

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 809
97TH GENERAL ASSEMBLY

Reported from the Committee on Financial and Governmental Organizations and Elections, March 27, 2014, with recommendation that the Senate Committee Substitute do pass.

4517S.06C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 327.011, 327.031, 327.041, 327.051, 327.076, 327.081, 327.091, 327.101, 327.106, 327.131, 327.141, 327.151, 327.161, 327.171, 327.172, 327.181, 327.191, 327.221, 327.231, 327.241, 327.251, 327.261, 327.271, 327.272, 327.312, 327.313, 327.314, 327.321, 327.331, 327.341, 327.351, 327.381, 327.391, 327.392, 327.401, 327.411, 327.421, 327.442, 327.451, 327.461, 327.600, 327.603, 327.607, 327.612, 327.615, 327.617, 327.619, 327.621, 327.622, 327.623, 327.629, 327.630, 327.631, 327.635, RSMo, and to enact in lieu thereof fifty-one new sections relating to licensure by the board for architects, professional engineers, professional land surveyors and professional landscape architects, with an existing penalty provision.

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

Section A. Sections 327.011, 327.031, 327.041, 327.051, 327.076, 327.081, 2 327.091, 327.101, 327.106, 327.131, 327.141, 327.151, 327.161, 327.171, 327.172, 3 327.181, 327.191, 327.221, 327.231, 327.241, 327.251, 327.261, 327.271, 327.272, 4 327.312, 327.313, 327.314, 327.321, 327.331, 327.341, 327.351, 327.381, 327.391, 5 327.392, 327.401, 327.411, 327.421, 327.442, 327.451, 327.461, 327.600, 327.603, 6 327.607, 327.612, 327.615, 327.617, 327.619, 327.621, 327.622, 327.623, 327.629, 7 327.630, 327.631, 327.635, RSMo, are repealed and fifty-one new sections enacted 8 in lieu thereof, to be known as sections 327.011, 327.031, 327.041, 327.051, 9 327.076, 327.081, 327.091, 327.101, 327.106, 327.131, 327.141, 327.151, 327.161, 10 327.171, 327.172, 327.181, 327.191, 327.221, 327.231, 327.241, 327.251, 327.261, 11 327.271, 327.272, 327.312, 327.313, 327.314, 327.321, 327.331, 327.341, 327.351, 12 327.381, 327.392, 327.401, 327.411, 327.421, 327.442, 327.451, 327.461, 327.600,

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

13 327.603, 327.607, 327.612, 327.615, 327.617, 327.619, 327.621, 327.622, 327.629,
14 327.630, and 327.635, to read as follows:

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

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

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

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

17 (4) "Architect", any person authorized pursuant to the provisions of this
18 chapter to practice architecture in Missouri, as the practice of architecture is
19 defined in section 327.091;

20 (5) "Board", the Missouri board for architects, professional engineers,
21 professional land surveyors and **professional** landscape architects;

22 (6) "Corporation", any general business corporation, professional
23 corporation or limited liability company;

24 (7) ["Landscape architect", any person licensed pursuant to the provisions
25 of sections 327.600 to 327.635 who is qualified to practice landscape architecture
26 by reason of special knowledge and the use of biological, physical, mathematical
27 and social sciences and the principles and methods of analysis and design of the
28 land, has demonstrated knowledge and ability in such areas, and has been duly
29 licensed as a landscape architect by the board on the basis of professional
30 education, examination and experience in landscape architecture] **"Design**
31 **coordination", the review and coordination of technical submissions**
32 **prepared by others including, as appropriate and without limitation,**
33 **architects, professional engineers, professional land surveyors,**
34 **professional landscape architects, and other consultants;**

35 **(8) "Design survey", a survey which includes all activities**
36 **required to gather information to support the sound conception,**
37 **planning, design, construction, maintenance, and operation of design**
38 **projects, but exclude the surveying of real property for the**
39 **establishment of land boundaries, rights-of-way, easements, and the**
40 **dependent or independent surveys or resurveys of the public land**
41 **survey system;**

42 **(9) "Incidental practice", the performance of other professional**
43 **services licensed under chapter 327 that are related to a licensee's**
44 **professional service, but are secondary and substantially less in scope**
45 **and magnitude when compared to the professional services usually and**
46 **normally performed by the licensee practicing in their licensed**
47 **profession. This incidental professional service shall be safely and**
48 **competently performed by the licensee without jeopardizing the health,**
49 **safety, and welfare of the public. The licensee shall be qualified by**
50 **education, training, and experience as determined by the board and in**
51 **sections 327.091, 327.181, 327.272, and 327.600 and applicable board**
52 **rules to perform such incidental professional service;**

53 **[(8)] (10) "Licensee", a person licensed to practice any profession**
54 **regulated under this chapter or a corporation authorized to practice any such**
55 **profession;**

56 **[(9)] (11) "Partnership", any partnership or limited liability partnership;**

57 **[(10)] (12) "Person", any person, corporation, firm, partnership,**
58 **association or other entity;**

59 **[(11)] (13) "Professional engineer", any person authorized pursuant to**
60 **the provisions of this chapter to practice as a professional engineer in Missouri,**
61 **as the practice of engineering is defined in section 327.181;**

