

Background Relevant Practice Acts

CA [Professional Engineers Act](#)

CA [Architects Practice Act](#)

CA [Landscape Architects Practice Act](#)

[Washington State: The Law Relating to Landscape Architects](#)

Landscape Architects Practice Act Chronology/Background

A full chronology of the Landscape Architects Practice Act is found on the website of the Landscape Architects Technical Committee: [Laws and Regulations](#)

A detailed list of all regulatory changes to the Landscape Architects Practice Act since 2001 can be found here: [Landscape Architects Practice Act Proposed Regulatory Changes](#)

LATC reviews related to Business and Professions Code Section 5641:

Landscape Architect Technical Committee - Exceptions and Exemptions Task Force

August 20, 2013

[Full Meeting Agenda & Materials](#)

[Summary Report](#)

Exceptions and Exemptions Task Force Recommendations Regarding Business and Professions Code Section 5641 (Chapter Exceptions, Exemptions)

July 23, 2013

[Full Meeting Agenda & Materials](#)

[Summary Report \("TBA" on LATC Website\)](#)

Approve October 18, 2012 Exceptions and Exemptions Task Force Meeting: Review Legal Opinion Regarding Business and Professions Code (BPC) Section 5641

Discuss Exceptions and Exemptions Task Force Charge (Ensure the Provisions of BPC Section 5641 are Clear and Protect the Public)

January 24-25, 2013

[Full Meeting Agenda & Materials](#)

[Summary Report](#)

Review Legal Opinion Letter from DCA Legal Counsel Regarding Business and Professions Code Section 5641, Exceptions, Exemptions, and Possible Action

Oct 18, 2012

Task Force Meeting #1:

[Agenda & Meeting Materials](#)

[Summary Report](#)

May 24, 2012

Task Force Meeting #2:

[Agenda & Meeting Materials](#)

[Summary Report](#)

Other Background:

[Landscape Architects Technical Committee](#)

[Enforcement Actions](#)



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California Chapter

Attn: Jacqueline French
Landscape Architects Technical Committee
Scope of Practice Exceptions and Exemptions Task Force
2420 Del Paso Road, Suite 105
Sacramento, CA 95834

September 7, 2012

To Whom It May Concern:

The following paragraphs embody APLD's proposed language for changes and additions to the Business and Professions Code Section 5641:

§5641 Chapter Exceptions, Exemptions

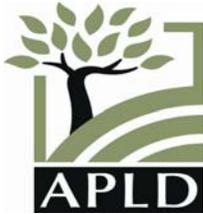
This chapter shall not be deemed to prohibit any person from preparing drawings for the conceptual design and placement of tangible objects and landscape features or plans, drawings, and specifications for the selection, placement, or use of plants ~~for a single family dwelling~~. Construction documents, details, or specifications for the tangible objects or landscape features, and alteration of site requiring grading and drainage plans shall be prepared by a licensed professional as required by law.

§5641.7 Chapter Exceptions, Exemptions – Landscape Designer

- (a) Nothing contained in this chapter shall be deemed to prohibit a person from engaging in the practice of, or offering to practice as, a landscape designer.**
- (b) As used in this section, "landscape designer" means a person who performs professional services such as consultation, investigation, reconnaissance, research, design, preparation of drawings and specifications and responsible supervision where the dominant purpose of such service is the design of landscapes on residential properties in accordance with accepted professional standards of public health and safety.**

The language we have utilized in this proposal is drawn from the existing exemptions of the Business and Professions Code (BPC) Division 3, Chapter 3.5, Article 3, Sections: 5641.2 Nurserypersons, 5641.5 Golf Course Architects, and 5641.6 Irrigation Consultants.

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§ 5641.2 Nurserypersons – exempts persons engaged in the business of selling nursery stock in this state from licensure when they engage in the preparation of planting plans or drawings as an adjunct to merchandizing nursery stock or related products. As this exemption does not specify “single family dwelling,” we propose bringing the overall exemption language for Unlicensed Persons (§ 5640) into alignment by eliminating “single family dwelling.”

§ 5641.5 Golf Course Architects – exempts persons engaged in the practice of, or offering to practice as, a golf course architect so long as that person performs their work “in accordance with accepted professional standards of public health and safety.” As no licensure or certification is required by the State for this designation, we believe that it closely aligns with a “Landscape Designer” exemption.

§ 5641.6 Irrigation Consultants – exempts persons engaged in the performance of professional services as an irrigation consultant, so long as that person performs their work “in accordance with accepted professional standards of public health and safety.” No licensure or certification is required by the State for this designation, and we believe that the services provided by irrigation consultants are sufficiently technical in nature as to compare with the services for “Landscape Designer.”

Finally, under separate cover, we are submitting the State of Washington’s Landscape Architect Practice Act, which exempts both design on residential properties AND specifically the preparation of construction drawings including planting plans, landscape materials, or other horticulture-related elements. We believe this Practice Act is applicable to our discussion because of its recent adoption.

We look forward to continued dialogue about this issue, and appreciate the time taken by staff and the Committee to work on it.

Sincerely,

P a m e l a B e r s t l e r

Pamela Berstler
Advocacy Chair – APLD California

Cc: Laura Morton, APLD - President, APLD CA
Lisa Port, APLD - Advocacy Chair, APLD International
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