
Colorado Revised Statutes 2020
TITLE 12
PROFESSIONS AND OCCUPATIONS
ARTICLE 130: LANDSCAPE ARCHITECTS

Editor's note: This title 12 was repealed and reenacted, with relocations, in 2019. This article 130 was numbered as article 45 of this title 12 prior to 2019. Former C.R.S. section numbers are shown in editor's notes following those sections that were relocated. For a detailed comparison of this title 12, see the comparative tables located in the back of the index or <https://leg.colorado.gov/sites/default/files/images/olls/title-12-2019-table.pdf>.

Cross references: For practicing a profession or operating a business without a license, see § 16-13-306; for rule-making procedures and license suspension and revocation procedures by state agencies, see article 4 of title 24; for an alternative disciplinary action for persons licensed, registered, or certified pursuant to this title 12, see § 24-34-106; for disposition of money collected under this title 12, see §§ 24-35-101 and 24-36-103.

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ARTICLE 130: Landscape Architects

Cross references: For regulatory provisions for architects, see part 4 of article 120 of this title 12.

12-130-101. Short title. The short title of this article 130 is the "Landscape Architects Professional Licensing Act".

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 925, § 1, effective October 1.

Editor's note: This section is similar to former § 12-45-101 as it existed prior to 2019.

12-130-102. Legislative declaration. The general assembly hereby finds and declares that the regulatory authority established in this article 130 is necessary to safeguard the health, safety, and welfare of the people of Colorado by preventing the improper design of public domain landscape infrastructure by unauthorized, unqualified, and incompetent persons.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 925, § 1, effective October 1.

Editor's note: This section is similar to former § 12-45-102 as it existed prior to 2019.

12-130-103. Applicability of common provisions. Articles 1 and 20 of this title 12 apply, according to their terms, to this article 130.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 925, § 1, effective October 1.

12-130-104. Definitions. As used in this article 130, unless the context otherwise requires:

- (1) "Board" means the state board of landscape architects, created in section 12-130-106.
- (2) "Habit-forming drug" means a drug or medicine required to be labeled under section 25-5-415 or the "Federal Food, Drug, and Cosmetic Act", 21 U.S.C. sec. 301 et seq., as a habit-forming drug.
- (3) "Infrastructure" means elements of the public domain that support developments such as roads, streets, parks, plazas, and other places that are not privately owned and managed.
- (4) "Landscape architect" means a person who engages in the practice of landscape architecture.
- (5) "Plan" means to prepare layouts and schemes for land areas, infrastructure systems, facilities, or objects and includes technical documentation.
- (6) (a) "Practice of landscape architecture" means:
 - (I) The application of landscape architectural higher education, training, and experience as well as required mathematical, physical, and social science skills to consult, evaluate, plan,

and design projects and improvements principally directed at the functional and aesthetic uses of land;

(II) Collaboration with architects and engineers during the design of public infrastructure projects such as roads, bridges, buildings, and other structures, concerning the functional and aesthetic requirements of the area and project site; or

(III) Assistance in the preparation and administration of construction documents, contracts, and contract offers related to site landscape improvements.

(b) "Practice of landscape architecture" does not include acts exempted by section 12-130-117.

(7) "Substantial gift" means a gift, donation, or other consideration sufficient to influence a person to act in a specific manner. The term does not include a gift of nominal value such as reasonable entertainment or hospitality or an employer's reward to an employee for work performed.

(8) "Supervision" means the actions taken by a landscape architect in directing, personally reviewing, correcting, or approving the work performed by an employee or subcontractor of the landscape architect.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 925, § 1, effective October 1.

Editor's note: This section is similar to former § 12-45-103 as it existed prior to 2019.

12-130-105. License required. On and after January 1, 2008, a person shall not practice landscape architecture or represent himself or herself as a landscape architect unless the person has a license issued by the board. A person licensed by the board is entitled to use the stamp specified in section 12-130-116, which shall constitute a professional credential attesting to the minimum competence of the landscape architect.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 926, § 1, effective October 1.

