

A Bill for an Act Relating to Landscape Architects.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Chapter 464, Hawaii Revised Statutes, is amended in the following respects:

(a) By changing the title of the chapter to read “Professional Engineers, Architects, Surveyors and Landscape Architects”.

(b) By changing, wherever appearing, the words “engineer, architect and land surveyor”, or “engineer, architect or land surveyor”, or “engineer, architect or surveyor”, or “‘engineer’, ‘architect’, or ‘land surveyor’”, or “engineering, architecture or land surveying”, or “engineering, architecture or surveying”, to read “engineer, architect, land surveyor and landscape architect”, or “engineer, architect, land surveyor or landscape architect”, or “engineer, architect, surveyor or landscape architect”, or “‘engineer’, ‘architect’, ‘land surveyor’ or ‘landscape architect’”, or “engineering, architecture, land surveying or

landscape architecture”, or “engineering, architecture, surveying or landscape architecture”, respectively.

(c) By changing, wherever appearing, the words “engineering or architecture”, or “engineering and architecture”, or “engineer or architect”, or “engineering or architectural”, or “engineering work and architectural work”, or “architectural or engineering”, to read “engineering, architecture or landscape architecture”, or “engineering, architecture and landscape architecture”, or “engineer, architect or landscape architect”, or “engineering, architectural or landscape architectural”, or “engineering work, architectural work and landscape architectural work”, or “architectural, engineering or landscape architectural”, respectively.

SECTION 2. Section 464-1, Hawaii Revised Statutes, is amended to read as follows:

**“Section 464-1. Definitions.** As used in this chapter:

- (1) “Professional engineer” means a person who engages in the practice of professional engineering as hereinafter defined;
- (2) “Architect” means a person who engages in the practice of architecture as hereinafter defined;
- (3) “Surveyor” or “land surveyor” means a person who engages in the practice of land surveying as hereinafter defined;
- (4) “Landscape architect” means a person who engages in the practice of landscape architecture as hereinafter defined;
- (5) A person practices “professional engineering” who holds himself out as able to perform, or who does perform, any professional service such as consultation, investigation, evaluation, planning, design, or responsible supervision of construction or operation, in connection with any public or private utilities, structures, buildings, machines, equipment, processes, works, or projects, wherein the safeguarding of life, health, or property is concerned or involved when such professional service requires the application of engineering principles and data;
- (6) A person practices “architecture” who holds himself out as able to perform, or who does perform, any professional service such as consultation, investigation, evaluation, planning, design, including aesthetic and structural design, or responsible supervision of construction, in connection with any private or public buildings, structures, or projects or the equipment or utilities thereof, or the accessories thereto, wherein the safeguarding of life, health, or property is concerned or involved, when such professional service requires the application of the art and science of construction based upon the principles of mathematics, aesthetics, and the physical sciences;
- (7) A person practices “land surveying” who holds himself out as able to make, or who does make cadastral surveys of areas for their correct

determination and description, either for conveyancing or for the establishment or reestablishment of land boundaries or the plotting of lands and subdivisions thereof;

- (8) A person practices "landscape architecture" who holds himself out as able to perform professional services such as consultation, investigation, reconnaissance, research, design, preparation of drawings and specifications, and responsible supervision where the dominant purpose of such services is: (1) the preservation and enhancement of land uses and natural land features; (2) the location and construction of aesthetically pleasing and functional approaches for structures, roadways, and walkways; and, (3) design for equestrian trails, plantings, landscape irrigation, landscape lighting, and landscape grading. This practice shall include the location, arrangements, and design of such tangible objects and features as are incidental and necessary to the purposes outlined herein. Nothing herein shall preclude a duly licensed landscape architect from planning the development of land areas and elements used thereon or from performing any of the services described in this section in connection with the settings, approaches, or environment for buildings, structures, or facilities.

This chapter shall not empower a landscape architect, registered under this chapter, to practice, or offer to practice, architecture or engineering in any of its various recognized branches."

SECTION 3. Section 464-5, Hawaii Revised Statutes, is amended to read as follows:

"**Section 464-5. Limitation upon application of chapter.** Nothing in this chapter shall prevent any person from engaging in engineering or architectural work and undertakings upon property owned or exclusively controlled or possessed by that person, or from hiring any person to do such work and undertakings, unless the same involve the safety or health of the public, nor shall anything in this chapter prevent any person from engaging in land surveying upon property owned or exclusively controlled or possessed by that person or from hiring any person to do such work, unless the same involves a common boundary.