62 **[(12)] (14) "Professional land surveyor", any person authorized pursuant**
63 **to the provisions of this chapter to practice as a professional land surveyor in**
64 **Missouri as the practice of land surveying is defined in section 327.272;**

65 **(15) "Professional landscape architect", any person authorized**
66 **pursuant to the provisions of this chapter to practice as a professional**
67 **landscape architect in Missouri as the practice of landscape**
68 **architecture is defined in section 327.600;**

69 **(16) "Responsible charge", the independent direct control of a**
70 **licensee's work and personal supervision of such work pertaining to the**

71 **practice of architecture, engineering, land surveying, or landscape**
72 **architecture.**

327.031. 1. The "Missouri Board for Architects, Professional Engineers,
2 Professional Land Surveyors and **Professional** Landscape Architects" is hereby
3 established and shall consist of fifteen members: a chairperson, who may be
4 either an architect, a professional engineer, a professional land surveyor, or a
5 **professional** landscape architect; three architects, who shall constitute the
6 architectural division of the board; four professional engineers, who shall
7 constitute its professional engineering division; three professional land surveyors,
8 who shall constitute its professional land surveying division; three **professional**
9 landscape architects, who shall constitute its **professional** landscape
10 architectural division; and a voting public member.

11 2. After receiving his or her commission and before entering upon the
12 discharge of his or her official duties, each member of the board shall take,
13 subscribe to and file in the office of the secretary of state the official oath
14 required by the constitution.

15 3. The chairperson shall be the administrative and executive officer of the
16 board, and it shall be his or her duty to supervise and expedite the work of the
17 board and its divisions, and, at his or her election, when a tie exists between the
18 divisions of the board, to break the tie by recording his or her vote for or against
19 the action upon which the divisions are in disagreement. Each member of the
20 architectural division shall have one vote when voting on an action pending
21 before the board; each member of the professional engineering division shall have
22 one vote when voting on an action pending before the board; each member of the
23 professional land surveying division shall have one vote when voting on an action
24 pending before the board; and each member of the **professional** landscape
25 architectural division shall have one vote when voting on an action pending
26 before the board. Every motion or proposed action upon which the divisions of
27 the board are tied shall be deemed lost, and the chairperson shall so declare,
28 unless the chairperson shall elect to break the tie as provided in this
29 section. Eight voting members of the board, including at least one member of
30 each division, shall constitute a quorum, respectively, for the transaction of board
31 business.

32 4. Each division of the board shall, at its first meeting in each
33 even-numbered year, elect one of its members as division chairperson for a term
34 of two years. Two voting members of each division of the board shall constitute

35 a quorum for the transaction of division business. The chairpersons of the
36 architectural division, professional engineering division, professional land
37 surveying division, and **professional** landscape architectural division so elected
38 shall be vice chairpersons of the board, and when the chairperson of the board is
39 an architect, the chairperson of the architectural division shall be the ranking
40 vice chairperson, and when the chairperson of the board is a professional
41 engineer, the chairperson of the professional engineering division shall be the
42 ranking vice chairperson, when the chairperson of the board is a professional land
43 surveyor, the chairperson of the professional land surveying division shall be the
44 ranking vice chairperson, and when the chairperson of the board is a
45 **professional** landscape architect, the chairperson of the **professional** landscape
46 architectural division shall be the ranking vice chairperson. The chairperson of
47 each division shall be the administrative and executive officer of his or her
48 division, and it shall be his or her duty to supervise and expedite the work of the
49 division, and, in case of a tie vote on any matter, the chairperson shall, at his or
50 her election, break the tie by his or her vote. Every motion or question pending
51 before the division upon which a tie exists shall be deemed lost, and so declared
52 by the chairperson of the division, unless the chairperson shall elect to break
53 such tie by his or her vote.

54 5. Any person appointed to the board, except a public member, shall be
55 a currently licensed architect, licensed professional engineer, licensed
56 professional land surveyor [or registered] or licensed **professional** landscape
57 architect in Missouri, as the vacancy on the board may require, who has been a
58 resident of Missouri for at least five years, who has been engaged in active
59 practice as an architect, professional engineer, professional land surveyor or
60 **professional** landscape architect, as the case may be, for at least ten consecutive
61 years as a **Missouri licensee** immediately preceding such person's appointment,
62 and who is and has been a citizen of the United States for at least five years
63 immediately preceding such person's appointment. Active service as a faculty
64 member while holding the rank of assistant professor or higher in an accredited
65 school of engineering shall be regarded as active practice of engineering, for the
66 purposes of this chapter. Active service as a faculty member, after meeting the
67 qualifications required by section 327.314, while holding the rank of assistant
68 professor or higher in an accredited school of engineering and teaching land
69 surveying courses shall be regarded as active practice of land surveying for the
70 purposes of this chapter. Active service as a faculty member while holding the