Editor's note: This section is similar to former § 12-45-104 as it existed prior to 2019.

12-130-106. Board - composition - appointments - terms. (1) There is hereby created in the division the Colorado state board of landscape architects. The board shall consist of five members who shall have the following qualifications:

(a) Three members shall:

(I) Be licensed landscape architects in Colorado;

(II) Have at least three years of experience in the practice of landscape architecture; and

(III) Be residents of the state of Colorado;

(b) (I) Two members shall:

(A) Not be licensed landscape architects nor practice landscape architecture in any jurisdiction;

(B) Not have a current or prior significant personal or financial interest in the practice of landscape architecture; and

(C) Be residents of the state of Colorado.

(II) Of the two members appointed pursuant to this subsection (1)(b), one member shall be a building or landscape contractor in Colorado.

(2) Appointments to the board shall be made by the governor and shall be made to provide for staggering of terms of members so that not more than two members' terms expire each year. Thereafter appointments shall be for terms of four years. Each board member shall hold office until the expiration of the term for which the member is appointed or until a successor has been duly appointed and qualified. Appointees shall be limited to two full terms. The governor may remove a member of the board for misconduct, incompetence, neglect of duty, or an act that would justify the revocation of the board member's license to practice landscape architecture, if applicable.

(3) The board shall meet on or before August 30 of each year and elect from its members a chair and vice-chair. The board shall meet at other times as it deems necessary, but not less than twice a year.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 927, § 1, effective October 1.

Editor's note: This section is similar to former § 12-45-105 as it existed prior to 2019.

12-130-107. Powers and duties of board - rules. (1) The board shall have the following powers and duties:

- (a) To promulgate rules pursuant to section 12-20-204;
 - (b) To examine license applicants for qualifications;
 - (c) To review special cases as authorized in this article 130;
 - (d) To grant the licenses of duly qualified applicants to practice landscape architecture in accordance with this article 130;
 - (e) To adopt and use a seal;
 - (f) To conduct hearings in accordance with sections 12-20-403 and 24-4-105 upon complaints concerning the conduct of landscape architects;
 - (g) To refer for prosecution by the district attorney or the attorney general persons violating this article 130;
 - (h) To require a licensed landscape architect to have a stamp as prescribed by the board;
- and
- (i) To take disciplinary or other action as authorized in section 12-20-404 against or censure any person who, while holding a landscape architect license, violates any provision of this article 130; issue cease-and-desist orders under the circumstances and in accordance with the procedures specified in section 12-20-405; or impose other conditions or limitations on a licensee.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 927, § 1, effective October 1.

Editor's note: This section is similar to former § 12-45-107 as it existed prior to 2019.

12-130-108. Records. (1) The board shall keep a record of its proceedings, a register of all applications for licensing, and other information deemed necessary by the board.

(2) The records of the board shall be public records pursuant to article 72 of title 24. Copies of records and papers of the board or the department concerning the administration of this article 130, when certified and authenticated by seal, shall be received by a court in the same manner as original documents.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 928, § 1, effective October 1.

Editor's note: This section is similar to former § 12-45-109 as it existed prior to 2019.

12-130-109. Licensure - application - qualifications - rules. (1) **Application.** (a) An application for licensure shall include evidence of the education and practical experience required by this section and the rules of the board.

(b) A person applying for licensure under this article 130 shall disclose whether he or she has been denied licensure or disciplined as a landscape architect or practiced landscape architecture in violation of this article 130. If an applicant has violated this article 130, the board may deny an application for licensure. When determining whether a person has violated this article 130, section 24-5-101 shall govern the board's actions.

(c) Applicants may seek licensure in one of the following manners:

(I) Licensure by examination as described in subsection (3) of this section;

(II) Licensure by endorsement pursuant to the occupational credential portability program; or

(III) Licensure by prior practice as described in subsection (5) of this section.

