

FIRST REGULAR SESSION

HOUSE BILL NO. 481

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE COLEMAN (32).

0974H.021

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 327.011, 327.091, 327.101, 327.131, 327.191, 327.241, and 327.612, RSMo, and to enact in lieu thereof seven new sections relating to the practice of certain occupations.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 327.011, 327.091, 327.101, 327.131, 327.191, 327.241, and
2 327.612, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as
3 sections 327.011, 327.091, 327.101, 327.131, 327.191, 327.241, and 327.612, to read as follows:

327.011. As used in this chapter, the following words and terms shall have the meanings
2 indicated:

3 (1) "Accredited degree program from a school of architecture", a degree from any school
4 or other institution which teaches architecture and whose curricula for the degree in question
5 have been, at the time in question, certified as accredited by the National Architectural
6 Accrediting Board;

7 (2) "Accredited school of engineering", any school or other institution which teaches
8 engineering and whose curricula on the subjects in question are or have been, at the time in
9 question certified as accredited by the engineering accreditation commission of the accreditation
10 board for engineering and technology or its successor organization;

11 (3) "Accredited school of landscape architecture", any school or other institution which
12 teaches landscape architecture and whose curricula on the subjects in question are or have been
13 at the times in question certified as accredited by the Landscape Architecture Accreditation
14 Board of the American Society of Landscape Architects;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

- 15 (4) "Architect", any person authorized pursuant to the provisions of this chapter to
16 practice architecture in Missouri, as the practice of architecture is defined in section 327.091;
- 17 (5) "Board", the Missouri board for architects, professional engineers, professional land
18 surveyors and professional landscape architects;
- 19 (6) "Corporation", any general business corporation, professional corporation or limited
20 liability company;
- 21 (7) "Design coordination", the review and coordination of technical submissions
22 prepared by others including, as appropriate and without limitation, architects, professional
23 engineers, professional land surveyors, professional landscape architects, and other consultants;
- 24 (8) "Design survey", a survey which includes all activities required to gather information
25 to support the sound conception, planning, design, construction, maintenance, and operation of
26 design projects, but excludes the surveying of real property for the establishment of land
27 boundaries, rights-of-way, easements, and the dependent or independent surveys or resurveys of
28 the public land survey system;
- 29 (9) "Incidental practice", the performance of other professional services licensed under
30 chapter 327 that are related to a licensee's professional service, but are secondary and
31 substantially less in scope and magnitude when compared to the professional services usually
32 and normally performed by the licensee practicing in their licensed profession. This incidental
33 professional service shall be safely and competently performed by the licensee without
34 jeopardizing the health, safety, and welfare of the public. The licensee shall be qualified by
35 education, training, and experience as determined by the board and in sections 327.091, 327.181,
36 327.272, and 327.600 and applicable board rules to perform such incidental professional service;
- 37 (10) "Licensee", a person licensed to practice any profession regulated under this chapter
38 or a corporation authorized to practice any such profession;
- 39 (11) "Partnership", any partnership or limited liability partnership;
- 40 (12) "Person", any ~~person~~ **individual**, corporation, firm, partnership, association, or
41 other entity **authorized to do business**;
- 42 (13) "Professional engineer", any person authorized pursuant to the provisions of this
43 chapter to practice as a professional engineer in Missouri, as the practice of engineering is
44 defined in section 327.181;
- 45 (14) "Professional land surveyor", any person authorized pursuant to the provisions of
46 this chapter to practice as a professional land surveyor in Missouri as the practice of land
47 surveying is ~~defined~~ **described** in section 327.272;
- 48 (15) "Professional landscape architect", any person authorized pursuant to the provisions
49 of this chapter to practice as a professional landscape architect in Missouri as the practice of
50 landscape architecture is defined in section 327.600;

51 (16) "Responsible charge", the independent direct control of a licensee's work and
52 personal supervision of such work pertaining to the practice of architecture, engineering, land
53 surveying, or landscape architecture.

