



STATE OF MICHIGAN  
JOCELYN BENSON, SECRETARY OF STATE  
DEPARTMENT OF STATE  
LANSING

April 26, 2021

**NOTICE OF FILING**

**ADMINISTRATIVE RULES**

To: Secretary of the Senate  
Clerk of the House of Representatives  
Joint Committee on Administrative Rules  
Michigan Office of Administrative Hearings and Rules (Administrative Rule #20-006-LR)  
Legislative Service Bureau (Secretary of State Filing #21-04-19)  
Department of Licensing and Regulatory Affairs

In accordance with the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Office of Administrative Hearings and Rules filed Administrative Rule #2020-006-LR (Secretary of State Filing #21-04-19) on this date at 11:20 A.M. for the Department of Licensing and Regulatory Affairs entitled, "Landscape Architects – General Rules".

These rules take effect immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

Sincerely,

Jocelyn Benson  
Secretary of State

A handwritten signature in cursive script that reads "Melissa Malerman /CK".

Melissa Malerman, Departmental Supervisor  
Office of the Great Seal

Enclosure



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

ORLENE HAWKS  
DIRECTOR

April 26, 2021

The Honorable Jocelyn Benson  
Secretary of State  
Office of the Great Seal  
Richard H. Austin Building – 1<sup>st</sup> Floor  
430 W. Allegan  
Lansing, MI 48909

Dear Secretary Benson:

Re: Administrative Rules – Michigan Office of Administrative Hearings and Rules  
Administrative Rules #: 2020-6 LR

The Michigan Office of Administrative Hearings and Rules received administrative rules, dated November 17, 2020 for the Department of Licensing & Regulatory Affairs “**Landscape Architects -- General Rules**”. We are transmitting these rules to you pursuant to the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6.

Sincerely,

Michigan Office of Administrative Hearings and Rules

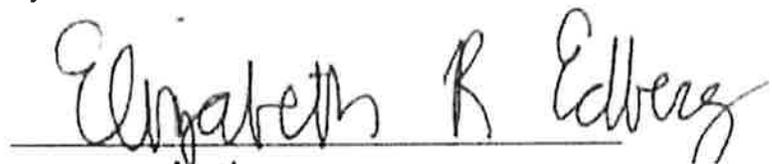
CERTIFICATE OF APPROVAL

On behalf of the Legislative Service Bureau, and as required by section 45 of the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.245, I have examined the proposed rules of the Department of Licensing and Regulatory Affairs dated November 17, 2020, amending R 339.19041, adding R 339.19002, R 339.19004, R 339.19006, R 339.19008, R 339.19010, R 339.19012, R 339.19014, R 339.19016, and R 339.19018, and rescinding R 339.19023 and R 339.19025 of the Department's rules entitled "Landscape Architects – General Rules." I approve the rules as to form, classification, and arrangement.

Dated: January 14, 2021

LEGISLATIVE SERVICE BUREAU

By



Elizabeth R. Edberg,  
Legal Counsel



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

ORLENE HAWKS  
DIRECTOR

### CERTIFICATE OF ADOPTION

By authority conferred on the Department of Licensing and Regulatory Affairs by Sections 205, 2203, and 2205 of the Occupational Code, 1980 PA 299, MCL 339.205, 339.2203, and 339.2205, and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, 2007-17, and 2011-4, MCL 338.3501, 445.2001, 445.2011, 445.2023, and 445.2030.

R 339.19041 of the Michigan Administrative Code is amended, R 339.19002, R 339.19004, R 339.19006, R 339.19008, R 339.19010, R 339.19012, R 339.19014, R 339.19016, and R 339.19018 are added, and R 339.19023 and R 339.19025 are rescinded.

Date: 4-19-2021

Adopted by: \_\_\_\_\_

  
Orlene Hawks  
Director

Department of Licensing and Regulatory Affairs



STATE OF MICHIGAN

GRETCHEN WHITMER  
GOVERNOR

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

ORLENE HAWKS  
DIRECTOR

## LEGAL CERTIFICATION OF RULES

I certify that I have examined the attached administrative rules, dated November 17, 2020, in which the Department of Licensing and Regulatory Affairs proposes to modify a portion of the Michigan Administrative Code entitled “**Landscape Architects – General Rules**” by:

- ◆ Amending R 339.19041.
- ◆ Adding R 339.19002, R 339.19004, R 339.19006, R 339.19008, R 339.19010, R 339.19012, R 339.19014, R 339.19016, and R 339.19018.
- ◆ Rescinding R 339.19023 and R 339.19025.

