



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

March 23, 2023

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 #22-023-LR)
Legislative Service Bureau (Secretary of State Filing #23-03-20)
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 #2022-023-LR (Secretary of State Filing #23-03-20) on this date at 2:58 P.M. for the Department of Licensing and Regulatory Affairs entitled, "Landscape Architects - General Rules".

These rules become effective immediately after filing with the Secretary of State unless adopted under section 33, 44, or 45a(9) 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

Lashana Threlkeld, Departmental Supervisor
Office of the Great Seal

Enclosure



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
SUZANNE SONNEBORN
EXECUTIVE DIRECTOR

ORLENE HAWKS
DIRECTOR

March 23, 2023

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

Dear Secretary Benson:

Re: Administrative Rules – Michigan Office of Administrative Hearings and Rules
Administrative Rules #: 2022-23 LR

The Michigan Office of Administrative Hearings and Rules received administrative rules, dated September 7, 2022 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,

A handwritten signature in black ink, appearing to read "Suzanne Sonneborn", written over a horizontal line.

Michigan Office of Administrative Hearings and Rules



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 339.19011, R 339.19013, R 339.19021, R 339.19022, R 339.19024, R 338.19031, R 339.19034, and R 339.19036 of the Michigan Administrative Code are added, and 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 rescinded.

Date: 12/20/2022

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 September 7, 2022, 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:

- ◆ Adding R 339.19011, R 339.19013, R 339.19021, R 339.19022, R 339.19024, R 339.19031, R 339.19034, and R 339.19036.
- ◆ Rescinding 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.

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 3, 2023

Michigan Office of Administrative Hearings and Rules

By: *Emily Leik*

Emily Leik,
Attorney



Since 1941

Legal Division


Kevin H. Studebaker, Director

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 September 7, 2022, rescinding 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 adding R 339.19011, R 339.19013, R 339.19021, R 339.19022, R 339.19024, R 339.19031, R 339.19034, and R 339.19036 of the Department's rules entitled "Landscape Architects – General Rules." I approve the rules as to form, classification, and arrangement.

Dated: January 3, 2023

LEGISLATIVE SERVICE BUREAU

By 
Rachel M. Hughart,
Legal Counsel

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

LANDSCAPE ARCHITECTS – GENERAL RULES

Filed with the secretary of state on March 23, 2023

These rules become effective immediately after filing with the secretary of state unless adopted under section 33, 44, or 45a(9) 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 339.19011, R 339.19013, R 339.19021, R 339.19022, R 339.19024, R 339.19031, R 339.19034, and R 339.19036 of the Michigan Administrative Code are added, and 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 rescinded, as follows:

PART 1. GENERAL PROVISIONS

R 339.19004 Rescinded.

R 339.19006 Rescinded.

R 339.19008 Rescinded.

R 339.19010 Rescinded.

PART 2. EDUCATION AND EXAMINATION

R 339.19011 Adoption by reference; accreditation.

Rule 11. (1) The department adopts by reference the Landscape Architectural Accreditation Board's (LAAB) "Accreditation Standards for First-Professional Programs in Landscape Architecture," September 2021. 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 Street, P.O. Box 30670, Lansing, Michigan 48909, or at no cost from the LAAB's website at

https://www.asla.org/uploadedFiles/LAAB_ACCREDITATION_STANDARDS_SEPTEMBER2021.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 Street, P.O. Box 30670, Lansing, Michigan 48909, or at no cost from the LAAC's website at [Microsoft Word - Accreditation Standards Final June 2019 \(csla-aapc.ca\)](http://csla-aapc.ca).

(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 339.19012 Rescinded.

R 339.19013 Examination adoption; passing score.

Rule 13. (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.

R 339.19014 Rescinded.

R 339.19016 Rescinded.

R 339.19018 Rescinded.

PART 3. LICENSURE

R 339.19021 Licensure by examination.

Rule 21. (1) 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.

(2) An applicant for a landscape architect license by examination shall submit a completed application on a form provided by the department together with the required fee. In addition to satisfying the requirements of the code, the applicant shall satisfy all the requirements in subrules (3) to (6) of this rule.