71 rank of assistant professor or higher in an accredited school of landscape
72 architecture shall be regarded as active practice of landscape architecture, for the
73 purposes of this chapter. Active service as a faculty member while holding the
74 rank of assistant professor or higher in an accredited school of architecture shall
75 be regarded as active practice of architecture for the purposes of this chapter;
76 provided, however, that no faculty member of an accredited school of architecture
77 shall be eligible for appointment to the board unless such person has had at least
78 three years' experience in the active practice of architecture other than in
79 teaching. The public member shall be, at the time of appointment, a citizen of
80 the United States; a resident of this state for a period of one year and a
81 registered voter; a person who is not and never was a member of any profession
82 licensed or regulated pursuant to this chapter or the spouse of such person; and
83 a person who does not have and never has had a material, financial interest in
84 either the providing of the professional services regulated by this chapter, or an
85 activity or organization directly related to any profession licensed or regulated
86 pursuant to this chapter. All members, including public members, shall be
87 chosen from lists submitted by the director of the division of professional
88 registration. The duties of the public member shall not include the determination
89 of the technical requirements to be met for licensure or whether any person meets
90 such technical requirements or of the technical competence or technical judgment
91 of a licensee or a candidate for licensure.

92 6. The governor shall appoint the chairperson and the other members of
93 the board when a vacancy occurs either by the expiration of a term or otherwise,
94 and each board member shall serve until such member's successor is appointed
95 and has qualified. [Beginning August 28, 2010,] The position of chairperson shall
96 rotate sequentially with an architect, then professional engineer, then
97 professional land surveyor, then **professional** landscape architect, and shall be
98 a licensee who has previously served as a member of the board. The appointment
99 of the chairperson shall be for a term of four years which shall be deemed to have
100 begun on the date of his or her appointment and shall end upon the appointment
101 of the chairperson's successor. The chairperson shall not serve more than one
102 term. All other appointments, except to fill an unexpired term, shall be for terms
103 of four years; but no person shall serve on the board for more than two
104 consecutive four-year terms, and each four-year term shall be deemed to have
105 begun on the date of the expiration of the term of the board member who is being
106 replaced or reappointed, as the case may be. Any appointment to the board which

107 is made when the senate is not in session shall be submitted to the senate for its
108 advice and consent at its next session following the date of the appointment.

109 7. In the event that a vacancy is to occur on the board because of the
110 expiration of a term, then ninety days prior to the expiration, or as soon as
111 feasible after a vacancy otherwise occurs, **the president of the American**
112 **Institute of Architects/Missouri if the vacancy to be filled requires the**
113 **appointment of an architect**, the president of the Missouri Society of
114 Professional Engineers if the vacancy to be filled requires the appointment of [an]
115 **a professional** engineer, the president of the Missouri Society of Professional
116 Surveyors if the vacancy to be filled requires the appointment of a **professional**
117 land surveyor, and the president of the Missouri Association of Landscape
118 Architects if the vacancy to be filled requires the appointment of a **professional**
119 landscape architect, shall submit to the director of the division of professional
120 registration a list of five architects or five professional engineers, or five
121 professional land surveyors, or five **professional** landscape architects as the case
122 may require, qualified and willing to fill the vacancy in question, with the
123 recommendation that the governor appoint one of the five persons so listed; and
124 with the list of names so submitted, the president of the appropriate organization
125 shall include in a letter of transmittal a description of the method by which the
126 names were chosen. This subsection shall not apply to public member vacancies.

127 8. The board may sue and be sued as the Missouri board for architects,
128 professional engineers, professional land surveyors and **professional** landscape
129 architects, and its members need not be named as parties. Members of the board
130 shall not be personally liable either jointly or severally for any act or acts
131 committed in the performance of their official duties as board members, nor shall
132 any board member be personally liable for any court costs which accrue in any
133 action by or against the board.

134 [9. Upon appointment by the governor and confirmation by the senate of
135 the landscape architectural division, the landscape architectural council is hereby
136 abolished and all of its powers, duties and responsibilities are transferred to and
137 imposed upon the Missouri board for architects, professional engineers,
138 professional land surveyors and landscape architects established pursuant to this
139 section. Every act performed by or under the authority of the Missouri board for
140 architects, professional engineers, professional land surveyors and landscape
141 architects shall be deemed to have the same force and effect as if performed by
142 the landscape architectural council pursuant to sections 327.600 to 327.635. All

143 rules and regulations of the landscape architectural council shall continue in
144 effect and shall be deemed to be duly adopted rules and regulations of the
145 Missouri board for architects, professional engineers, professional land surveyors
146 and landscape architects until such rules and regulations are revised, amended
147 or repealed by the board as provided by law, such action to be taken by the board
148 on or before January 1, 2002.

149 10. Upon appointment by the governor and confirmation by the senate of
150 the landscape architectural division, all moneys deposited in the landscape
151 architectural council fund created in section 327.625 shall be transferred to the
152 state board for architects, professional engineers, professional land surveyors and
153 landscape architects fund created in section 327.081. The landscape architectural
154 council fund shall be abolished upon the transfer of all moneys in it to the state
155 board for architects, professional engineers, professional land surveyors and
156 landscape architects.]