The Legislative Service Bureau has approved the proposed rules as to form, classification, and arrangement.

I approve the rules as to legality pursuant to the Administrative Procedures Act, MCL 24.201 *et seq.* and Executive Order No. 2019-6. In certifying the rules as to legality, I have determined that they are within the scope of the authority of the agency, do not violate constitutional rights, and are in conformity with the requirements of the Administrative Procedures Act.

Dated: January 15, 2021

Michigan Office of Administrative Hearings and Rules

By: 

Katie Wienczewski,  
Attorney

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

LANDSCAPE ARCHITECTS – GENERAL RULES

Filed with the secretary of state on April 26, 2021

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the department of licensing and regulatory affairs by sections 205, 2203, and 2205 of the occupational code, 1980 PA 299, MCL 339.205, 339.2203, and 339.2205, and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, 2007-17, and 2011-4, MCL 338.3501, 445.2001, 445.2011, 445.2023, and 445.2030.)

R 339.19041 of the Michigan Administrative Code is amended, R 339.19002, R 339.19004, R 339.19006, R 339.19008, R 339.19010, R 339.19012, R 339.19014, R 339.19016, and R 339.19018 are added, and R 339.19023 and R 339.19025 are rescinded, as follows:

PART 1. GENERAL PROVISIONS

R 339.19002 Definitions.

Rule 2. (1) As used in these rules:

(a) "Code" means the occupational code, 1980 PA 299, MCL 339.101 to 339.2677.

(b) "Department" means the department of licensing and regulatory affairs.

(2) A term defined in the code has the same meaning when used in these rules.

PART 2. EDUCATION AND EXAMINATION

R 339.19004 Adoption by reference; accreditation.

Rule 4. (1) The department adopts by reference the Landscape Architectural Accreditation Board's (LAAB) "Accreditation Standards for First-Professional Programs in Landscape Architecture," March 2016. The LAAB's standards for accreditation are available for inspection and distribution at a cost of 10 cents per page from the Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, 611 Ottawa St., P.O. Box 30670, Lansing, Michigan 48909, or at no cost from the LAAB's website at

[https://www.asla.org/uploadedFiles/CMS/Education/Accreditation/LAAB\\_ACCREDITATION\\_STANDARDS\\_March2016.pdf](https://www.asla.org/uploadedFiles/CMS/Education/Accreditation/LAAB_ACCREDITATION_STANDARDS_March2016.pdf)

(2) The department adopts by reference the Landscape Architecture Accreditation Council's (LAAC) "Manual of Accreditation Standards and Procedures for Canadian Programs of Landscape Architectural Education," March 2017. The LAAC's standards for accreditation are available for inspection and distribution at a cost of 10 cents per

page from the Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, 611 Ottawa St., P.O. Box 30670, Lansing, Michigan 48909, or at no cost from the LAAC's website at <https://www.csla-aapc.ca/csla-aapc>.

(3) A landscape architect education program accredited by the LAAB or the LAAC is approved by the department.

(4) A credentials evaluation provided by a current member of the National Association of Credential Evaluation Services that verifies that an applicant's education satisfies the requirements of a landscape architect education program accredited by the LAAB or the LAAC adopted by reference in subrules (1) and (2) of this rule is approved by the department.

R 339.19006 Examination adoption; passing score.

Rule 6. (1) The department approves and adopts the Landscape Architect Registration Examination (LARE) prepared and scored by the Council of Landscape Architects Registration Boards (CLARB).

(2) The passing score for the LARE is the score established by the CLARB.

### PART 3. LICENSURE

R 339.19008 Licensure by examination.

Rule 8. (1) An applicant for a landscape architect license by examination shall submit a completed application on a form provided by the department together with the requisite fee. In addition to satisfying the requirements of the code, the applicant shall satisfy all the requirements in subrules (2) to (5) of this rule.

(2) The applicant shall possess a minimum of 7 years of training and experience in the actual implementation and practice of landscape architecture by satisfying 1 of the following:

(a) The applicant earned a baccalaureate degree from a program approved pursuant to R 339.19004 and completed at least 3 years of experience by working a minimum of 4,500 hours over a 3-year period. As used in this rule, "experience" means applying accepted principles of landscape architecture in a non-academic and non-internship setting under the supervision of a landscape architect who is licensed or registered in this state or another state. Experience must be verified by the supervising landscape architect.

(b) The applicant earned a baccalaureate degree and a master's degree from a program approved pursuant to R 339.19004, and completed at least 2 years of experience by working a minimum of 3,000 hours over a 2-year period. Experience must be verified by the supervising landscape architect.