(2) **Education and experience.** The board shall set minimum educational and experience requirements for licensure by examination, subject to the following guidelines:

(a) The board may require either:

(I) (A) Practical experience for a specified period, not to exceed three years, or education or experience determined by the board to be substantially equivalent; and

(B) A professional degree from a program accredited by the Landscape Architectural Accreditation Board, or any successor organization, or education or experience determined by the board to be substantially equivalent; or

(II) Practical experience for a specified period, not to exceed ten years, under the direct supervision of a licensed landscape architect or a landscape architect with an equivalent level of competence as defined by rules of the board; or

(III) A combination of such practical experience and education, not to exceed ten years.

(b) One year of the experience required by this subsection (2) may be practical field experience in construction techniques, teaching, or research in a program accredited by the Landscape Architectural Accreditation Board or an equivalent successor organization.

(c) Subject to review and approval by the board pursuant to rules, a graduate of an unaccredited program of landscape architecture or a related field shall be eligible to substitute education for the practical experience required by the board pursuant to this subsection (2).

(d) (I) Prior to licensure, an applicant by examination shall pass an examination developed or adopted by the board that measures the minimum level of competence necessary to

be a licensed landscape architect. The board shall designate and notify applicants of the time and location for examinations. The board may engage a private contractor to administer the examinations.

(II) The board may adopt the examinations, recommended grading procedures, and educational and practical experience requirements and equivalents of the Council of Landscape Architectural Registration Boards or a successor organization if the examinations, procedures, and requirements and equivalents do not conflict with the requirements of this article 130.

(3) **Licensure by examination.** (a) Before being licensed pursuant to this subsection (3), an applicant for licensure by examination shall pass an examination developed or adopted by the board to measure the minimum level of competence.

(b) The board shall designate a time and location for examinations and shall notify applicants of this time and location in a timely manner. The board may contract for assistance in administering the examinations.

(c) The board may adopt the examinations, recommended grading procedures, and educational and practical experience requirements of the Council of Landscape Architectural Registration Boards or any substantially equivalent successor organization if the examinations, procedures, and requirements do not conflict with the requirements of this article 130.

(4) Repealed.

(5) **Licensure by prior practice.** (a) The board shall adopt rules authorizing the issuance of a license to qualified candidates who practiced landscape architecture before January 1, 2008.

(b) The following evidence, as verified by the board, shall be acceptable as proof that a candidate is qualified for licensure by prior practice:

(I) (A) A diploma or certificate of graduation from a landscape architecture degree program accredited by the Landscape Architectural Accreditation Board or its successor organization; and

(B) Evidence of at least six years of practical experience in the practice of landscape architecture sufficient to satisfy the board that the applicant has minimum competence in the practice of landscape architecture; or

(II) Evidence that the applicant has at least ten years of practical experience in the practice of landscape architecture sufficient to satisfy the board that the applicant has minimum competence in the practice of landscape architecture.

(c) All experience required to qualify for licensure by prior practice shall be obtained before January 1, 2008; except that one year of required experience for licensure by prior practice may accrue after January 1, 2008.

(d) The board may develop or adopt a supplementary examination to measure the minimum competence of applicants for licensure by prior practice. The supplementary examination shall be administered at the discretion of the board when an applicant for licensure by prior practice has otherwise failed to sufficiently demonstrate minimum competence.

(6) **Issuance of license.** Upon application and satisfaction of the requirements of this section, the board shall issue a license to practice landscape architecture. The board is not required to issue a license if the applicant is subject to discipline pursuant to this article 130.

(7) **Lapse of application.** If an applicant fails to meet the licensing requirements within three years after filing an application, the application shall be void. The board may authorize an applicant for licensure by examination to reattempt the examination without limitation and may

exempt an applicant from this subsection (7) so long as the applicant reattempts the examination within thirty-one months after the last examination.

(8) **Renewal and reinstatement.** All licenses issued pursuant to this article 130 are subject to the renewal, expiration, reinstatement, and delinquency fee provisions specified in section 12-20-202 (1) and (2). Any person whose license has expired shall be subject to penalties provided in this article 130 or in section 12-20-202 (1).