 327.041. 1. The board shall have the duty and the power to carry out the
2 purposes and to enforce and administer the provisions of this chapter, to require,
3 by summons or subpoena, with the vote of two-thirds of the voting board
4 members, the attendance and testimony of witnesses, and the production of
5 drawings, plans, plats, specifications, books, papers or any document representing
6 any matter under hearing or investigation, pertaining to the issuance, probation,
7 suspension or revocation of certificates of registration or certificates of authority
8 provided for in this chapter, or pertaining to the unlawful practice of architecture,
9 professional engineering, professional land surveying or **professional** landscape
10 architecture.

11 2. The board shall, within the scope and purview of the provisions of this
12 chapter, prescribe the duties of its officers and employees and adopt, publish and
13 enforce the rules and regulations of professional conduct which shall establish
14 and maintain appropriate standards of competence and integrity in the
15 professions of architecture, professional engineering, professional land surveying
16 and **professional** landscape architecture, and adopt, publish and enforce
17 procedural rules and regulations as may be considered by the board to be
18 necessary or proper for the conduct of the board's business and the management
19 of its affairs, and for the effective administration and interpretation of the
20 provisions of this chapter. Any rule or portion of a rule, as that term is defined
21 in section 536.010, that is created under the authority delegated in this chapter
22 shall become effective only if it complies with and is subject to all of the

23 provisions of chapter 536 and, if applicable, section 536.028. This section and
24 chapter 536 are nonseverable and if any of the powers vested with the general
25 assembly pursuant to chapter 536 to review, to delay the effective date or to
26 disapprove and annul a rule are subsequently held unconstitutional, then the
27 grant of rulemaking authority and any rule proposed or adopted after August 28,
28 2001, shall be invalid and void.

29 3. Rules promulgated by the board pursuant to sections 327.272 to
30 327.635 shall be consistent with and shall not supersede the rules promulgated
31 by the department of natural resources pursuant to chapter 60.

327.051. 1. The board shall meet at least twice a year at such times and
2 places as are fixed by the board.

3 2. The board may appoint and employ legal counsel and such board
4 personnel, as defined in subdivision (4) of subsection 10 of section 324.001, as it
5 deems necessary within the appropriation [therefor] **therefore**.

6 3. The board shall keep records of its official acts and decisions and
7 certified copies of any such records attested by the executive director with the
8 board's seal affixed shall be received as evidence in all courts to the same extent
9 as the board's original records would be received.

10 4. Each member of the board shall receive as compensation an amount set
11 by the board not to exceed [fifty] **seventy-five** dollars for each day devoted to the
12 affairs of the board, and shall be entitled to reimbursement of such member's
13 expenses necessarily incurred in the discharge of such member's official duties.

327.076. 1. Any person who practices architecture, engineering, land
2 surveying, or landscape architecture, as defined in sections 327.011 to 327.635,
3 or who holds himself or herself out as able to practice such profession and who
4 is not the holder of a currently valid license or certificate of authority in Missouri,
5 and who is not exempt from holding such a license or certificate, is guilty of a
6 class A misdemeanor. As used in this [section] **chapter**, "practice" shall not
7 include the rendering of opinions or giving of testimony in a civil or criminal
8 proceeding by a licensed professional.

9 2. The board may cause a complaint to be filed with the administrative
10 hearing commission, as provided in chapter 621, against any unlicensed person
11 who:

12 (1) Engages in or offers to render or engage in the practice of architecture,
13 professional engineering, **professional** land surveying, or **professional**
14 landscape architecture;

15 (2) Uses or employs titles defined and protected by this chapter, or implies
16 authorization to provide or offer professional services, or otherwise uses or
17 advertises any title, word, figure, sign, card, advertisement, or other symbol or
18 description tending to convey the impression that the person is licensed or holds
19 a certificate of authority to practice architecture, professional engineering,
20 **professional** land surveying, or **professional** landscape architecture;

21 (3) Presents or attempts to use another person's license, seal, or certificate
22 of authority as his or her own;

23 (4) Attempts to use an expired, suspended, revoked, or nonexistent license
24 or certificate of authority;

25 (5) Affixes his or her or another architect's, **professional** engineer's,
26 **professional** land surveyor's, or **professional** landscape architect's seal on any
27 plans, drawings, specifications or reports which have not been prepared by such
28 person or under such person's immediate personal supervision care;

29 (6) Gives false or forged evidence of any kind to the board or any member
30 of the board in obtaining or attempting to obtain a certificate of licensure in this
31 state or any other state or jurisdiction;

32 (7) Knowingly aids or abets an unlicensed or unauthorized person who
33 engages in any prohibited activity identified in this subsection;

34 (8) Violates any provision of the code of professional conduct or other rule
35 adopted by the board; or

36 (9) Violates any provision of subsection 2 of section 327.441.

37 3. When reviewing complaints against unlicensed persons, the board may
38 initiate an investigation and take all measures necessary to find the facts of any
39 potential violation, including issuing subpoenas to compel the attendance and
40 testimony of witnesses and the disclosure of evidence, and may request the
41 attorney general to bring an action to enforce the subpoena.