(c) The applicant completed 1 or both of the following for a total of 7 years of training and experience:

(i) The applicant completed 1 year of education from a program approved pursuant to R 339.19004 by passing a minimum of 30 semester hours or 45 quarter hours per year for each year of training credit earned. A maximum of 5 years of credit may be earned.

(ii) The applicant completed 1 year of experience demonstrated by working a minimum of 1,500 hours per year for each year of experience earned. A maximum of 7 years of credit may be earned. Experience hours must be verified by the supervising landscape architect.

(3) The applicant shall provide documentation to demonstrate that he or she has established a CLARB Council Record.

(4) The applicant shall pass all parts of the LARE administered through the CLARB.

(5) The applicant shall provide not less than 5 references from individuals unrelated to the applicant who have knowledge of the applicant's experience in the practice of landscape architecture. At least 3 references must be from a licensed or registered landscape architect and must document the applicant's experience in the practice of landscape architecture.

R 339.19010 Licensure for an applicant currently licensed, registered, or otherwise credentialed in another state or country.

Rule 10. (1) An applicant for licensure who is currently licensed, registered, or otherwise credentialed in another state or country shall submit a completed application on a form provided by the department together with the requisite fee. In addition to satisfying the requirements of the code, the applicant shall satisfy all of the requirements in subrules (2) to (4) of this rule.

(2) The applicant shall satisfy 1 of the following:

(a) Possess a current valid CLARB certification.

(b) Demonstrate that the requirements for the license, registration, or other credential he or she holds had requirements that are substantially equivalent to R 339.19008, as required by MCL 339.2209.

(3) The applicant shall provide not less than 3 references from individuals unrelated to the applicant who have knowledge of the applicant's experience in the practice of landscape architecture. At least 1 reference must be from a licensed or registered landscape architect and must document the applicant's experience in the practice of landscape architecture.

(4) The applicant's license, registration, or other credential in good standing in landscape architecture must be verified by each licensing agency where the applicant holds, or has ever held, a landscape architect license, registration, or other credential. If applicable, verification must include the records of any disciplinary action taken or pending against the applicant.

R 339.19012 Relicensure.

Rule 12. (1) An applicant whose license has lapsed for less than 3 years before the date of application for relicensure may be relicensed under section 411(3) of the code, MCL 339.411, if the applicant satisfies the requirements of the code and both of the following:

(a) The applicant submits the required fee and a completed application on a form provided by the department.

(b) The applicant submits proof to the department of accumulating not less than 24 hours of continuing education credit that meets the requirements of R 339.19014 during the 2 years immediately preceding the date of application for relicensure. If the department determines that the amount of continuing education hours submitted with the application is deficient, the applicant has 1 year from the date of the application to provide proof of completing the deficient hours.

(2) An applicant whose license has been lapsed for 3 years or more preceding the date of application may be relicensed under section 411(4) of the code, MCL 339.411, if the applicant satisfies the requirements of the code and all of the following:

(a) The applicant submits the required fee and a completed application on a form provided by the department.

(b) The applicant establishes that he or she has met all of the requirements for initial licensure under the code and these rules.

(c) The applicant submits proof to the department of accumulating not less than 24 hours of continuing education credit that meets the requirements of R 339.19014 during the 2 years immediately preceding the date of application for relicensure. If the department determines that the amount of continuing education hours submitted with the application is deficient, the applicant has 1 year from the date of the application to provide proof of completing the deficient hours.

(d) The applicant provides not less than 3 references from individuals unrelated to the applicant who have knowledge of the applicant's experience in the practice of landscape architecture. At least 1 reference must be from a licensed or registered landscape architect and must document the applicant's experience in the practice of landscape architecture.

(3) The applicant's license, registration, or other credential in good standing in landscape architecture must be verified by each licensing agency where the applicant holds, or has ever held, a landscape architect license, registration, or other credential. If applicable, verification must include the records of any disciplinary action taken or pending against the applicant.

#### PART 4. LICENSE RENEWAL, CONTINUING EDUCATION, SANCTIONS FOR FAILURE TO COMPLETE CONTINUING EDUCATION

R 339.19014 License renewal; required continuing education; limitations; retention of documentation; waiver.

Rule 14. (1) This rule applies to an application for renewal of a landscape architect license beginning 2 years after the date of promulgation of this rule.

(2) An applicant for license renewal who has been licensed for the 2-year period preceding the expiration of his or her current license shall have completed 24 hours of continuing education that satisfies the requirements of R 339.19016.

