

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 44 LANDSCAPE ARCHITECTS
PART 3 REGISTRATION FOR LICENSURE OR CERTIFICATION

16.44.3.1 ISSUING AGENCY: New Mexico Board of Landscape Architects.
[16.44.3.1 NMAC - Rp, 16.44.3.1 NMAC, 9/30/2016; A, 12/27/2022]

16.44.3.2 SCOPE: The provisions of 16.44.3 NMAC apply to all applicants for licensure or certification.
[16.44.3.2 NMAC - Rp, 16.44.3.2 NMAC, 9/30/2016]

16.44.3.3 STATUTORY AUTHORITY: This part is adopted pursuant to Landscape Architects Act, Sections 61-24B-4, 61-24B-8, 61-24B-9 NMSA 1978, Uniform Licensing Act, Section 61-1-34 NMSA 1978 and Uniform Electronic Transactions Act, Sections 14-16-1 through 14-16-19 NMSA 1978.
[16.44.3.3 NMAC - Rp, 16.44.3.3 NMAC, 9/30/2016]

16.44.3.4 DURATION: Permanent.
[16.44.3.4 NMAC - Rp, 16.44.3.4 NMAC, 9/30/2016]

16.44.3.5 EFFECTIVE DATE: September 30, 2016, unless a later date is cited at the end of a section.
[16.44.3.5 NMAC - Rp, 16.44.3.5 NMAC, 9/30/2016]

16.44.3.6 OBJECTIVE: This part is to establish the minimum requirements for applicants applying for licensure as a landscape architect or certification as a landscape architect in training.
[16.44.3.6 NMAC - Rp, 16.44.3.6 NMAC, 9/30/2016]

16.44.3.7 DEFINITIONS: (Refer to Part 1)
[16.44.3.7 NMAC - Rp, 16.44.3.7 NMAC, 9/30/2016]

16.44.3.8 REGISTRATION OR CERTIFICATION:

A. Unless currently licensed to practice landscape architecture pursuant to the Landscape Architects Act and these rules, no person shall:

- (1) engage in the practice of landscape architecture; or
- (2) use the title or represent himself or herself as a landscape architect; or
- (3) use any other title, abbreviation, letters, signs or devices that indicate the person is a

landscape architect.

B. Unless currently certified as a landscape architect in training, no person shall:

- (1) use the title or represent himself or herself as a landscape architect in training; or
- (2) use any other title, abbreviation, letters, signs, or devices that indicate the person is a

landscape architect in training.

C. Any person who renders or offers to render landscape architecture services while his or her license is expired, suspended or revoked is subject to the board's jurisdiction and may face disciplinary action by the board. Any person who renders or offers to render services as a landscape architect in training while he or she is not a certificate holder is subject to the board's jurisdiction and may face disciplinary action by the board.

D. It is a misdemeanor:

- (1) for a person not licensed under the Landscape Architects Act to practice landscape architecture or represent himself or herself as a landscape architect; or
- (2) for any person to practice landscape architecture during the time that his or her license as a landscape architect or as a landscape architect in training is expired, suspended, or revoked.

[16.44.3.8 NMAC - Rp, 16.44.3.8 NMAC, 9/30/2016]

16.44.3.9 APPLICATION AND FEES:

A. Application forms: To apply for licensure as a landscape architect or a certificate as a landscape architect in training, the applicant shall submit a completed application on the form provided by the board. The applicant shall ensure that the application is complete and that all fees are paid.

B. A non-refundable application fee is due at the time of application. The amount of this fee shall be as defined in 16.44.8.8 NMAC.

C. Compliance: The applicant shall comply with the Landscape Architects Act and the board's rules and regulations.

D. Examination: Eligibility and application to sit for the landscape architect registration examination (L.A.R.E) shall be as established by the council of landscape architect registration board (CLARB), as prescribed by 16.44.2.9 NMAC.

[16.44.3.9 NMAC - Rp, 16.44.3.9 NMAC, 9/30/2016]

16.44.3.10 LANDSCAPE ARCHITECT APPLICANTS NOT PREVIOUSLY LICENSED IN ANY JURISDICTION:

A. Application Procedure: The applicant shall submit the following:

- (1) a completed and signed application;
- (2) the application fee as required by board;
- (3) official educational transcripts sent to the board office directly from the institution's office of the registrar;
- (4) verification of practical experience;
- (5) samples of work: to assist the board in evaluating the applicant's practical experience, the applicant shall submit evidence of his or her experience with the completed application form in one or both of the following formats:

(a) a minimum of six and a maximum of ten graphic images (formatted to 8 ½ x 11") of projects or drawings depicting construction, planting, irrigation, or design; or

(b) a maximum two-page summary or abstract that describes relevant experience such as administration, research, planning, or teaching;

(6) letters of reference: An applicant for licensure as a landscape architect shall submit three letters of reference, two of which shall be from individuals who are not members of the board; the letters of reference shall be from individuals who are not related to the applicant and who are familiar with and will speak to the applicant's professional activities;

(7) CLARB council record; and

(8) L.A.R.E. test results.

B. The board administrator will notify the applicant once the application file appears to be complete. The board will review the application at the next regular scheduled board meeting. The board administrator will notify the applicant of the board's decision relative to the application.

