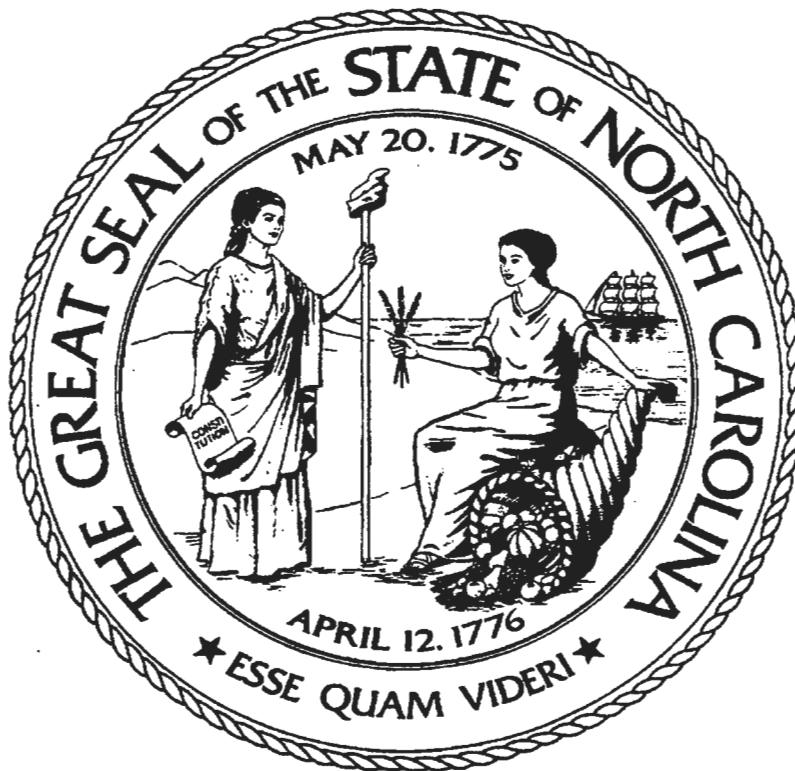


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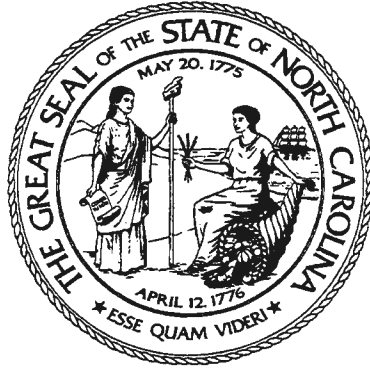
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**LEGISLATIVE COMMITTEE ON
NEW LICENSING BOARDS
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Assessment Report
For

Landscape/Irrigation Contractors

House Bill 984
Senate Bill 893





LEGISLATIVE COMMITTEE ON NEW LICENSING BOARDS

May 16, 2001

The Legislative Committee on New Licensing Boards is pleased to release this assessment report on the licensing of landscape and irrigation contractors. This report constitutes both the preliminary and final assessment report.



Representative Ed McMahan, Chair



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LEGISLATIVE COMMITTEE ON NEW LICENSING BOARDS
(2000-2001)

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PRE FACE

The Legislative Committee on New Licensing Boards is a joint committee of the House and Senate created and governed by statute (Article 18A of Chapter 120 of the General Statutes). The primary purpose of the Committee is to evaluate the need for a new licensing board or the proposed licensing of previously unregulated practitioners by an existing board. The Committee has been in existence since 1985.

The Committee solicits written and oral testimony on each licensing proposal in carrying out its duty to determine whether the proposal meets the following criteria:

- 1) Whether the unregulated practice of the profession can substantially endanger the public health, safety, or welfare, and whether the potential for such harm is recognizable and not remote or dependent upon tenuous argument.
- 2) Whether the profession possesses qualities that distinguish it from ordinary labor.
- 3) Whether practice of the profession requires specialized skill or training.
- 4) Whether a substantial majority of the public has the knowledge or experience to evaluate the practitioner's competence.
- 5) Whether the public can effectively be protected by other means.
- 6) Whether licensure would have a substantial adverse economic impact upon consumers of the practitioner's good or services.

The Committee issues an assessment report on its findings and recommendations. The recommendation in the report is not binding on other committees considering the proposal.