327.091. 1. ~~[Any person practices as an architect in Missouri who renders or offers to
2 render or represents himself or herself as willing or able to render service or creative work which
3 requires architectural education, training and experience, including services and work such as
4 consultation, evaluation, planning, aesthetic and structural design, the preparation of drawings,
5 specifications and related documents, and the coordination of services furnished by structural,
6 civil, mechanical and electrical engineers and other consultants as they relate to architectural
7 work in connection with the construction or erection of any private or public building, building
8 structure, building project or integral part or parts of buildings or of any additions or alterations
9 thereto; or who uses the title "architect" or the terms "architect" or "architecture" or
10 "architectural" alone or together with any words other than "landscape" that indicate or imply that
11 such person is or holds himself or herself out to be an architect] **The practice of architecture
12 shall be the rendering or offering to render services in connection with the design and
13 construction of public and private buildings, structures, shelters, and site improvements,
14 in whole or in part and including any additions or alterations thereto, as well as to the
15 spaces within and the site surrounding such buildings and structures that have as their
16 principal purpose human occupancy or habitation. Such services may include providing
17 the following:**~~

- 18 (1) Consultation;
- 19 (2) Design surveys;
- 20 (3) Feasibility studies;
- 21 (4) Evaluation;
- 22 (5) Planning;
- 23 (6) Aesthetic and structural design;
- 24 (7) Preliminary design;
- 25 (8) Drawings;
- 26 (9) Specifications;
- 27 (10) Technical submissions and other instruments of service;
- 28 (11) The administration of construction contracts, construction observation and
29 inspection; and
- 30 (12) The coordination of any elements of technical submissions prepared by others,
31 including professional engineers, landscape architects, and other consultants, that pertain
32 to the practice of architecture.

33

34 **No person shall use the title "architect" or the words "architecture" or "architectural"**
35 **alone or together with any words other than "landscape" to indicate or imply that such**
36 **person is or holds himself or herself out to be an architect unless such person has the**
37 **required architectural education, practical training, relevant work experience, and license**
38 **to practice as an architect in Missouri.**

39 2. Architects shall be in responsible charge of all architectural design of buildings and
40 structures that can affect the health, safety, and welfare of the public within their scope of
41 practice.

 327.101. **1.** No person shall practice architecture in Missouri as ~~[defined]~~ **described** in
2 section 327.091 unless and until there is issued to the person a license or a certificate of authority
3 certifying that the person has been duly licensed as an architect or authorized to practice
4 architecture, in Missouri, and unless such license has been renewed as hereinafter specified;
5 ~~provided, however, that nothing in this chapter shall apply to the following persons:] .~~

6 **2. Notwithstanding the provisions of subsection 1 of this section, the following**
7 **persons may engage in the practice of architecture under section 327.091 so long as such**
8 **persons shall not use the title "architect" or the terms "architecture" or "architectural"**
9 **alone or together with any words other than "landscape" to indicate or imply that such**
10 **persons are or hold themselves out to be an architect:**

11 (1) Any person who is an employee of a person holding a currently valid license as an
12 architect or who is an employee of any person holding a currently valid certificate of authority
13 pursuant to this chapter, and who performs architectural work under the direction and continuing
14 supervision of and is checked by one holding a currently valid license as an architect pursuant
15 to this chapter;

16 (2) ~~[Any person who is a regular full-time employee who performs architectural work for~~
17 ~~the person's employer if and only if all such work and service so performed is in connection with~~
18 ~~a facility owned or wholly operated by the employer and which is occupied by the employer of~~
19 ~~the employee performing such work or service, and if and only if such work and service so~~
20 ~~performed do not endanger the public health or safety]~~ **Any person who renders architectural**
21 **services in connection with the construction, remodeling, or repairing of any building or**
22 **structure used exclusively for agricultural purposes;**

23 (3) Any holder of a currently valid license or certificate of authority as a professional
24 engineer who performs only such architecture as incidental practice and necessary to the
25 completion of professional services lawfully being performed by such licensed professional
26 engineer;

27 (4) Any person who is a professional landscape architect, city planner or regional planner
28 who performs work consisting only of consultations concerning and preparation of master plans

29 for parks, land areas or communities, or the preparation of plans for and the supervision of the
30 planting and grading or the construction of walks and paving for parks or land areas and such
31 other minor structural features as fences, steps, walls, small decorative pools and other
32 construction not involving structural design or stability and which is usually and customarily
33 included within the area of work of a professional landscape architect or planner;

34 (5) Any person who renders architectural services in connection with the construction,
35 remodeling, or repairing of any privately owned building described in ~~[paragraphs]~~ **paragraph**
36 (a), (b), **or (c)**, ~~(d), and (e)~~ which follow, and who indicates on any drawings, specifications,
37 estimates, reports or other documents furnished in connection with such services that the person
38 is not a licensed architect:

39 (a) A dwelling house; ~~[or]~~

40 (b) A multiple family dwelling house, flat, or apartment containing not more than two
41 families; or