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 929, § 1, effective October 1. **L. 2020:** (1)(c)(II) amended and (4) repealed, (HB 20-1326), ch. 126, p. 535, § 18, effective June 25.

Editor's note: (1) This section is similar to former § 12-45-110 as it existed prior to 2019.

(2) Section 47(1)(b) of chapter 126 (HB 20-1326), Session Laws of Colorado 2020, provides that the act changing this section applies to conduct occurring on or after June 25, 2020.

Cross references: For the short title ("Red Tape Reduction Act") and the legislative declaration in HB 20-1326, see sections 1 and 2 of chapter 126, Session Laws of Colorado 2020.

12-130-110. Fees. The director shall establish a schedule of reasonable fees for applications, licenses, renewal of licenses, inactive status, and late Fees. The fees shall be set, collected, and credited pursuant to section 12-20-105.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 931, § 1, effective October 1.

Editor's note: This section is similar to former § 12-45-111 as it existed prior to 2019.

12-130-111. Professional liability - insurance. (1) The shareholders, members, or partners of an entity that practices landscape architecture are liable for the acts, errors, and omissions of the employees, members, and partners of the entity, except when the entity maintains a qualifying policy of professional liability insurance as set forth in subsection (2) of this section.

(2) (a) A qualifying policy of professional liability insurance shall meet the following minimum standards:

(I) The policy shall insure the entity against liability imposed upon it by law for damages arising out of the negligent acts, errors, and omissions of all professional and nonprofessional employees, members, and partners; and

(II) The insurance shall be in a policy amount of at least seventy-five thousand dollars multiplied by the total number of landscape architects in or employed by the entity, up to a maximum of five hundred thousand dollars.

(b) In addition, the policy may include:

(I) A provision stating that the policy shall not apply to the following:

(A) A dishonest, fraudulent, criminal, or malicious act or omission of the insured entity or of any stockholder, employee, member, or partner of the insured entity;

(B) The conduct of a business enterprise that is not the practice of landscape architecture by the insured entity;

(C) The conduct of a business enterprise in which the insured entity may be a partner or that may be controlled, operated, or managed by the insured entity in its own or in a fiduciary capacity, including, but not limited to, the ownership, maintenance, or use of property;

(D) Bodily injury, sickness, disease, or death of a person; or

(E) Damage to, or destruction of, tangible property owned by the insured entity;

(II) Any other reasonable provisions with respect to policy periods, territory, claims, conditions, and ministerial matters.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 932, § 1, effective October 1.

Editor's note: This section is similar to former § 12-45-112 as it existed prior to 2019.

12-130-112. Grounds for disciplinary action. (1) The board shall investigate the activities of a licensee or other person upon its own motion or upon the receipt of a written, signed complaint alleging grounds for disciplinary action under this article 130.

(2) Grounds for disciplinary action shall include:

(a) Fraud or a material misstatement of fact made in procuring or attempting to procure a license;

(b) An act or omission that fails to meet the generally accepted standards of the practice of landscape architecture and that endangers life, health, property, or the public welfare;

(c) Fraud or deceit in the practice of landscape architecture;

(d) Affixing a seal or authorizing a seal to be affixed to a document if the act misleads another into incorrectly believing that a licensed landscape architect was the document's author or was responsible for its preparation;

(e) Violation of or aiding or abetting in the violation of this article 130, an applicable provision of article 20 of this title 12, a rule promulgated by the board under section 12-20-204 or this article 130, or an order of the board issued under this article 130;

(f) Being convicted of or pleading nolo contendere to a felony in Colorado or to any crime outside Colorado that would constitute a felony in Colorado, if the felony or other crime concerns the practice of landscape architecture. A certified copy of the judgment of a court of competent jurisdiction of a conviction or plea shall be presumptive evidence of the conviction or plea in any hearing under this article 130. The board shall be governed by sections 12-20-202 (5) and 24-5-101 when considering the conviction or plea.

