

1 HB241
2 197040-1
3 By Representative Lipscomb
4 RFD: Boards, Agencies and Commissions
5 First Read: 20-MAR-19

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8 SYNOPSIS: Under existing law, the Alabama State Board
9 of Examiners of Landscape Architects is responsible
10 for the licensing and regulating of landscape
11 architects.

12 This bill would increase the maximum fine
13 the board may levy against a licensee from \$250 to
14 \$2,500 per violation and would authorize the board
15 to assess the costs of conducting a disciplinary
16 action against an accused who is found guilty of
17 the charges.

18 This bill would also increase the license
19 application fee from \$75 to \$150.

20
21 A BILL
22 TO BE ENTITLED
23 AN ACT
24

25 To amend Sections 34-17-5 and 34-17-25, Code of
26 Alabama 1975, relating to the Alabama State Board of Examiners
27 of Landscape Architects; to increase the maximum fine the

1 board may levy against a licensee from \$250 to \$2,500 per
2 violation; to authorize the board to assess the costs of
3 conducting a disciplinary action against an accused who is
4 found guilty; and to increase the license application fee from
5 \$75 to \$150.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. Sections 34-17-5 and 34-17-25 of the Code
8 of Alabama 1975, are amended to read as follows:

9 "§34-17-5.

10 "(a) Each of the following facts shall constitute a
11 ground for disciplinary action:

12 "(1) That the holder of a certificate of
13 registration is practicing in violation of ~~the provisions of~~
14 this chapter or the rules ~~and regulations~~ of the board~~;~~.

15 "(2) That the holder of a certificate has obtained
16 the certificate by fraud or misrepresentation, or that the
17 person named in the certificate has obtained it by fraud or
18 misrepresentation~~;~~.

19 "(3) That the holder of a certificate is
20 impersonating a landscape architect or former landscape
21 architect of the same or similar name, or is practicing under
22 an assumed, fictitious~~,~~. or corporate name~~;~~

23 "(4) That the holder of a certificate has aided or
24 abetted in the practice of landscape architecture any person
25 not authorized to practice landscape architecture under ~~the~~
26 ~~provisions of~~ this chapter~~;~~.

1 "(5) That, in the practice of landscape
2 architecture, the holder of a certificate has been found
3 guilty of fraud or deceit~~7.~~

4 "(6) That, in the practice of landscape
5 architecture, the holder of a certificate has been found
6 guilty of negligence or willful misconduct~~7.~~

7 "(7) That the holder of a certificate has been found
8 guilty of gross incompetence~~7.or.~~

9 "(8) That the holder of a certificate has affixed
10 his or her signature to plans, drawings, specifications, or
11 other instruments of service which have not been prepared by
12 him or her or under his or her immediate and responsible
13 direction or has permitted his or her name to be used for the
14 purpose of assisting any person, not a landscape architect, to
15 evade ~~the provisions of~~ this chapter.

16 "(b) For violations of the preceding subsection, or
17 for violations of ~~the provisions of~~ this chapter, or for
18 violations of board rules ~~and regulations~~, the board shall
19 have the following disciplinary powers:

20 "(1) To reprimand a board licensee~~7.~~

21 "(2) To levy an administrative fine against a
22 licensee of the board not to exceed ~~\$250~~ two thousand five
23 hundred dollars (\$2,500) per violation~~7.~~

24 "(3) To refuse to issue a certificate to an
25 applicant of the board~~7.~~

26 "(4) To suspend a licensee's certificate for a
27 definite period of time~~7.or.~~

1 "(5) To revoke the certificate of a licensee.

2 "(6) To assess any part or all of the costs relating
3 to a disciplinary proceeding conducted under this section.

4 "(c) The board, shall by rule, and regulation shall
5 adopt a disciplinary code.

6 "§34-17-25.

7 "The fees prescribed by this chapter shall be in the
8 following amounts:

9 "(1) The fee for application to the board is
10 ~~seventy-five dollars (\$75)~~ one hundred fifty dollars (\$150).

11 "(2) The fee for examination or reexamination shall
12 be in an amount as established by the board in order to cover
13 all costs of examination, but in no event shall the fee exceed
14 the actual cost of preparing and administering the
15 examination.

16 "(3) The fee for an original certificate is fifty
17 dollars (\$50).

18 "(4) The fee for a duplicate certificate is fifty
19 dollars (\$50).

20 "(5) The annual license fee is one hundred fifty
21 dollars (\$150).

22 "(6) The delinquent penalty fee is ~~fifty dollars~~
23 ~~(\$50)~~, as provided in Section 34-17-24.

24 "(7) The fee for administration of the supplemental
25 examination on the ~~statutes~~ laws governing the practice of
26 landscape architecture in Alabama is one hundred fifty dollars
27 (\$150)."

1 Section 2. This act shall become effective on the
2 first day of the third month following its passage and
3 approval by the Governor, or its otherwise becoming law.