. Sec. 1, Ch. 89, L. 1989.

37-66-202. Repealed. Sec. 24, Ch. 11, L. 2007.

History: En. 82A-1602.30 by Sec. 8, Ch. 476, L. 1975; amd. Sec. 24, Ch. 453, L. 1977; R.C.M. 1947, 82A-1602.30(4).

Part 3 Licensing

Part Compiler's Comments

Grandfather Clause: Section 7, Ch. 476, L. 1975, read: "At any time within one (1) year after this act becomes effective, upon application therefor and payment of the application and certificate fee, the board shall issue a certificate of registration without oral or written examination to any practicing landscape architect of good character, who qualifies under the provisions of section 66-3805 (now 37-66-304), who shall submit under oath evidence satisfactory to the board that he was practicing landscape architecture at the time this act became effective, and has had responsible charge of work of character satisfactory to the board."

Part Cross-References

Licensing to follow contested case procedure, 2-4-631.
Duty of Department to administer and grade examinations, 37-1-101.
Duty of Board to adopt and enforce licensing and certification rules, 37-1-131.
Licensing boards to establish fees commensurate with costs, 37-1-134.
Licensure of criminal offenders, Title 37, ch. 1, part 2.
Nondiscrimination in licensing, 49-3-204.

Part Administrative Rules

Title 24, chapter 114, subchapter 4, ARM General provisions.
Title 24, chapter 114, subchapter 14, ARM Licensing for landscape architects.

37-66-301. License required. In order to safeguard human health and property and to promote the public welfare, a person in either a public or private capacity practicing or offering to practice landscape architecture is required to submit evidence that the person is qualified to practice and is licensed under the provisions of this chapter.

History: En. 66-3804 by Sec. 4, Ch. 476, L. 1975; R.C.M. 1947, 66-3804; amd. Sec. 46, Ch. 492, L. 2001.

Compiler's Comments

2001 Amendment: Chapter 492 near middle after "practice landscape architecture" deleted "for hire" and near end substituted "licensed" for "registered"; and made minor changes in style. Amendment effective October 1, 2001.

Administrative Rules

ARM 24.114.1401 Landscape architect applications.

37-66-302. Illegal use of title. A person may not use the designation "landscape architect" or "landscape architecture" or advertise any title or description tending to convey the impression that the person is a landscape architect or practicing landscape architecture unless the person is a landscape architect licensed with the board.

History: En. 66-3810 by Sec. 12, Ch. 476, L. 1975; R.C.M. 1947, 66-3810(part); amd. Sec. 1447, Ch. 56, L. 2009.

Compiler's Comments

2009 Amendment: Chapter 56 made section gender neutral; and made minor changes in style. Amendment effective October 1, 2009.

37-66-303. Licensing restricted to individuals — partnerships — local business licensing. (1) Certificates of licensing may be issued to natural persons only, but this chapter does not prevent a licensed landscape architect from performing services for a corporation, firm, partnership, or association.

(2) Each partner in a partnership of landscape architects must be licensed to practice landscape architecture. Subject to this requirement, a partnership of landscape architects may use a partnership name if the name consists of:

(a) the names of two or more landscape architects; or
(b) the names of one or more landscape architects and one or more professional engineers, architects, or planners.

(3) A person applying to the licensing official of any county or city for a business license to practice landscape architecture shall, at the time of application, exhibit to the licensing official satisfactory

evidence under the seal of the board and the hand of its secretary that the applicant possesses a current registration with the board. The license may not be granted until the evidence is presented.

History: En. 66-3809 by Sec. 11, Ch. 476, L. 1975; amd. Sec. 33, Ch. 101, L. 1977; R.C.M. 1947, 66-3809; amd. Sec. 1448, Ch. 56, L. 2009.

Compiler's Comments

2009 Amendment: Chapter 56 made section gender neutral; and made minor changes in style. Amendment effective October 1, 2009.

37-66-304. Qualifications and application for licensure. (1) A person wishing to practice landscape architecture in this state shall apply to the department for a license.

(2) Each applicant for licensure must have successfully completed the educational, practical experience, and examination requirements prescribed by the board.

History: En. 66-3805 by Sec. 5, Ch. 476, L. 1975; R.C.M. 1947, 66-3805; amd. Sec. 7, Ch. 325, L. 1979; amd. Secs. 47, 48, Ch. 492, L. 2001; amd. Sec. 107, Ch. 467, L. 2005.