(g) Use of false, deceptive, or misleading advertising;

(h) Habitual or excessive use or abuse of alcohol or a habit-forming drug or habitual use of a controlled substance, as defined in section 18-18-102 (5), or other drug having similar effects, when the use or abuse renders the landscape architect unfit to engage in the practice of landscape architecture;

(i) Use of a schedule I controlled substance, as defined in section 18-18-203;

(j) Failure to report to the board a landscape architect known to have violated this article 130 or any board order or rule. Potential violations of this subsection (2)(j) include knowledge of

an action or arbitration in which claims regarding the life and safety of the users of a site are alleged.

- (k) Making or offering a substantial gift to influence a prospective or existing client or employer to use or refrain from using a specific landscape architect;
 - (l) Failure to exercise adequate professional supervision of persons assisting in the practice of landscape architecture under a licensed landscape architect;
 - (m) Performing services beyond the competence, training, or education of a landscape architect;
 - (n) Selling, fraudulently obtaining, or fraudulently furnishing a license or renewal of a license to practice landscape architecture;
 - (o) Practicing landscape architecture or advertising, representing, or holding oneself out as a licensed landscape architect or using the title "landscape architect" or "licensed landscape architect" unless the person is licensed pursuant to this article 130; or
 - (p) Otherwise violating any provision of this article 130.
- (3) A disciplinary action in another state or jurisdiction taken on grounds that would constitute a violation under this article 130 shall be prima facie evidence of grounds for disciplinary action under this section.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 932, § 1, effective October 1.

Editor's note: This section is similar to former § 12-45-113 as it existed prior to 2019.

- 12-130-113. Disciplinary actions by board - procedures.** (1) The board may take disciplinary or other action as authorized in section 12-20-404, may place conditions or limitations on a license, or may impose a censure if, after notice and hearing, the board determines that a licensee has committed any of the acts specified in section 12-130-112.
- (2) The board may issue and send to a licensee, by certified mail, a written letter of admonition under the circumstances specified in and in accordance with section 12-20-404 (4).
- (3) The board may send a confidential letter of concern to a licensee under the circumstances specified in section 12-20-404 (5). The confidential letter of concern and notice of the issuance of the letter shall be sent to the licensee by certified mail. Issuance of a confidential letter of concern shall not be construed to be discipline.
- (4) If the board determines that a person licensed to practice landscape architecture pursuant to this article 130 is subject to disciplinary action under this section, the board may, in lieu of or in addition to other discipline, require a licensee to take courses of professional training or education. The board shall determine the educational conditions to be imposed on the licensee, including, but not limited to, the type and number of hours of training or education. All training or education courses are subject to approval by the board, and the licensee shall furnish proof of satisfactory completion of the training or education.
- (5) Any disciplinary action taken by the board shall be in accordance with the provisions of section 12-20-403 and article 4 of title 24.
- (6) In addition to the penalties provided for in this section, and in lieu of revoking a license upon a finding of misconduct by the board, a person who violates this article 130 or rules

promulgated pursuant to section 12-20-204 or this article 130 may be punished by a fine not to exceed five thousand dollars.

(7) On its own motion or upon application after the imposition of discipline, the board may reconsider its prior action and reinstate a license, terminate suspension or probation, or reduce the severity of its prior disciplinary action.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 934, § 1, effective October 1.

Editor's note: This section is similar to former § 12-45-114 as it existed prior to 2019.

12-130-114. Unauthorized practice - penalties. (1) Any person who practices or offers or attempts to practice landscape architecture without an active license issued under this article 130 is subject to penalties pursuant to section 12-20-407 (1)(a).

(2) A violation of this section may be prosecuted by the district attorney of the judicial district in which the offense was committed or by the attorney general of the state of Colorado in the name of the people of the state of Colorado. In such action, the court may issue an order, enter judgment, or issue a preliminary or final injunction.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 937, § 1, effective October 1.

Editor's note: This section is similar to former § 12-45-115 as it existed prior to 2019.