(3) A minimum of 16 of the 24 hours of required continuing education must be earned in a program or activity pertaining to the subject of public health, safety, or welfare (HSW). HSW subjects include, but are not limited to the following:

(a) Building codes.

(b) Code of ethics.

(c) Codes, acts, laws, and regulations governing the practice of landscape architecture.

(d) Construction administration, including construction contracts.

(e) Construction documents.

(f) Design of environmental systems.

(g) Environmental process and analysis.

(h) Erosion control methods.

(i) Grading.

- (j) Horticulture.
  - (k) Irrigation methods.
  - (l) Land planning and use.
  - (m) Landscape preservation, landscape restoration and adaptive reuse.
  - (n) Lateral forces.
  - (o) Natural hazards-impact of earthquake, hurricane, fire, or flood related to site design.
  - (p) Pedestrian and vehicular circulation.
  - (q) Planting design.
  - (r) Resource conservation and management.
  - (s) Roadway design principles.
  - (t) Site accessibility, including Americans with Disabilities Act standards for accessible site design.
  - (u) Site and soils analysis.
  - (v) Site design and engineering, including materials, methods, technologies, and applications.
  - (w) Site security and safety.
  - (x) Storm water management and surface and subsoil drainage.
  - (y) Structural systems considerations.
  - (z) Surveying methods and techniques as they affect landscape architecture.
  - (aa) Sustainable design, including techniques related to energy efficiency.
  - (bb) Use of site materials and methods of site construction.
  - (cc) Vegetative management.
  - (dd) Wetlands.
  - (ee) Zoning as it relates to the improvement or protection of the public health, safety, and welfare.
- (4) Submission of an application for renewal constitutes the applicant's certification of compliance with the requirements of this rule. The department may require a licensee to submit evidence to demonstrate compliance with this rule.
- (5) The continuing education credit earned during 1 license cycle may not be carried forward to the next license cycle.
- (6) The licensee shall retain documentation of satisfying the requirements of this rule for a period of 4 years from the date of application for license renewal.
- (7) A request for a continuing education waiver filed pursuant to section 204(2), MCL 339.204, must be received by the department before the expiration date of the license.

R 339.19016 Approved continuing education; limitations.

Rule 16. (1) The department shall grant credit for continuing education hours as provided in the chart below:

	Activity and Proof Required	Number of Continuing Education Hours Granted for Activity
(a)	Completion of an approved continuing education program related to landscape architecture, regardless of the format in which	The number of continuing education hours designated by the approving entity.

	<p>it is offered, if it is approved or offered for continuing education credit by any of the following:</p> <ul style="list-style-type: none"> <li>• Landscape Architecture Continuing Education System.</li> <li>• The American Society of Landscape Architects (ASLA).</li> <li>• A state chapter of the ASLA.</li> </ul> <p>If audited, the applicant shall submit documentation or certificate of completion showing the applicant's name, total continuing education credits earned, sponsor name and contact information, program title, and the date the program was held or completed.</p>	<p>If the program was not approved for a set number of hours, then 1 credit hour for each 50 minutes of participation may be earned.</p>
(b)	<p>Passing an academic course related to landscape architecture offered by a college or university that offers a baccalaureate degree or higher degree in landscape architecture and is accredited by the LAAB.</p> <p>If audited, the applicant shall submit a copy of the transcript showing the number of credit hours of the academic courses related to landscape architect.</p>	<p>Fifteen hours of continuing education may be earned for each semester of credit.</p> <p>Ten hours of continuing education hours may be earned for each quarter credit.</p>
(c)	<p>Attending a seminar, in-house course, workshop, or professional or technical presentation related to landscape architecture.</p> <p>If audited, the applicant shall submit a copy of the presentation notice or advertisement showing the date of the presentation, the licensee's name listed as a presenter or attendee, and the name of the organization that approved or offered the presentation.</p>	<p>One hour of continuing education may be earned for every 50 minutes of participation.</p>
(d)	<p>Teaching, instructing, or presenting a subject related to landscape architecture.</p> <p>If audited, the applicant shall submit documentation by the college or university confirming the licensee as the teacher, instructor, or presenter of the academic course, the dates of the course or presentation, the number of classroom hours spent teaching, instructing, or presenting, and the course title.</p>	<p>One hour of continuing education may be earned for every 50 minutes of teaching, instruction, or presenting.</p> <p>A maximum of 12 hours of continuing education may be earned for this activity during each renewal</p>