42 4. If the board files a complaint with the administrative hearing
43 commission, the proceedings shall be conducted in accordance with the provisions
44 of chapter 621. Upon a finding by the administrative hearing commission that
45 the grounds provided in subsection 2 of this section for disciplinary action are
46 met, the board may, either singularly or in combination with other provisions of
47 this chapter, impose a civil penalty as provided for in section 327.077 against the
48 person named in the complaint.

327.081. 1. All funds received pursuant to the provisions of this chapter
2 shall be deposited in the state treasury to the credit of the "State Board for

3 Architects, Professional Engineers, **Professional** Land Surveyors and
4 **Professional** Landscape Architects Fund" which is hereby established. All
5 expenditures authorized by this chapter shall be paid from funds appropriated to
6 the board by the general assembly from this fund.

7 2. The provisions of section 33.080 to the contrary notwithstanding, money
8 in this fund shall not be transferred and placed to the credit of general revenue
9 until the amount in the fund at the end of the biennium exceeds two times the
10 amount of the appropriation from the board's funds for the preceding fiscal year
11 or, if the board requires by rule permit renewal less frequently than yearly, then
12 three times the appropriation from the board's funds for the preceding fiscal
13 year. The amount, if any, in the fund which shall lapse is that amount in the
14 fund which exceeds the appropriate multiple of the appropriations from the
15 board's funds for the preceding fiscal year.

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

24 **contracts, construction observation and the inspection of construction**
25 **for the purpose of compliance with drawings and specifications, and**
26 **design coordination of other consultants as they relate to architectural**
27 **work. A person shall be considered practicing architecture when they**
28 **use the title "architect" or the terms "architect" or "architecture" or**
29 **"architectural" alone or together with any words other than "landscape"**
30 **to indicate or imply that such person is or holds himself or herself out**
31 **to be an architect.**

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

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

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

13 (2) Any person who is a regular full-time employee who performs
14 architectural work for the person's employer if and only if all such work and
15 service so performed is in connection with a facility owned or wholly operated by
16 the employer and which is occupied by the employer of the employee performing
17 such work or service, and if and only if such work and service so performed do not
18 endanger the public health or safety;

19 (3) Any holder of a currently valid license **or certificate of authority**
20 as a professional engineer who performs only such [architectural work]
21 **architecture** as [is] incidental **practice** and necessary to the completion of
22 [engineering work] **professional services** lawfully being performed by such
23 licensed professional engineer;

24 (4) Any person who is a **professional** landscape architect, city planner
25 or regional planner who performs work consisting only of consultations concerning

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

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

38 (a) A dwelling house; or

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

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

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

47 (e) A building or structure used exclusively for farm purposes;

48 (6) Any person who renders architectural services in connection with the
49 remodeling or repairing of any privately owned [building described in paragraphs
50 (a), (c), (d) and (e) of subdivision (5) of this section or for a] multiple family
51 dwelling house, flat or apartment containing [not more than] **three or four**
52 families, **provided that the alteration, renovation, or remodeling does**
53 **not affect architectural or engineering safety features of the building**
54 and who indicates on any drawings, specifications, estimates, reports or other
55 documents furnished in connection with such services that the person is not a
56 licensed architect;

57 (7) **Construction observation by persons customarily engaged in**
58 **contracting work;**

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

62 business.

327.106. Notwithstanding any provisions of this chapter to the contrary,
2 any applicant for a license to practice architecture who holds a valid license to
3 practice architecture in Canada shall be licensed to practice architecture in this
4 state, if such applicant holds certification pursuant to the terms of the
5 **[Inter-Recognition] Mutual Recognition** Agreement between the National
6 Council of Architectural Registration Boards (NCARB) and the Canadian
7 Architectural **[Councils] Licensing Authorities** and provided the applicant
8 meets all other qualifications for licensure as an architect as provided in this
9 chapter.

327.131. [1.] Any person may apply to the board for [examination and
2 license] **licensure** as an architect who is over the age of twenty-one, is of good
3 moral character, [and is a graduate of and holds] **has acquired** an accredited
4 degree from an accredited degree program from a school of architecture [and has
5 acquired at least three years of satisfactory architectural experience], **holds a**
6 **certified Intern Development Program (IDP) record with the National**
7 **Council of Architectural Registration Boards, and has taken and passed**
8 **all divisions of the Architect Registration Examination.** [Prior to January
9 1, 2012, any applicant who possesses the age and character qualifications as
10 provided in this subsection and who has acquired a combined total of twelve years
11 of education, above the high school level, and satisfactory architectural experience
12 may apply to the board for examination and licensure as an architect. Beginning
13 January 1, 2012, all new applicants shall hold an accredited degree from an
14 accredited degree program from a school of architecture.

15 2. The board shall provide by rule what shall constitute satisfactory
16 architectural experience, based upon recognized education and training
17 equivalents.

18 3. Beginning January 1, 2002, each applicant who has graduated with an
19 accredited degree from an accredited degree program from a school of architecture
20 shall complete the intern development program (IDP) as defined in the IDP
21 Guidelines: Intern Development Program, 1994, as published by the National
22 Council of Architectural Registration Boards, as amended. Completion of the
23 intern development program shall be deemed to be satisfactory architectural
24 experience.]