[16.44.3.10 NMAC - Rp, 16.44.3.10 NMAC, 9/30/2016]

16.44.3.11 [RESERVED]

16.44.3.12 [RESERVED]

[16.44.3.12 NMAC - Rp, 16.44.3.12 NMAC, 9/30/2016; Repealed 12/27/2022]

16.44.3.13 [RESERVED]

[16.44.3.13 NMAC - Rp, 16.44.3.13 NMAC, 9/30/2016 Repealed 12/27/2022]

16.44.3.14 [RESERVED]

16.44.3.15 PROVISIONS FOR EMERGENCY LICENSURE:

A. Landscape architects currently licensed and in good standing, or otherwise meeting the requirements for New Mexico licensure in a state in which a federal disaster has been declared, may be granted an emergency license in New Mexico during a four-month period following the declared disaster at no cost upon satisfying the following requirements:

(1) receipt by the board office of a completed application that has been signed and notarized and accompanied by proof of identity, which may include a copy of a driver's license, passport or other photo identification issued by a governmental entity;

(2) other required verification may be obtained from the council of landscape architectural registration boards through the CLARB council record;

(3) nothing in this section shall constitute a waiver of qualifications of the requirements for licensure contained in 16.44.2 NMAC;

(4) sworn affidavit that the applicant was personally or professionally affected by the disaster.

B. The board may waive the application fees only.

C. The board may waive the specific forms required under 16.44.3.12 NMAC and 16.44.3.13 NMAC only if the applicant is unable to obtain documentation from the federal declared disaster areas.

D. The emergency license shall expire on June 30 following the date of issue. Application for initial license shall be made on or before April 1 following the date of issue of the emergency license.

E. The board reserves the right to request additional documentation, including but not limited to, recommendation forms and work experience verification forms prior to approving the initial license.
[16.44.3.15 NMAC - Rp, 16.44.3.15 NMAC, 9/30/2016]

16.44.3.16 TERMINATION OF EMERGENCY LICENSE:

A. The emergency license shall terminate upon the following circumstances:

(1) the issuance of a license under 16.44.3.10; 16.44.3.12 and 16.44.3.13 NMAC; or

(2) proof that the emergency license holder has engaged in fraud, deceit, or misrepresentation in procuring or attempting to procure a license under this section.

B. Termination of an emergency license shall not preclude application for permanent licensure.
[16.44.3.16 NMAC - Rp, 16.44.3.16 NMAC, 9/30/2016]

16.44.3.17 EXEMPTIONS:

A. The following shall be exempt from the provisions of the Landscape Architects Act as long as they do not hold themselves out to the public as landscape architects or use the term "landscape architect" without being registered pursuant to the Landscape Architects Act, 61-24B NMSA 1978:

(1) landscape architects who are not legal residents of or who have no established place of business in this state who are acting as consulting associates of a landscape architect registered under the provisions of the Landscape Architects Act, 61, 24B NMSA 1978, provided that the nonresident landscape architect meets equivalent registration qualifications in his own state or country;

(2) landscape architects acting solely as officers or employees of the United States; and

(3) a person making plans for a landscape associated with a single-family residence or multi-family residential complex of four units or less except when it is part of a larger complex.

B. Nothing in the Landscape Architects Act, 61-24B NMSA 1978 is intended to limit, interfere with or prevent a professional architect, engineer or land surveyor from engaging in landscape architecture within the limits of his or her licensure.

C. Nothing in the Landscape Architects Act, 61-24B NMSA 1978 is intended to limit, interfere with or prevent the landscape architects in training, drafters, students, clerks or superintendents and other employees of registered landscape architects from acting under the instructions, control or supervision of the registered landscape architect or to prevent the employment of superintendents on the construction, enlargement or alterations of landscape improvements or any appurtenances thereto or to prevent such superintendents from acting under the immediate personal supervision of registered landscape architects by whom the plans and specifications of any landscape architectural services were prepared.
[16.44.3.17 NMAC - Rp, 16.44.3.17 NMAC, 9/30/2016]

16.44.3.18 [RESERVED]

[16.44.3.18 NMAC - N, 9/30/2016; Repealed 12/27/2022]

16.44.3.19 ELECTRONIC APPLICATIONS: In accordance with the Uniform Electronic Transactions Act, Sections 14-16-1 through 14-16-21 NMSA 1978, the board or its designee will accept electronic application.

A. A person seeking licensure as a New Mexico landscape architect or seeking certification as a New Mexico landscape architect in training may do so by submitting an electronic application. Applicants shall submit all information as required by 16.44.3 NMAC.

B. A landscape architect may renew his or her license, and a landscape architect in training may renew his or her certificate, electronically through a designated website provided by the board. A person renewing his or her license or certificate shall submit all documentation as required by 16.44.4 NMAC.

C. A landscape architect who is currently on inactive status may submit an electronic applications requesting reactivation of his or her certificate of registration. A person requesting reactivation of his or her

certificate of registration shall submit all documentation as required by the Landscape Architects Act, Sections 61-24B-9.1 NMSA 1978 and 16.44.6.9 NMAC.

D. A person whose landscape architect license or landscape architect in training certificate has been suspended or revoked, or has expired, may in accordance with the Landscape Architects Act, the board's rules and any lawful board or court order, submit an electronic application seeking reinstatement. Applicants shall submit all information as required by the Landscape Architects Act, 61-24B NMSA and the board's rules.
[16.44.3.19 NMAC - N, 9/30/2016]

HISTORY OF 16.44.3 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives under:

LAB 85-1, Rules and Regulations filed 11/27/1985;

LAB 85-1, Rules and Regulations filed 12/2/1985;

LAB 89-1, Rules and Regulations filed 5/5/1989;

Rule 4 NMBLA, Registration filed 7/8/1992.

History of Repealed Material:

16 NMAC 44.2, Registration for Licensure - Repealed 10/5/2002.

16.44.3 NMAC, Registration for Licensure - filed 9/5/2002 - Repealed effective 9/30/2016.