42 (c) ~~[A commercial or industrial building or structure which provides for the employment,
43 assembly, housing, sleeping or eating of not more than nine persons; or~~

44 ~~—— (d) Any one structure containing less than two thousand square feet, except as provided
45 in (b) and (c) above, and which is not a part or a portion of a project which contains more than
46 one structure; or~~

47 ~~—— (e) A building or structure used exclusively for farm purposes]~~ **Any one building or**
48 **structure, except for those buildings or structures referenced under subdivision (2) of this**
49 **subsection, that provides for the employment, assembly, housing, sleeping, or dining of no**
50 **more than nine persons, contains less than two thousand square feet, and is not part of**
51 **another building or structure;**

52 (6) Any person who renders architectural services in connection with the remodeling or
53 repairing of any privately owned multiple family dwelling house, flat or apartment containing
54 three or four families, provided that the alteration, renovation, or remodeling does not affect
55 architectural or engineering safety features of the building and who indicates on any drawings,
56 specifications, estimates, reports or other documents furnished in connection with such services
57 that the person is not a licensed architect;

58 (7) Any person or corporation who is offering, but not performing or rendering,
59 architectural services if the person or corporation is licensed to practice architecture in the state
60 or country of residence or principal place of business.

327.131. Any person may apply to the board for licensure as an architect who is over the
2 age of twenty-one, has acquired an accredited degree from an accredited degree program from
3 a school of architecture, holds a certified Intern Development Program (IDP) **or Architectural**

4 **Experience Program (AXP)** record with the National Council of Architectural Registration
5 Boards, and has taken and passed all divisions of the Architect Registration Examination.

327.191. 1. No person shall practice as a professional engineer in Missouri, as ~~[defined]~~
2 **described** in section 327.181 unless and until there is issued to such person a professional
3 license or a certificate of authority certifying that such person has been duly licensed as a
4 professional engineer or authorized to practice engineering in Missouri, and unless such license
5 or certificate has been renewed as provided in section 327.261 ~~[- provided that section 327.181~~
6 ~~shall not be construed to prevent the practice of engineering by the following persons:]~~ .

7 **2. Notwithstanding the provisions of subsection 1 of this section, the following**
8 **persons may engage in actions described as the practice of professional engineering under**
9 **section 327.181 so long as such persons do not use the title "professional engineer" or**
10 **"consulting engineer" or the word "engineer" alone or preceded by any word indicating**
11 **or implying that such persons are or hold themselves out to be professional engineers, or**
12 **use any word or words, letters, figures, degrees, titles, or other description indicating or**
13 **implying that such persons are professional engineers or are willing or able to practice**
14 **engineering:**

15 (1) Any person who is an employee of a person holding a currently valid license as a
16 professional engineer or who is an employee of a person holding a currently valid certificate of
17 authority pursuant to this chapter, and who performs professional engineering work under the
18 direction and continuing supervision of and is checked by one holding a currently valid license
19 as a professional engineer pursuant to this chapter;

20 (2) ~~[Any person who is a regular full-time employee of a person or any former employee~~
21 ~~under contract to a person, who performs professional engineering work for such employer if and~~
22 ~~only if all such work and service so performed is done solely in connection with a facility owned~~
23 ~~or wholly operated by the employer and occupied or maintained by the employer of the employee~~
24 ~~performing such work or service, and does not affect the health, safety, and welfare of the public]~~
25 **Any person who renders engineering services in connection with the construction,**
26 **remodeling, or repairing of any building or structure used exclusively for agricultural**
27 **purposes;**

28 (3) Any person engaged in engineering who is a full-time, regular employee of a person
29 engaged in manufacturing operations and which engineering so performed by such person relates
30 to the manufacture, sale or installation of the products of such person, and does not affect the
31 health, safety, and welfare of the public;

32 (4) Any holder of a currently valid license or certificate of authority as an architect,
33 professional land surveyor, or professional landscape architect who performs only such
34 engineering as incidental practice and necessary to the completion of professional services

35 lawfully being performed by such architect, professional land surveyor, or professional landscape
36 architect;

37 **(5) Any person who renders engineering services in connection with the**
38 **construction, remodeling, or repairing of any privately owned building described in**
39 **paragraph (a), (b), or (c) of this subdivision, and who indicates on any drawings,**
40 **specifications, estimates, reports, or other documents furnished in connection with such**
41 **services that the person is not a licensed professional engineer:**