Nothing in this chapter shall be construed as applying to the business conducted in this state by any agriculturist, horticulturist, tree expert, arborist, forester, gardenshop operator, nurseryman or landscape nurseryman, gardener, landscape gardener, landscape contractor, landscape designer, landscape consultant, garden or lawn caretaker or cultivator of land, as these terms are generally used, except that no such person shall use the designation 'landscape architect' 'landscape architectural' or 'landscape architecture' unless registered under the provisions of this chapter.

All engineering work and architectural work in which the public safety or health is involved shall be designated by and the construction supervised by a duly registered professional engineer or architect, respectively."

SECTION 4. Section 464-6, Hawaii Revised Statutes, is amended to read as follows:

**“Section 464-6. Board of registration of professional engineers, etc., members; appointment, tenure; qualifications.** There shall be a state board of registration of professional engineers, architects, and surveyors hereinafter called “the board”, to be appointed by the governor in the manner prescribed in section 26-34. The board shall consist of fourteen members, comprising at least three professional engineers, three professional architects, three professional surveyors and two professional landscape architects. Each county shall be represented by at least one member who is a resident of the county. Each member shall hold over after the expiration of his term until his successor is duly appointed and qualified.

Each member shall have been a resident of the State for at least three years, and shall have been engaged in the practice of his profession for at least nine years immediately preceding the date of his appointment. Members of the board shall serve without pay, except the secretary, who shall be allowed such compensation as the board may fix with the approval of the governor. Any member of the board, however, who incurs expenses in connection with the preparation and grading of examination papers shall be reimbursed for such expenses with the approval of the board.

The department of regulatory agencies shall employ, subject to chapters 76 and 77, a secretary and such other clerical help as are necessary for the proper performance of the board’s work and may make any reasonable expenditures which are necessary to carry out the functions of the board.”

SECTION 5. Chapter 464, Hawaii Revised Statutes, is amended by adding a new section to be appropriately numbered and to read as follows:

**“Section 464- . Prior practitioners of landscape architecture.** Notwithstanding the provisions of section 464-8, where an application for license to practice landscape architecture is made prior to January 1, 1971, the board shall accept as satisfactory evidence of the applicant’s competency and qualification for registration as a landscape architect, the following:

- (1) That the applicant has a diploma of graduation from a college or school offering an approved curriculum in landscape architecture, or the equivalent thereof as determined by the board, showing that the applicant has satisfactorily completed such curriculum, together with at least one year of actual, practical experience in landscape architectural work; or
- (2) That the applicant has been actually engaged continuously in the active practice of landscape architecture, either in a governmental agency or in the office of one or more landscape architects, or both, for not less than four years, or in his own business for not less than two years prior to the date when this chapter shall take effect.”

SECTION 6. Section 464-11, Hawaii Revised Statutes, is amended to read as follows:

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### **“Section 464-11. Contents of certificates; use of seal mandatory when.**

Each certificate of registration issued hereunder shall bear the date of the original registration and shall specify whether the person to whom it is issued is authorized by the board of registration of professional engineers, architects, and surveyors to practice professional engineering, architecture, or land surveying.

In the case of a certificate issued to a person authorizing him to practice professional engineering, the certificate shall furthermore indicate the major branch or branches of engineering in which the person has especially qualified.

Every registered person may use a seal or rubber stamp of the design authorized by the board bearing his name and the words “registered professional engineer”, “registered architect”, “registered land surveyor”, or “registered landscape architect”, or otherwise as may be authorized by the board.

All plans, specifications, maps, and reports prepared by or under the supervision of a registered engineer, architect, or surveyor, shall be stamped with such seal or stamp when filed with public officials. It shall be unlawful for anyone to seal or stamp any document with such seal or stamp after the certificate of the registrant named thereon has expired or has been revoked or suspended unless such certificate has been renewed or reissued.

No official of the State nor of any political subdivision thereof, charged with the enforcement of laws or ordinances relating to the construction or alteration of buildings or structures, shall accept or approve any plans or specifications that are not stamped with the seal of a registered architect holding an unexpired certificate or with the seal of a registered engineer holding a certificate on which has been indicated that he has qualified in the structural engineering branch, unless the building or structure, for which the plans or specifications are submitted is exempted from this chapter, and no map or survey shall be filed in the land court unless stamped with the seal of a registered land surveyor.”

SECTION 7. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes may exclude the brackets, the bracketed material, or the underscoring.\*

SECTION 8. This Act shall take effect upon its approval.

(Approved June 15, 1970.)

\* Edited accordingly