HOUSE BILL 984 & SENATE BILL 893
LANDSCAPE/IRRIGATION CONTRACTORS

CURRENT STANDARDS

Landscape Contractors. Since 1976, persons who use the title "landscape contractor" have been required to register with the Landscape Contractors' Registration Board. Under the current law, landscape contractors include persons who engage in the business of requiring the art, experience, ability, knowledge, science and skill to install, plant, repair and maintain lawns, gardens, shrubs, vines, bushes, trees, and other decorative vegetation. Landscape contractors are also those persons who install garden pools, fountains, pavilions, conservatories, hothouses and greenhouses, incidental retaining walls, fences, walks, drainage and sprinkler systems. There are certain requirements an individual must meet before being registered as a landscape contractor, including three years experience, and passing an examination given by the Board.

Irrigation Contractors. Currently, there are no registration requirements for irrigation contractors.

PROPOSED LICENSURE

HB 984/SB 893
Landscape/Irrigation Contractors

Regulatory Board. The bills keep the number of members on the Board at nine, but add the President Pro Tempore of the Senate and the Speaker of the House as appointing authorities. The bills also revise the membership to include representation of irrigation contractors.

Licensure. In addition to those persons meeting the current definition of "landscape contractor," all persons meeting the definition of "irrigation contractor" must also be licensed. Under the bills, "irrigation contractors" are persons who, for compensation, construct, install, or maintain irrigation systems. According to information provided in response to the questionnaire (Attachment A), there are approximately 8,000 to 10,000 practicing landscape contractors in the State. Of those, only 731 are currently registered with the Board.

Exemptions. The following persons would be exempt from licensure under the bills:

- Public employees performing landscaping on public property.
- Landscape architects.
- Property owners performing landscape construction on their own property.
- Landscaping work totaling less than \$7,500 for a consecutive 12-month period.
- Irrigation work totaling less than \$3,500 for a consecutive 12-month period.
- Installation of fences, decks, arbors, driveways, walkways, or retaining walls when performed by a person or business licensed as a General Contractor.
- Persons engaged only in the business of
 - Clearing and grading plots, and erosion control.
 - Arboriculture, including consultations on pruning and removal of trees.
 - Seed and sod installation.
- Utilities contractors who perform landscape construction for grading and erosion control.

Qualifications. The proposal continues the current education and training requirements for landscape contractors and makes all requirements also apply to irrigation contractors.

Reciprocity. The Board is authorized to issue a license, without examination, to any person who is licensed, certified, or registered in another state or country if the requirements for licensure, certification, or registration are substantially the same as North Carolina's requirements.

Maximum Licensure Fees. The bills impose the following fees on all persons applying for or renewing licenses as landscape contractors or irrigation contractors:

Fee Type	Maximum Fee Amount
Application	\$100.00
Examination	\$100.00
License Renewal	\$100.00
Late Renewal	\$50.00
License by Reciprocity	\$250.00
Corporate License	\$100.00
Duplicate License	\$25.00
Testing	Actual Cost

Attachment B contains a side-by-side comparison of the current law and the proposed licensure requirements contained in HB 984 and SB 893.

FINDINGS AND RECOMMENDATIONS

Findings. The Legislative Committee on New Licensing Boards finds that the sponsors have met the six criteria by which the Committee judges licensure proposals. Specifically, the Committee finds that:

1. The unregulated practice of the profession can substantially endanger the public health, safety, or welfare since landscape and irrigation contractors deal with chemicals and practices that, if improperly done, could damage the environment. The potential for such harm is recognizable and not remote or dependent upon tenuous argument.
2. The profession possesses qualities that distinguish it from ordinary labor since landscape and irrigation contractors must have skills including blueprint reading, grades and elevations, carpentry skills, knowledge of irrigation, plant material, soil knowledge, and integrated pest management.
3. The profession requires specialized skill or training.
4. A substantial majority of the public does not have the knowledge or experience to evaluate the competence of landscape contractors or irrigation contractors.
5. The public cannot effectively be protected by other means.
6. Licensure would not have a substantial adverse economic impact upon consumers of the landscape or irrigation goods or services.

Recommendation. The Legislative Committee on New Licensing Boards recommends the licensing of landscape and irrigation contractors. This assessment report constitutes both the preliminary and final assessment report for the licensure of landscape and irrigation contractors. The report is based on the proposed licensing of landscape contractors and irrigation contractors as set out in House Bill 984 and Senate Bill 893, the response to the Committee's questionnaire (Attachment A), and testimony before the Committee on May 16, 2001.