42 **(a) A dwelling house;**

43 **(b) A multiple-family dwelling house, flat, or apartment containing no more than**
44 **two families; or**

45 **(c) Any one building or structure, except for those buildings or structures**
46 **referenced in subdivision (2) of subsection 2 of this section, that provides for the**
47 **employment, assembly, housing, sleeping, or dining of no more than nine persons, contains**
48 **less than two thousand square feet, and is not part of another building or structure;**

49 **(6) Any person who renders engineering services in connection with the remodeling**
50 **or repairing of any privately owned multiple-family dwelling house, flat, or apartment**
51 **containing three or four families, provided that the alteration, renovation, or remodeling**
52 **does not affect architectural or engineering safety features of the building, and who**
53 **indicates on any drawings, specifications, estimates, reports, or other documents furnished**
54 **in connection with such services that the person is not a licensed professional engineer; and**

55 **(7) Any person or corporation who is offering, but not performing or rendering,**
56 **professional engineering services if the person or corporation is licensed to practice professional**
57 **engineering in the state or country of residence or principal place of business.**

327.241. 1. After it has been determined that an applicant possesses the qualifications
2 entitling the applicant to be examined, each applicant for examination and licensure as a
3 professional engineer in Missouri shall appear before the board or its representatives for
4 examination at the time and place specified.

5 2. The examination or examinations shall be of such form, content and duration as shall
6 be determined by the board to thoroughly test the qualifications of each applicant to practice as
7 a professional engineer in Missouri.

8 3. Any applicant to be eligible for a license must make a grade on each examination of
9 at least seventy percent.

10 4. The engineering examination shall consist of two parts; the first part may be taken by
11 any person after such person has satisfied the educational requirements of section 327.221, or
12 who is in his or her final year of study in an accredited school of engineering; and upon passing
13 part one of the examination and providing proof that such person has satisfied the educational

14 requirements of section 327.221 and upon payment of the required fee, such person shall be an
15 engineer-intern, subject to the other provisions of this chapter.

16 5. Any engineer-intern, as ~~[defined]~~ **described** in subsection 4 of this section~~[-, who has~~
17 ~~acquired at least four years of satisfactory engineering experience,]~~ may take part two of the
18 engineering examination and upon passing it **and having acquired at least four years of**
19 **satisfactory engineering experience** shall be entitled to receive a license~~[-]~~ ; **however, the**
20 **license shall be** subject~~[-, however,]~~ to the other provisions of this chapter.

21 6. Notwithstanding the provisions of subsections 4 and 5 of this section, the board may,
22 in its discretion, provide by rule that any person who has graduated from and holds an
23 engineering degree from an accredited school of engineering may thereupon be eligible to take
24 both parts of the engineering examination and that upon passing said examination and acquiring
25 four years of satisfactory engineering experience, after graduating and receiving a degree as
26 aforesaid, shall be entitled to receive a license to practice as a professional engineer, subject,
27 however, to the other provisions of this chapter.

28 7. Any person who has graduated from and has received a degree in engineering from
29 an accredited school of engineering may ~~[then acquire four years of satisfactory engineering~~
30 ~~experience and thereafter]~~ take both parts of the examination and upon passing **and having**
31 **acquired four years of satisfactory engineering experience** shall be entitled to receive a
32 license to practice as a professional engineer, subject, however, to the other provisions of this
33 chapter.

34 ~~[8. Any person entitled to be licensed as a professional engineer as provided in~~
35 ~~subsection 5, 6, or 7 of this section must be so licensed within four years after the date on which~~
36 ~~he or she was so entitled, and if one is not licensed within the time he or she is so entitled, the~~
37 ~~engineering division of the board may require him to take and satisfactorily pass such further~~
38 ~~examination as provided by rule before issuing to him a license.]~~

327.612. Any person who is of good moral character, ~~[has attained the age of twenty-one~~
2 ~~years, and]~~ has a degree in landscape architecture from an accredited school of landscape
3 architecture ~~[and]~~ **or possesses an education that in the opinion of the board equals or**
4 **exceeds the education received by a graduate of an accredited school**, has acquired at least
5 three years satisfactory landscape architectural experience after acquiring such a degree, **and**
6 **who has taken and passed all sections of the landscape architectural registration**
7 **examination administered by the Council of Landscape Architectural Registration Boards**
8 **(CLARB)** may apply to the board for licensure as a professional landscape architect.

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