12-130-115. Judicial review. Section 12-20-408 governs judicial review of a final action or order of the board.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 937, § 1, effective October 1.

Editor's note: This section is similar to former § 12-45-116 as it existed prior to 2019.

12-130-116. Landscape architect's stamp - rules. (1) A licensed landscape architect shall obtain a stamp of a design authorized by the board. The stamp shall bear the name, date of licensing, and license number of the landscape architect, together with the legend "Colorado - Licensed Landscape Architect".

(2) A landscape architect's records and documents shall be prepared, recorded, and retained in the following manner:

(a) The stamp, signature of the landscape architect whose name appears on the stamp, and date of the landscape architect's signature shall be placed on reproductions of drawings to establish a record set of contract documents.

(b) The record set shall be prominently identified and shall be for the permanent record of the landscape architect, the project owner, and the regulatory authorities who have jurisdiction over the project.

(c) The stamp and the date the document is stamped shall be placed on the cover, title page, and table of contents of specifications and on each reproduction of drawings prepared under the direct supervision of the landscape architect.

(d) Subsequently issued addenda, revisions, clarifications, or other modifications shall be properly identified and dated for the record set.

(e) Where consultant drawings and specifications are incorporated into the record set, their origin shall be clearly identified and dated to distinguish them from stamped documents.

(f) Except as required for compliance with a federal contract, the landscape architect shall not stamp reproductions or copies that are transferred from the landscape architect's possession or supervision.

(g) A record set shall be retained by the landscape architect for a minimum of three years after beneficial occupancy or beneficial use of the project.

(h) One original document may be stamped, signed, and dated as required for federal government contracts.

(3) The board, by rule, may authorize the use of an electronic stamp, an electronic seal, and recording of electronic records in a manner substantially equivalent to the requirements of subsections (1) and (2) of this section.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 937, § 1, effective October 1.

Editor's note: This section is similar to former § 12-45-117 as it existed prior to 2019.

12-130-117. Exemptions. (1) The following shall be exempt from the provisions of this article 130:

(a) The practice of architecture by licensed architects pursuant to part 4 of article 120 of this title 12;

(b) The practice of professional engineering by registered professional engineers pursuant to part 2 of article 120 of this title 12;

(c) The practice of professional land surveying by licensed land surveyors pursuant to part 3 of article 120 of this title 12;

(d) Residential landscape design, consisting of landscape design services for single- and multi-family residential properties of four or fewer units not including common areas;

(e) The design of irrigation systems by professionals qualified by appropriate experience or certification; and

(f) Landscape installation and construction services, including, but not limited to, all contracting services not within the scope of the practice of landscape architecture.

(2) Nothing in this article 130 shall prohibit or limit a municipality or county of this state, in the reasonable exercise of its police power, from adopting codes that may be necessary for the protection of the inhabitants of the municipality or county.

(3) Nothing in this article 130 shall be construed to limit or extend the rights of another profession or craft.

(4) Nothing in this article 130 shall be construed to prohibit the practice of landscape architecture by any employee of the United States government or any bureau, division, or agency of the United States while discharging his or her official duties.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 938, § 1, effective October 1.

Editor's note: This section is similar to former § 12-45-118 as it existed prior to 2019.

12-130-118. Architecture, engineering, and surveying. Nothing in this article 130 shall be construed to authorize a landscape architect to engage in the practice of architecture, as defined in part 4 of article 120 of this title 12, the practice of engineering, as defined in part 2 of article 120 of this title 12, or professional land surveying, as defined in part 3 of article 120 of this title 12.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 938, § 1, effective October 1.

Editor's note: This section is similar to former § 12-45-119 as it existed prior to 2019.

12-130-119. Repeal of article - subject to review. This article 130 is repealed, effective September 1, 2028. Before the repeal, the licensing of landscape architects by the board is scheduled for review in accordance with section 24-34-104.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 939, § 1, effective October 1.

Editor's note: This section is similar to former § 12-45-120 as it existed prior to 2019.

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