ATTACHMENT A

Response to Questionnaire for

HB 984/SB 893

LANDSCAPE/IRRIGATION CONTRACTORS



In what ways has the marketplace failed to regulate adequately the profession or occupation?

- Currently, Landscape Contractors are loosely managed, but not regulated in the sense that there is no licensure—there is only registration. Irrigation Contractors are not presently regulated.
- There are several problems with the current system:
 - It is an easy law to work around. All a business entity must do is to advertise under a different category such as Landscape Consultant.
 - There is currently no regulation of Irrigation Contractors.
 - There is no enforcing power for the NC Landscape/Irrigation Contractor's Board. Currently the procedure for those in violation is a simple request that the contractor either obtains a certificate or not advertise as a Landscape Contractor
 - There are approximately 8,000-10,000 practicing Landscape Contractors. Of those, only 731 are registered with the Board. There are approximately 1,000 avoiding the law by listing themselves as landscape consultants.

Have there been any complaints about the unregulated profession or occupation? Please give specific examples including (unless confidentiality must be maintained) complainants' names and addresses)

Complaints to Better Business Bureau about Landscape Contractors over the past 3 years have varied from region to region throughout the state.

Charlotte—57 complaints to the Better Business Bureau in this period.

No. of Complaints:	Closure:
Contract dispute—17	Assumed Resolved—4
Service issues—10	Resolved—8
Product quality—9	Invalid—1
Credit/Billing—5	No Reply—19
Guarantee / Warranty—4	Beyond BBB Purview—9
Refund practices—2	Adm. Judged Resp.—12
Repair issues—1	Unresolved—3
Selling practices—1	Unpursuable—1
Advertising issues—1	

Winston-Salem—9 complaints to the Better Business Bureau in this period.

No. of Complaints:	Closure:
Contract Disputes—3	Resolved—2
Service Issues—6	Assumed Resolved--1
	AJR—1
	No Reply—4

Raleigh—72 complaints to the Better Business Bureau in this period. The specifics from the Raleigh Bureau were unavailable, however, 58 complaints were satisfied, 1 was unresolved, and 13 were not settled. In addition, there were 16 complaints regarding Irrigation Contractors. Only half of those were settled.

In what ways has the public health, safety, or welfare sustained harm or is in imminent danger of harm because of the lack of state regulation? Please give specific examples.

Currently, Landscape Contractors are loosely managed, but not regulated in the sense that there is no licensure—there is only registration. Irrigation Contractors are not presently regulated. Properly educated and qualified landscape/irrigation contractors will know the guidelines for applying fertilizers along with erosion and sedimentation control and irrigation systems. By requiring all landscape/irrigation contractors to pass a minimum competency test in either Landscape or Irrigation, we ensure that fertilizers will be applied properly without harm to the general public or the environment and that irrigation systems are installed properly and efficiently. Listed below are some of the environmental issues of which Landscape/Irrigation Contractors need to be aware.

- **Erosion and Sedimentation:** Bare soils and steep slopes, without proper Turfgrass cover, are highly susceptible to erosion. Sediment resulting from erosion is the leading cause of stream impairment and pollution. Sediment destroys fish spawning beds, reduces useful storage volumes in reservoirs, and results in increased filtration cost for municipal water supplies. Pesticides and nutrients, such as nitrogen and phosphorus, can be moved in water containing sediment. A healthy stand of turf can help to control erosion and reduce runoff, but it must be properly constructed in order to protect water quality.
- **Fertilizers:** The primary objective of a fertility program is to create a soil environment where sufficient nutrients are available for optimal land health with minimal risk to water quality. Since nutrients are not found in adequate supply in the soil, most turfgrasses require regular fertilization. Improper fertilization practices can pose a risk to surface or groundwater quality. You must have a working knowledge of how the plant uses nutrients and the fate of nutrients in the soil.
- **Irrigation:** A properly designed and installed irrigation system will apply a uniform level of water at the desired rate and time. The amount and frequency of irrigation should be based on the needs of the grass, soil conditions, and expected weather conditions. The goal is to wet the soil to a depth just below the existing root zone to encourage further rooting. Watering deeper than that does not benefit the plant and may

leach contaminants into the groundwater. A risk with Irrigation is unnecessary water usage, faulty pipe installation, and disregard for water pressure that can affect future systems in the area.