327.141. Applications for [examination and license] **licensure** as an
2 architect shall be typewritten on prescribed forms furnished to the

3 applicant. The application shall contain the applicant's statements showing the
4 applicant's education, experience, results of previous architectural licensing
5 examinations, if any, and such other pertinent information as the board may
6 require. Each application shall contain a statement that it is made under oath
7 or affirmation and that its representations are true and correct to the best
8 knowledge and belief of the person signing the application, subject to the
9 penalties of making a false affidavit or declaration and shall be accompanied by
10 the required fee.

327.151. 1. After [the board] **it** has **been** determined [upon such inquiry
2 and by such methods as it may consider proper] that [such] **an** applicant
3 possesses the qualifications entitling [such] **the** applicant to be examined, each
4 applicant for examination and [license] **licensure** as an architect shall appear
5 before the board or its representatives for examination at the time and place
6 specified [by the board in a written notice to each such applicant, provided that
7 an examination shall be given at least once in each calendar year].

8 2. The [written] examination or examinations shall be of such form,
9 content and duration as determined by the architectural division of the board to
10 thoroughly test the qualifications of each applicant to practice architecture in
11 Missouri.

12 3. An applicant to be eligible for [license] **licensure** shall make a passing
13 grade on each examination. The "passing grade" shall be fixed by the board but
14 it shall never be higher than the current "passing grade" determined by the
15 National Council of Architectural Registration Boards.

16 4. Any person who passes the examination or examinations prescribed by
17 the board shall be entitled to be licensed as an architect in Missouri, subject to
18 the other provisions of this chapter.

327.161. If an applicant fails to make the grade specified in section
2 327.151, the applicant may apply for reexamination, by [section, on a form
3 furnished to the applicant. If the application is approved, the applicant may take
4 another examination, no sooner than six months after the date of the failed
5 examination] **division, in accordance with the guidelines established by
6 the National Council of Architectural Registration Boards or its
7 successor.**

327.171. 1. The professional license, issued to every architect in Missouri,
2 including certificates of authority issued to corporations as provided in section
3 327.401, shall be renewed on or before the certificate renewal date, provided that

4 the required fee is paid. The board may establish, by rule, continuing education
5 requirements as a condition to renewing the license of an architect, provided that
6 the board shall not require more professional development hours than that which
7 is recommended by the American Institute of Architects or its successor
8 organization, but not to exceed thirty such hours. The license of any architect or
9 the certificate of authority issued to any corporation which is not renewed [within
10 three months of] **by** the certificate renewal date shall [be suspended
11 automatically, subject to the right of the holder of such suspended certificate to
12 have the certificate reinstated within nine months of the date of suspension, if
13 the reinstatement fee is paid. Any license or certificate of authority suspended
14 and not reinstated within nine months of the suspension date, as provided in this
15 section, shall] expire **on the renewal date** and be void and the holder of such
16 expired certificate shall have no rights or privileges under such license or
17 certificate; but any person or corporation whose certificate has expired as
18 provided in this section may within **three months of the certificate renewal**
19 **date or at** the discretion of the board, upon payment of the required fee, be
20 **renewed**, relicensed, or reauthorized under such person's or such corporation's
21 original license number.

22 2. Each application for the renewal of a license or of a certificate of
23 authority shall be on a form furnished to the applicant and shall be accompanied
24 by the required fee, but no renewal fee need be paid by any architect over the age
25 of seventy-five.

327.172. 1. An architect licensed in this state may apply to the board for
2 inactive license status on a form furnished by the board. Upon receipt of the
3 completed inactive status application form and the board's determination that the
4 licensee meets the requirements established by rule, the board shall declare the
5 licensee inactive and shall place the licensee on an inactive status list. A person
6 whose license is inactive shall not offer or practice architecture within this state,
7 but may continue to use the title "architect".

8 2. If a licensee is granted inactive status, the licensee may return to
9 active status by notifying the board in advance of such intention, by paying
10 appropriate fees as determined by the board, and by meeting all established
11 requirements of the board including the demonstration of current knowledge,
12 competency, and skill in the practice of architecture as a condition of
13 [reinstatement] **reactivation**.

14 3. In the event an inactive licensee does not maintain a current license

15 in any state for a five-year period immediately prior to requesting [reinstatement]
16 **reactivation**, that person may be required to take an examination as the board
17 deems necessary to determine such person's qualifications. Such examination
18 shall cover areas designed to demonstrate the proficiency in current methods of
19 architecture.

