

BILL ANALYSIS

H.B. 1567
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Licensing & Administrative Procedures
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The current text of Occupations Code Section §1052.151(b) allows a person to represent herself or himself as a landscape architect if she or he is exempt from registration under Chapter 1052. It is unclear how this provision came into existence. Technically, there are no exemptions from Chapter 1052, although Section 1052.003 lists several licensees of other professions who may practice landscape architecture under certain circumstances. However, under Section 1052.003(b), none of those licenses or unregistered persons may use the title "landscape architect" or the term "landscape architecture" or any similar term.

The purpose of H.B. 1567 is to harmonize Section 1052.151 and Section 1052.003(b). There is no discernible public purpose for allowing a person who is not registered as a landscape architect to represent herself or himself as a landscape architect. The provisions restricting practice and title usage by business is modeled upon similar restrictions to the practice of architecture.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1567 prohibits a person to engage in the practice of landscape architecture unless the person holds a certificate of registration under this chapter; or is authorized under Section 1052.003 to engage in the practice of landscape architecture without holding a certificate of registration.

H.B. 1567 prohibits a persons to represent the person to be a landscape architect or use the term "landscape architect," "landscape architectural," or "landscape architecture" or any similar term to describe the person's services unless the person holds a certificate of registration under this chapter.

H.B. 1567 authorizes a business entity to engage in the practice of landscape architecture without holding a certificate of registration if the entity is authorized under Section 1052.003 to engage in the practice of landscape architecture without holding a certificate of registration; or any landscape architecture performed on behalf of the entity is performed by or under the supervision and control of a person who holds a certificate of registration under this chapter; and is a regular, full-time employee of the entity.

H.B. 1567 authorizes a business entity to use the term landscape architect, if the practice of landscape architect is performed by or under the supervision and control of a person who holds a certificate of registration under this chapter and is a regular full-time employee of the business.

EFFECTIVE DATE

September 1, 2007.