- Integrated Pest Management Program: An Integrated Pest Management Program is a multidisciplinary, ecologically based pest management system that uses all available methods to keep pest at acceptable levels while minimizing the effect on people, the environment, and turf. Pesticides are only one of several options available to you for use in pest management. A sound IPM program is based on the acceptance and tolerance of pests at a damage level that does not significantly reduce the acceptability of the plant. It is this reduced reliance on pesticides, which is an important factor in managing sites for water quality.

Is there potential for substantial harm or danger by the profession or occupation to the public health, safety, or welfare? How can this potential for substantial harm or danger be recognized?

If abused, all of the environmental factors list above, erosion and sedimentation, fertilizer, irrigation, and integrated pest management program may cause substantial harm or danger to the public. Properly educated and qualified landscape/irrigation contractors will know the guidelines for applying fertilizers along with erosion and sedimentation control and irrigation systems. By requiring all landscape/irrigation contractors to pass a minimum competency test in either Landscape or Irrigation, we ensure that fertilizers will be applied correctly without harm to the general public or the environment and that irrigation systems are installed properly and efficiently.

Has this potential harm or danger to the public been recognized by other states or the federal government through the licensing or certification process? Please list the other states and any applicable federal law.

Oregon: An independent board regulates Landscape Contracting; similar to the law we have proposed here. Landscape Contractors must be licensed to practice landscape construction. Requirements for licensure are examination, 12 months of employment with a licensed landscape contractor and one year of education. A surety bond must also be posted to obtain a license. Oregon's law has been in effect since 1971 and has been continuously updated.

West Virginia: Landscape contracting is regulated under the Contractors' Licensing Board and is termed a specialty contractor. It is managed by the Department of Labor.

California: Like West Virginia, Landscape Contractors are regulated under the Contractors' State Licensing Board.

Texas: Texas currently regulates Irrigation Contractors in a similar way that we are proposing.

Association of Landscape Contractors of America—want to use NC as a model for this legislation throughout the country. We are also talking with ALEC and CSG about using our bill as model legislation at their annual conference.

What will be the economic advantage of licensing to the public?

With this legislation, all licensed Landscape/Irrigation Contractors must provide a \$7500 bond or certificate of credit on their business. This simply guarantees that consumers are financially protected if a dispute arises with the contractor.

Consumers will also get better quality work for their money. By using a licensed Landscape/Irrigation Contractor, a consumer is guaranteed a well-qualified professional.

However, the immediate economic advantage to consumers is with the complaint process. Currently, the consumer has no managing authority to report a problem—the Board has no current authority over Landscape/Irrigation Contractors. This law creates that internal management of the profession and creates a body to which the consumer may complain and obtain results. The NC Landscape/Irrigation Contractors' Licensing Board disciplines Landscape Contractors & Irrigation Contractors. The Board may deny, restrict, suspend, or revoke a license or refuse to issue or renew a license if a licensee or applicant on the basis of fraud, fraudulent misrepresentation, gross incompetence, etc. The Board may assess a civil penalty not in excess of \$2,000.00 if the Board finds that a person who does not have a license issued under this law is engaging in the practice of landscape/irrigation construction or contracting.

What will be the economic disadvantage of licensing to the public?

The economic disadvantage should be minimal. There is the chance that costs may initially increase, but with a mandated licensure the number of licensed landscape/irrigation contractors will multiply. There is a 3-year grace period through which a Contractor must obtain their license, which should buffer the possible cost increase to the consumer.

What will be the economic advantages of licensing to the practitioners?

One of the advantages to the practitioner is a leveling of the cost of a landscaping/irrigation job. Currently, those registered contractors are sometimes competing with other landscape professionals who have no knowledge of the industry, from an environmental standpoint. Because they are not aware of all of the necessary tasks that go into a properly installed landscape/irrigation system, they are offering inadequate product, yet at a substantially lower cost. Qualified Landscape Contractors are being outbid on substandard work. It is not the intent, however, to put out of work those landscape professionals who specialize in fields such as grading, arboriculture, sod installation or low-level yard maintenance. Specialized fields and jobs under a \$7500 (\$3500 for irrigation) threshold are exempt from licensure.