327.181. 1. Any person practices in Missouri as a professional engineer
2 who renders or offers to render or holds himself or herself out as willing or able
3 to render any service or creative work, the adequate performance of which
4 requires engineering education, training, and experience in the application of
5 special knowledge of the mathematical, physical, and engineering sciences to such
6 services or creative work as consultation, investigation, evaluation, planning and
7 design of engineering works and systems, [engineering] teaching of advanced
8 engineering subjects or courses related thereto, [engineering] **design** surveys
9 **and studies**, the **design** coordination of services furnished by [structural, civil,
10 mechanical and electrical] engineers and other consultants as they relate to
11 engineering work, **construction observation** and the inspection of construction
12 for the purpose of compliance with drawings and specifications, any of which
13 embraces such service or work either public or private, in connection with any
14 utilities, structures, buildings, machines, equipment, processes, work systems or
15 projects and including such architectural work as is incidental to the practice of
16 engineering; or who uses the title "professional engineer" or "consulting engineer"
17 or the word "engineer" alone or preceded by any word indicating or implying that
18 such person is or holds himself or herself out to be a professional engineer, or
19 who shall use any word or words, letters, figures, degrees, titles or other
20 description indicating or implying that such person is a professional engineer or
21 is willing or able to practice engineering.

22 2. **Professional engineers shall be in responsible charge of all**
23 **engineering design of buildings, structures, products, machines,**
24 **processes, and systems that can affect the health, safety, and welfare**
25 **of the public within their scope of practice.**

26 3. Notwithstanding any provision of subsection 1 of this section, any
27 person using the word "engineer", "engineers", or "engineering", alone or preceded
28 by any word, or in combination with any words, may do so without being subject
29 to disciplinary action by the board so long as such use is reflective of that
30 person's profession or vocation and is clearly not indicating or implying that such
31 person is holding himself or herself out as being a professional engineer or is

32 willing or able to practice engineering as defined in this section.

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

8 (1) Any person who is an employee of a person holding a currently valid
9 license as a professional engineer or who is an employee of a person holding a
10 currently valid certificate of authority pursuant to this chapter, and who performs
11 professional engineering work under the direction and continuing supervision of
12 and is checked by one holding a currently valid license as a professional engineer
13 pursuant to this chapter;

14 (2) Any person who is a regular full-time employee of a person or any
15 former employee under contract to a person, who performs professional
16 engineering work for such employer if and only if all such work and service so
17 performed is done solely in connection with a facility owned or wholly operated
18 by the employer and occupied or maintained by the employer of the employee
19 performing such work or service, **and does not affect the health, safety, and**
20 **welfare of the public;**

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

26 (4) Any holder of a currently valid license or certificate of authority as an
27 architect, **professional land surveyor, or professional landscape architect**
28 who performs only such engineering [work] as [is] incidental **practice** and
29 necessary to the completion of [architectural work] **professional services**
30 lawfully being performed by such architect, **professional land surveyor, or**
31 **professional landscape architect;**

32 (5) Any person or corporation who is offering, but not performing or
33 rendering, professional engineering services if the person or corporation is
34 licensed to practice professional engineering in the state or country of residence
35 or principal place of business.

327.221. Any person may apply to the board for [examination and license]
2 **licensure** as a professional engineer who is over the age of twenty-one, who is
3 of good moral character, and who is a graduate of and holds a degree in
4 engineering from an accredited school of engineering, or who possesses an
5 education which includes at the minimum a baccalaureate degree in engineering,
6 and which in the opinion of the board, equals or exceeds the education received
7 by a graduate of an accredited school, and has acquired at least four years of
8 satisfactory engineering experience, after such person has graduated and has
9 received a degree or education as provided in this section; provided that the board
10 shall by rule provide what shall constitute satisfactory engineering experience
11 based upon recognized education and training equivalents, but in any event such
12 rule shall provide that no more than one year of satisfactory postgraduate work
13 in engineering subjects and that each year of satisfactory teaching of engineering
14 subjects accomplished after a person has graduated from and has received a
15 degree from an accredited school of engineering or after receiving an education
16 as provided in this section shall count as equivalent years of satisfactory
17 engineering experience.

327.231. Applications for [examination and license] **licensure** as a
2 professional engineer shall be typewritten on prescribed forms furnished to the
3 applicant. The application shall contain the applicant's statements showing the
4 applicant's education, experience, results of previous engineering examinations,
5 if any, and such other pertinent information as the board may require. Each
6 application shall contain a statement that it is made under oath or affirmation
7 and that its representations are true and correct to the best knowledge and belief
8 of the person signing such application, subject to the penalties of making a false
9 affidavit or declaration and shall be accompanied by the required fee.

327.241. 1. After [the board] **it** has **been** determined [upon such inquiry
2 and by such methods as it may consider proper] that an applicant possesses the
3 qualifications entitling [such] **the** applicant to be examined, each applicant for
4 examination and licensure as a professional engineer in Missouri shall appear
5 before the board or its representatives for examination at the time and place
6 specified [by the board in a written notice to each such applicant, provided that
7 an examination shall be given at least once in each calendar year].

8 2. The [written] examination or examinations shall be of such form,
9 content and duration as shall be determined by the board, to thoroughly test the
10 qualifications of each applicant to practice as a professional engineer in Missouri.

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

13 4. The engineering examination shall consist of two parts; the first part
14 may be taken by any person after such person has satisfied the educational
15 requirements of section 327.221, or who is in his or her final year of study in an
16 accredited school of engineering; and upon passing part one of the examination
17 and providing proof that such person has satisfied the educational requirements
18 of section 327.221 and upon payment of the required fee, such person shall be an
19 engineer-intern, subject to the other provisions of this chapter.