(3) 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 339.19011 and completed not less than 3 years of experience by working a minimum of

4,500 hours over a 3-year period. Experience must be verified by the supervising landscape architect by providing both of the following:

(i) The supervising landscape architect's attestation documenting that the applicant performed work that satisfies the experience requirements and the dates and hours that the applicant performed that work under the supervision of the landscape architect.

(ii) The supervising landscape architect's name, license or registration number, and the state the supervising landscape architect is licensed or registered as a landscape architect.

(b) The applicant earned a baccalaureate degree and a master's degree from a program approved pursuant to R 339.19011 and completed not less than 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 by providing both of the following:

(i) The supervising landscape architect's attestation documenting that the applicant performed work that satisfies the experience requirements and the dates and hours that the applicant performed that work under the supervision of the landscape architect.

(ii) The supervising landscape architect's name, license or registration number, and the state the supervising landscape architect is licensed or registered as a 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 339.19011 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 must be verified by the supervising landscape architect by providing both of the following:

(A) The supervising landscape architect's attestation documenting that the applicant performed work that satisfies the experience requirements and the dates and hours that the applicant performed that work under the supervision of the landscape architect.

(B) The supervising landscape architect's name, license or registration number, and the state the supervising landscape architect is licensed or registered as a landscape architect.

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

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

(6) 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. Not less than 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 339.19022 Licensure for an applicant currently licensed, registered, or otherwise credentialed in another state or country.

Rule 22. (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 required 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 339.19021, as required by section 2209 of the code, 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 339.19024 Relicensure.

Rule 24. (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 339.19031 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 after 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 339.19031 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 after 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 STANDARDS, CONTINUING EDUCATION, SANCTIONS FOR FAILURE TO COMPLETE CONTINUING EDUCATION

R 339.19031 License renewal; required continuing education; limitations; retention of documentation; waiver.

Rule 31. (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 immediately preceding the expiration of his or her current license shall have completed 24 hours of continuing education that satisfies the requirements of R 339.19034.

(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 the Americans with disabilities act, 42 USC 12101 to 12213.
- (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 after the date of application for license renewal.
- (7) A written request for a continuing education waiver and all supporting documentation must be received by the department 30 days before the expiration date of the license and is subject to both of the following:
- (a) The waiver may be granted if the department finds that the failure of the licensee to complete the required continuing education was due to 1 of the following:
 - (i) The licensee’s illness.
 - (ii) The licensee’s disability.
 - (iii) The licensee’s military service.
 - (iv) The licensee’s absence from the continental United States.
 - (b) The licensee shall refrain from renewing the license until 1 of the following occurs:
 - (i) The licensee completes the required continuing education for renewal.
 - (ii) The department notifies the licensee that the request for a waiver of the required continuing education has been granted.

R 339.19034 Approved continuing education; limitations.

Rule 34. (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 it is offered, if it is approved or offered for continuing education credit by any of the following: Landscape Architecture Continuing Education System.	The number of continuing education hours designated by the approving entity. If the program was not approved for a set number of hours, then 1 credit hour for each 50 minutes of

	<p>The American Society of Landscape Architects (ASLA). A state chapter of the ASLA.</p> <p>If audited, the applicant shall submit documentation or a certificate of completion showing the applicant's name, total continuing education credits earned, sponsor's name and contact information, program title, and the date the program was held or completed.</p>	<p>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 period.</p>
(e)	<p>Initial publication of a peer-reviewed paper, article, or book related to landscape architecture.</p>	<p>Six hours of continuing education may be earned for this activity.</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>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 may be earned for each 50 minutes of meetings attended.</p> <p>A maximum of 10 hours of continuing education 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 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 the seminar or training was held.</p>	<p>One hour of continuing education may be earned for every 50 minutes of participation in the seminar or training.</p> <p>A maximum of 4 hours of continuing education may be earned for this activity during each renewal period.</p>

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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 339.19036 Sanctions for failure to complete required continuing education.

Rule 36. (1) A licensee who fails to comply with the continuing education requirements of R 339.19031 is subject to both 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 after 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 results in suspension of the license.

(3) Suspension pursuant to subrule (2) of this rule is automatically lifted after compliance with the consent order, if 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.

FILED WITH SECRETARY OF STATE

ON 3/23/23 AT 2:58 P.M.