This bill, along with creating minimum standards for Landscape Contractors, provides incentives to educate the staff through continuing education. This bill will expand the scope of individuals who are educated about the proper environmental standards that must be met in each landscape/irrigation project.

What will be the economic disadvantages of licensing to the practitioners?

In order to fund the increased authority of the board, fees needed to be realistically increased. It will cost the contractor more to obtain a license and renew a license. There is also more liability on the contractor to obtain continuing education units along with obtaining the required surety bond/letter of credit. These sacrifices, however, provide immediate advantages to the consumer. With the increase fees the consumer and the contractors gain a managing, authoritative body. The consumer gains a more knowledgeable contractor and through the bond/letter of credit an insurance policy for faulty work.

Please give other potential benefits to the public of licensing that outweigh the potential harmful effects of licensure such as a decrease in the availability of practitioners and higher cost to the public.

Consumer standpoint: With this legislation, all licensed Landscape/Irrigation Contractors must provide a \$7500 bond or certificate of credit on their business. This simply guarantees that consumers are financially protected if a dispute arises with the contractor. This bill also creates a legitimate managing authority through the Board. The consumer currently has no governing body with which to go to make a complaint against a Landscape/Irrigation Contractor.

Environmental: Currently, a person can install a \$60,000 landscape without any reasonable regulations or knowledge of the industry. A person can install a tree/shrub for hire without any knowledge of plants (zones, shade tolerance, sun tolerance, disease tolerance, drought tolerance, etc.). A person can install an irrigation system without knowledge of pressure, pipe sizes or how future systems in the neighborhood will affect the system. Irrigation systems,

fertilizer runoff, Best Management Practices, erosion, water usage and conservation are all factors that directly effect our environment.

Knowledge of the profession: With this bill, continuing education requirements are enacted. These continuing education requirements guarantee a dynamic industry membership along with keeping the industry current on environmental standards, practices and new technology for landscaping and irrigation. This legislation ensures a minimum standard for licensure through testing, education and practical experience requirements.

Please detail the specific specialized skills or training that distinguish the occupation or profession from ordinary labor.

NC State University, Community Colleges and other universities across the nation offer some form of education in landscaping (Horticulture, Landscape Contracting, etc.). Specific skills include blueprint reading, grades and elevations, carpentry skills, knowledge of irrigation, plant material, soil knowledge and Integrated Pest Management.

Landscape Contractors are defined as:

Any person who, for compensation or other consideration, does any of the following:

- a. Engages in the business requiring the art, experience, ability, knowledge, science, and skill to install, plant, repair, and maintain gardens, lawns, shrubs, vines, trees, or other decorative vegetation including the grading and preparation of plots and areas of land for decorative treatment and arrangement.
- b. Practices the act of landscape or horticulture consultation or landscape design for employment purposes.
- c. Constructs, installs, or maintains drainage systems.
- d. Engages in the incidental construction of garden pools, fountains, pavilions, conservatories, hothouses and greenhouses, retaining walls, fences, or walks.
- e. Engages in any of these acts in a manner that, under an agreed specification, an acceptable landscaping project can be executed.

Irrigation Contractors are defined as:

Any person who, for compensation or other consideration, constructs, installs, or maintains irrigation systems.

What are other qualities of the profession or occupation that distinguish it from ordinary labor?

Landscaper and Irrigation Contractors are a part of the NC Green Industry that is generating jobs and revenue for the state. Trade shows and trade magazines focus on the landscaping/irrigation vocation and it is recognized by banks as a profession through business loans under a landscape business name.

Will licensing requirements cover all practicing members of the occupation of profession? If any practitioners will be exempt, what is the rationale for the exemption?

Those who are exempt from licensure are:

- Any federal or State agency or any political subdivision performing landscaping on public property
- Any landscape architect registered under Chapter 89A of the General Statutes
- Any property owner who performs landscape construction on his or her own property
- Any landscaping work where the price of all contract for labor, material and other items for a given job site in a calendar year is less than \$7,500.
- Any irrigation work where the price of all contract for labor, material and other items for a given job site in a calendar year is less than \$3,500.
- Installation of fences, decks, arbors, driveways, walkways, or retaining walls when performed by a person or business licensed as a General Contractor.
- Those engaged only in the business of clearing and grading plots and areas of land.
- Those engaged only in the business of arboriculture, including consultations on pruning and removal of trees.
- Those engaged only in the business of erosion control.
- Those engaged only in the business of seed and sod installation
- Utility contractors engaged only in landscape construction for the purpose of grading and erosion control.

