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Illinois Title Act for Landscape Architects. What does it mean for designers?

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Last spring there was a flurry of activity among LDA members in response to proposed legislation in Springfield. Landscape architects had been lobbying for a new law, a Landscape Architect Practice Act that, among other things, would have allowed LA's to compete on an equal footing with engineers, surveyors and architects for projects requiring a professional seal on plans. But they also defined the scope and authority of landscape architecture such that it restricted the practice of a whole range of other professionals in the industry. The proposed bill offered exceptions for certain types of work for other landscape professionals, but these exceptions created confusion as they overlapped with the functions established for LA's. Fortunately, the bill did not pass, but if it had landscape professionals would have been placed in an uncertain environment where they could be legally penalized for performing work they had performed in the past. The LA's succeeded in securing an amendment to the existing Title Act, which means that now certain types of work will require a LA's seal. (See box for an explanation of Title Act vs. Practice Act)

What does this mean for designers? Work commissioned by governmental agencies, such as public parks, and work requiring a permit in some communities will likely require the LA's seal on plans. This may not affect many of us now. But what happens if communities decide to require permitting for other types of landscape work that non-LA's have routinely performed? That would mean a LA's seal would be required on plans submitted for permits. The scope of work available to designers could shrink while the costs to clients would rise to cover the cost of obtaining the LA seal.

Illinois is one of the few states that do not have a Practice Act covering LA's. So how do designers operate in states that do? I consulted the LA websites of two states, North Carolina and California, to determine the scope of work allowed for non-LA professionals. I chose these two states randomly from the 40+ states that already have LA Practice Acts. The terms of operation for designers could vary widely across these 40+ states.

In North Carolina, non-LA's can:

- engage in the occupation of grading lands whether by hand tools or machinery
- plant, maintain, and market plants or plant materials and draft plans or specifications related to the location of plants on a site,
- prepare, sell, or furnish plans, specifications and related data, or supervise construction pursuant thereto, where the project involved is a single family residential site, or a residential, institutional, or commercial site of one acre or less, or the project involved is a site of more than one acre where only planting and mulching is required (www.ncbola.org/laws)

In California, garden designers can:

- prepare plans, drawings, and specifications for the selection, placement, or use of plants for single family dwellings

- prepare drawings for the conceptual design and placement of tangible objects and landscape features

- May NOT prepare construction documents, details, or specifications for tangible landscape objects or landscape features

- May NOT prepare grading and drainage plans for the alteration of sites (www.latc.dca.ca.gov/laws_regs/permittedpractice.shtml)

Thus, the scope of work available to designers in other states has been established by LA's through their Practice Acts. That means that in Illinois about 1,000 LA's can determine the scope of work available to many thousands of designers and other landscape professionals by how they craft the next proposed Practice Act bills.

We tend to think that legislation and regulations are passed to assure safety and to protect the consumer from unscrupulous or unfair business practices. But sometimes there is a less obvious motivation, ie, to reduce competition and provide advantages to some groups at the expense of others. LA's in Illinois will likely continue their push for a Practice Act. Designers will have to be ever vigilant to protect their freedom to operate.

Please continue to check the LDA website legislative page for updates about pending LA Practice Act legislation. As in the past, we will provide sample letters for you to use to register your comments with appropriate legislators in Springfield along with their contact information. We encourage our members to voice their views—it is up to you! That strategy helped block passage of the LA Practice Act this year. If necessary, we can do it again in 2010.

What's the difference between a Landscape Architect "Title Act" and a "Practice Act"?

A LA Title Act prohibits anyone who does not meet the educational and experience requirements of a LA to refer to himself as a LA.

A LA Practice Act also prohibits anyone from doing work identified in the Act as that belonging to a LA.

Thus, a LA Practice Act is potentially more restrictive to other landscape professionals than the LA Title Act.

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