		period.
(e)	<p>Initial publication of a peer-reviewed paper, article, or book related to landscape architecture.</p> <p>If audited, the applicant shall submit a copy of the publication that identifies the applicant as the author or a publication acceptance letter.</p>	<p>Six hours of continuing education may be earned for this activity.</p> <p>A maximum of 18 hours of continuing education may be earned for this activity during each renewal period.</p>
(f)	<p>Participation in professional examination writing.</p> <p>If audited, the applicant shall submit documentation by the testing developer confirming the applicant as an examination writer, the dates the examination writing, and the number of hours spent writing the examination questions.</p>	<p>One hour of continuing education may be earned for every 50 minutes of examination writing.</p> <p>A maximum of 5 hours of continuing education may be earned for this activity during each renewal period.</p>
(g)	<p>Providing professional expertise to a non-profit or public board, commission, council, or committee.</p> <p>If audited, the applicant shall submit documentation from the board, commission, or committee confirming the applicant's service, the dates of service, and the number of hours of service provided.</p>	<p>One hour of continuing education hour may be earned for each 50 minutes of meetings attended.</p> <p>A maximum of 10 hours of continuing education hour may be earned for this activity during each renewal period.</p>
(h)	<p>Completion of a self-study course presented by correspondence or electronically ending with an examination or other verification process.</p> <p>If audited, the applicant shall submit documentation of the examination or other verification process result and a statement of the dates, number of minutes, and materials covered in completing the course.</p>	<p>One hour of continuing education may be earned for every 50 minutes of participation.</p> <p>A maximum of 4 hours of continuing education may be earned for this activity during each renewal period.</p>
(i)	<p>Participating in a company-sponsored or hosted seminar or training that is designed to enhance professional development in the applicant's area of professional practice.</p> <p>If audited, the applicant shall submit</p>	<p>One hour of continuing education may be earned for every 50 minutes of participation in the seminar or training.</p>

	documentation or a certificate of completion issued by the company presenting the seminar or training showing the applicant's name, company name, subject of seminar or training, and the date on which the seminar or training was held.	A maximum of 4 hours of continuing education may be earned for this activity during each renewal period.
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(2) Continuing education hours are not granted for a program or activity that has substantially the same content of a program or activity for which the applicant has already earned continuing education hours during the same renewal period.

R 339.19018 Sanctions for failure to complete required continuing education.

Rule 18. (1) A licensee who fails to comply with the continuing education requirements of R 339.19014 is subject to all of the following:

(a) A fine of \$250.00, plus \$50.00 for each continuing education hour, or on a pro-rata basis for a fractional hour, the licensee is deficient, payable by a date determined by the department.

(b) Probation for a minimum period of 1 day, not to exceed a period of 1 year, until the licensee has completed the continuing education hours that he or she was deficient during the audit period. The continuing education hours used to satisfy these sanctions do not apply in computing the licensee's compliance with current continuing education requirements for license renewal. Probation automatically terminates upon completion of the required deficient hours and payment of the fine.

(2) Failure to pay the fine or complete the deficient continuing education hours within the time allotted pursuant to subrule (1) of this rule will result in suspension of the license.

(3) Suspension pursuant to subrule (2) of this rule will be automatically lifted upon compliance with the consent order, provided that such compliance occurs before the license expires. If the licensee fails to comply with the consent order before the license expires, the licensee shall apply for relicensure.

(4) Instead of the sanctions provided in subrule (1) of this rule, the department may accept permanent surrender of the license.

R 339.19023 Rescinded.

R 339.19025 Rescinded.

## PART 5. SEAL REQUIREMENTS

R 339.19041 Requirements of seal; use of seal.

Rule 41. (1) Pursuant to section 2210(1) of the code, MCL 339.2210, each licensee shall have a seal that states the name of the licensee, his or her landscape architect license number, and bear the words "licensed landscape architect" and "state of Michigan."

(2) The design of the seal to be used by each licensee is as follows:



(3) The licensee shall obtain the seal when he or she is licensed and shall submit an imprint of the seal to the department within 30 days of licensure. If a new seal is obtained at a later time, the licensee shall submit an imprint of the new seal to the department within 30 days.

(4) The seal must be used only on work that has been prepared by or under the personal supervision of the licensee.

(5) Pursuant to section 2210(2) of the code, MCL 339.2210, any plan, specification, or report prepared by the licensee, or under his or her supervision, and filed with a public authority must be stamped with the licensee's seal.

FILED WITH SECRETARY OF STATE

ON 4/26/21 AT 11:20 A.M.