The majority of these exemptions relate back to the definition of a Landscape/Irrigation Contractor. Landscape/Irrigation Contracting is a wide-ranging field that encompasses trades such as low-level construction, grading, pruning trees, clearing land and installing sod. However, there is no reason to include those tradesmen who **ONLY** prune trees, or clear land or install sod. The mandatory test for licensure includes a variety of topics such as plant identification, fertilizer application techniques, and irrigation practices. An arborist has no use for these skills, and thus should not fall under this law. Another significant exemption is the dollar limit. This bill exempts any landscaping work where the price of all contract for labor, material and other items for a given job site in a calendar year is less than \$7,500 (irrigation falls under the same criteria, except the threshold is \$3,500). *There is no intention of putting out of work small level landscaping/irrigation workers.* If a customer makes use of a mowing service and pays less than \$7500 a year, then that mowing service is exempt from this law.

What is the approximate number of persons who will be regulated and the number of persons who are likely to utilize the services of the occupation or profession?

According to the Turfgrass Council of NC, 2.9 million single-family dwellings and home lawns utilize the services of a landscape contractor or maintenance service.

Currently, 743 Landscape Contractors are registered with the NC Landscape Contractor's Registration Board.

~1,000 Currently unregistered

~1,000 Currently avoiding the law by listing themselves as landscape consultants.

~1,000 unadvertised

8,000-10,000 total people or businesses practicing landscape construction. Of those approximately 5,000 Landscape professionals need to be licensed.

*Numbers approximate. Figures obtained from current NC Contractors' Registration Board.

What kind of knowledge or experience does the public need to evaluate the services offered by the practitioner?

The public needs to be aware that there is a difference between qualified and unqualified Landscape/Irrigation Contractors. A qualified contractor has documented experience or education in the profession, solid reference^s, and sound business practices. Most complaints against Landscape Contractors deal with either quality of work or fraudulent business practices. However, currently there is no consistent method for a consumer to evaluate the contractor. With this legislation, a consumer may call the Board and confirm that the contractor is licensed and qualified to perform the work.

Does the occupational group have an established code of ethics, a voluntary certification program, or other measures to ensure a minimum quality of service?

Licensed Landscape/Irrigation Contractors will be required to obtain a board set number of continuing education requirements in order to renew the license. Voluntary continuing education courses are currently offered through the NC Landscape Association and NC State University throughout the year. The diversity and frequency of these education points will increase with the passage of this bill.

Quality of service is also increased through the North Carolina Landscape Association. NCLA's mission is to be an industry leader whose goals are to promote professionalism through education and communication to the landscape contracting industry while addressing environmental issues. North Carolina Landscape Association seeks to provide its members with personal growth and professional advancement that lead to improved

profitability. NCLA offers scholarships and awards along with sponsoring many continuing education courses.



ATTACHMENT B

Comparison of Current Landscape Contractors' Registration

and

HB 984/SB 893 - Landscape/Irrigation Contractors



COMPARISON OF CURRENT LANDSCAPE CONTRACTORS' REGISTRATION REQUIREMENTS
&
HOUSE BILL 984/SENATE BILL 893
PROPOSED LICENSING OF LANDSCAPE CONTRACTORS AND IRRIGATION CONTRACTORS

	CURRENT LAW	HOUSE BILL 984 SENATE BILL 893
Definitions of "Landscape Contractor" & "Irrigation Contractor"	<p><i>"Landscape contractor"</i> is someone who, for compensation, engages in the business of requiring the art, experience, ability, knowledge, science and skill to install, plant, repair and maintain lawns, gardens, shrubs, vines, bushes, trees; and other decorative vegetation and who installs garden pools, fountains, pavilions, conservatories, hothouses and greenhouses, incidental retaining walls, fences, walks, drainage and sprinkler systems.</p> <p><i>"Irrigation Contractor"</i> is not included in the current law.</p>	<p><i>"Landscape Contractor"</i> Adds to the current definition persons who:</p> <ul style="list-style-type: none"> • Grade and prepare plots of land for decorative treatment; and • Practice the act of landscape or horticulture consultation or landscape design for employment purposes. <p><i>"Irrigation Contractor"</i> Adds definition of "irrigation contractor" as a person who constructs, installs, or maintains irrigation systems.</p>
License Requirement	<p>Requires registration only if the person uses the title "landscape contractor." In order to be registered, the person must:</p> <ul style="list-style-type: none"> • Be at least 18 years old • Furnish satisfactory evidence of 3 years experience in landscape contracting, or the completion of a study; or the combination of study and experience. The Board has defined by rule various education and experience equivalents. 	<p>Requires that all persons meeting who perform landscape contracting be licensed.</p> <p>Makes all current requirements applicable to irrigation contractors and provides that 2 years of educational instruction is equivalent to 1 year of experience.</p> <p>Requires applicants/licenses to file and maintain a \$7,500 corporate surety bond or an irrevocable letter of credit.</p>