Compiler's Comments

2005 Amendment: Chapter 467 in (2) after "and" deleted "written" and after "requirements" substituted "prescribed" for "established". Amendment effective July 1, 2005.

2001 Amendment: (Temporary version) Chapter 492 inserted (1) regarding application to department and examination; and made minor changes in style. Amendment effective October 1, 2001, and terminates September 30, 2005.

(Version effective October 1, 2005) Inserted (1) regarding application to department for licensure; and in (2) after "Each applicant" substituted remainder of sentence concerning qualifications for licensure for "must be admitted to the examination without prerequisite qualifications".

Administrative Rules

ARM 24.114.1401 Landscape architect applications.

ARM 24.114.1402 Education and experience — landscape architect licensure.

ARM 24.114.1404 Landscape architect licensure by endorsement.

37-66-305. Repealed. Sec. 75, Ch. 492, L. 2001.

History: En. 66-3806 by Sec. 6, Ch. 476, L. 1975; R.C.M. 1947, 66-3806; amd. Sec. 8, Ch. 325, L. 1979.

37-66-306. Repealed. Sec. 128, Ch. 429, L. 1995.

History: En. 66-3807 by Sec. 9, Ch. 476, L. 1975; R.C.M. 1947, 66-3807(4); amd. Sec. 9, Ch. 325, L. 1979.

37-66-307. Repealed. Sec. 127, Ch. 467, L. 2005.

History: En. 66-3807 by Sec. 9, Ch. 476, L. 1975; R.C.M. 1947, 66-3807(1) thru (3); amd. Sec. 10, Ch. 325, L. 1979; amd. Sec. 1, Ch. 277, L. 1983; amd. Sec. 120, Ch. 429, L. 1995; amd. Sec. 48, Ch. 492, L. 1997; amd. Sec. 55, Ch. 271, L. 2003.

37-66-308. Display of license — seal of landscape architect. (1) Each holder of a license shall display it in the licensee's principal office, place of business, or place of employment.

(2) Each landscape architect must have a seal approved by the board that must contain the name of the landscape architect and the words "Licensed Landscape Architect, State of Montana" and other words or figures that the board considers necessary. All drawings and title pages of specifications prepared by a landscape architect or under the supervision of a landscape architect must be stamped with the landscape architect's seal. This section may not be construed to permit the seal of a landscape architect to serve as a substitute for the seal of a licensed architect, a licensed professional engineer, or a licensed professional land surveyor.

History: En. 66-3810 by Sec. 12, Ch. 476, L. 1975; R.C.M. 1947, 66-3810(part); amd. Sec. 53, Ch. 83, L. 1989; amd. Sec. 1449, Ch. 56, L. 2009.

Compiler's Comments

2009 Amendment: Chapter 56 made section gender neutral; and made minor changes in style. Amendment effective October 1, 2009.

1989 Amendment: At end of (2), before "land surveyor", inserted "professional".

Cross-References

Seal defined, 1-4-201.

Manner of making seal, 1-4-202.

Administrative Rules

ARM 24.114.1410 Landscape architect seal.

37-66-309. Deposit of license fees. Money received by the department for license fees from landscape architects must be deposited in the state special revenue fund for the use of the board subject to 37-1-101(6).

History: En. Sec. 23, Ch. 11, L. 2007.

Compiler's Comments

Effective Date: Section 26, Ch. 11, L. 2007, provided: "[This act] is effective July 1, 2007."

Administrative Rules

ARM 24.114.401 Fee schedule.

37-66-310 through 37-66-320 reserved.

37-66-321. Repealed. Sec. 128, Ch. 429, L. 1995.

History: En. 66-3811 by Sec. 13, Ch. 476, L. 1975; R.C.M. 1947, 66-3811.

37-66-322. Penalty. A person convicted of violating any of the provisions of this chapter shall be fined not to exceed \$500. Each violation is considered a separate offense for purposes of this section.

History: En. 66-3812 by Sec. 14, Ch. 476, L. 1975; R.C.M. 1947, 66-3812(2).

37-66-323. Repealed. Sec. 128, Ch. 429, L. 1995.

History: En. 66-3813 by Sec. 15, Ch. 476, L. 1975; R.C.M. 1947, 66-3813.