	<p>and experience equivalents.</p> <ul style="list-style-type: none"> • Take an examination to determine qualifications 	
Exemptions	<p>Anyone who does the work of landscape contractor, but does not use the title "landscape contractor"</p>	<ul style="list-style-type: none"> • Public employees performing landscaping on public property. • Landscape architects registered under Ch. 89A. • Property owners performing landscape construction on their own property. • Landscaping work totaling less than \$7,500 for a given job site during any consecutive 12-month period. • Irrigation work totaling less than \$3,500 for a given job site during any consecutive 12-month period. • Installation of fences, decks, arbors, driveways, walkways, or retaining walls when performed by person licensed as a General Contractor. • Persons engaged only in the business of <ul style="list-style-type: none"> ○ Clearing and grading plots, and erosion control. ○ Arboriculture, including consultations on pruning and removal of trees. ○ Seed and sod installation. • Utilities contractors who perform landscape construction for grading and erosion control.

CURRENT LAW

**HOUSE BILL 984
SENATE BILL 893**

Board Membership	9 members, appointed by the Governor, the Commissioner of Agriculture, the Bd. of Directors of the NC Assoc. of Nurserymen, Bd. of Directors of the NC Landscape Contractors Assoc., and the Bd. of Directors of the NC Chapter of the American Society of Landscape Architects.	Adds the President Pro Tem of the Senate, and the Speaker of the House as appointing authorities and revises the membership to include representation of irrigation contractors. The total membership remains at nine.
Continuing Education	Not required.	Requires licensees to complete 20 continuing education units within a 3 year period.
Reciprocity	<ul style="list-style-type: none"> Provides that an applicant from another state that offers registration privileges to residents of NC may be registered in NC by complying with the registration requirements. Permits the Board to exempt from examination a landscape contractor registered in another state if that state also exempts NC registrants. 	Adds irrigation contractors.
Maximum Fees		
• Application	\$50.00	\$100.00
• Examination	\$75.00	\$100.00
• License Renewal	\$50.00	\$100.00
• Late Renewal	\$10.00	\$50.00
• License by Reciprocity	No separate fee set	\$250.00
• Corporate License	No separate fee set	\$100.00
• Duplicate License	\$1.00	\$25.00
• Testing Service Used for Exams	N/A	Actual cost

CURRENT LAW

**HOUSE BILL 984
SENATE BILL 893**

<p>Disciplinary Actions</p>	<p>Allows Board to suspend or revoke registration for:</p> <ul style="list-style-type: none"> • False or fraudulent misrepresentations. • Conviction of or entering a plea of nolo contendere to any crime involving moral turpitude. • Committing any act which constitutes improper, fraudulent, or dishonest dealing. • Violating any rules of the Board. The Board has adopted rules governing dishonest practice, unprofessional conduct, and acts of incompetence. • The Board has the authority to seek an injunction for violations of the law. 	<p>Adds the following:</p> <ul style="list-style-type: none"> • Committing an act of gross malpractice or incompetence as determined by the Board. • Has been declared incompetent by a court of competent jurisdiction. • Failure to file the surety bond or keep it in force. • <u>Injunctions</u>. Permits the Board to seek an injunction for persons engaging in landscape or irrigation contracting without a license and for any violations of the law or Board regulation. • <u>Notification of Complaints</u>. Also requires a licensee to notify the Board of any complaints filed against the licensee within 30 days from the date the complaint was filed.
<p>Civil Penalties</p>	<p>No current authority to assess a civil penalty.</p>	<p>Permits the Board to assess a civil penalty not to exceed \$2,000 for each violation, and lists factors the Board must consider in determining the amount of the civil penalty.</p>



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