20 5. Any engineer-intern, as defined in subsection 4 of this section, who has
21 acquired at least four years of satisfactory engineering experience, may take part
22 two of the engineering examination and upon passing it shall be entitled to
23 receive a license, subject, however, to the other provisions of this chapter.

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

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

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

 327.251. If an applicant fails to make the grade specified in section
2 327.241, such applicant may apply for reexamination [on a form to be furnished
3 by the board, and if the application is approved, the applicant may take another
4 examination or examinations at any regularly scheduled examination upon

5 payment of the required fee] **in accordance with the guidelines established**
6 **by the National Council of Examiners for Engineering and Surveying**
7 **or its successor.**

327.261. 1. The professional license issued to every professional engineer
2 in Missouri, including certificates of authority issued to corporations as
3 hereinafter provided, shall be renewed on or before the license renewal date,
4 provided that the required fee is paid. The board may establish, by rule,
5 continuing education requirements as a condition to renewing the license of a
6 professional engineer, provided that the board shall not require more professional
7 development hours than that which is recommended by the National Council of
8 Examiners for Engineering and Surveying or its successor organization, but not
9 to exceed thirty such hours. The license of any professional engineer or the
10 certificate of authority of any such corporation which is not renewed [within three
11 months of] **by** the certificate renewal date shall [be suspended automatically,
12 subject to the right of the holder of such suspended certificate to have the
13 certificate reinstated within nine months of the date of suspension if the
14 reinstatement fee is paid. Any license or certificate of authority suspended and
15 not reinstated within nine months of the suspension date, as above provided,
16 shall] **expire on the renewal date** and be void and the holder of the expired
17 license or certificate shall have no rights or privileges under such license or
18 certificate; but any person or corporation whose license or certificate has expired
19 as aforesaid may within **three months of the certificate renewal date or at**
20 **the discretion of the board, upon payment of the required fee, be renewed,**
21 **relicensed, or reauthorized under such person's or such corporation's original**
22 **license number.**

23 2. Each application for the renewal of a license or of a certificate of
24 authority shall be on a form furnished to the applicant and shall be accompanied
25 by the required fee; but no renewal fee need be paid by any professional engineer
26 over the age of seventy-five.

327.271. 1. A professional engineer licensed in this state may apply to the
2 board for inactive license status on a form furnished by the board. Upon receipt
3 of the completed inactive status application form and the board's determination
4 that the license meets the requirements established by rule, the board shall
5 declare the licensee inactive and shall place the licensee on an inactive status
6 list. A person whose license is inactive shall not offer or practice professional
7 engineering within this state, but may continue to use the title "professional

8 engineer" or the initials "P.E." after such person's name.

9 2. If a licensee is granted inactive status, the licensee may return to
10 active status by notifying the board in advance of such intention, by paying
11 appropriate fees as determined by the board, and by meeting all established
12 requirements of the board including the demonstration of current knowledge,
13 competency and skill in the practice of professional engineering as a condition of
14 **[reinstatement] reactivation.**

15 3. In the event an inactive licensee does not maintain a current license
16 in any state for a five-year period immediately prior to requesting **[reinstatement]**
17 **reactivation**, that person may be required to take the principles and practice of
18 engineering examination.

327.272. 1. A professional land surveyor shall include any person who
2 practices in Missouri as a professional land surveyor who uses the title of
3 "surveyor" alone or in combination with any other word or words including, but
4 not limited to "registered", "professional" or "land" indicating or implying that the
5 person is or holds himself or herself out to be a professional land surveyor who
6 by word or words, letters, figures, degrees, titles or other descriptions indicates
7 or implies that the person is a professional land surveyor or is willing or able to
8 practice professional land surveying or who renders or offers to render, or holds
9 himself or herself out as willing or able to render, or perform any service or work,
10 the adequate performance of which involves the special knowledge and
11 application of the principles of land surveying, mathematics, the related physical
12 and applied sciences, and the relevant requirements of law, all of which are
13 acquired by education, training, experience and examination, that affect real
14 property rights on, under or above the land and which service or work involves:

15 (1) The determination, location, relocation, establishment,
16 reestablishment, layout, or retracing of land boundaries and positions of the
17 United States Public Land Survey System;

18 (2) **The** monumentation of land boundaries, land boundary corners and
19 corners of the United States Public Land Survey System;

20 (3) The subdivision of land into smaller tracts **and preparation of**
21 **property descriptions;**

22 (4) **The survey and location of rights-of-ways and easements;**

23 (5) Creating, preparing, or modifying electronic or computerized data
24 relative to the performance of the activities in subdivisions (1) to (3) of this
25 subsection;

26 [(5)] **(6)** Consultation, investigation, **design surveys**, evaluation,
27 planning, design and execution of surveys;

28 [(6)] **(7)** The preparation of any drawings showing the shape, location,
29 dimensions or area of tracts of land;

30 [(7)] **(8)** Monumentation of geodetic control and the determination of
31 their horizontal and vertical positions;

32 [(8)] **(9)** Establishment of state plane coordinates;

33 [(9)] **(10)** Topographic surveys and the determination of the horizontal
34 and vertical location of any physical features on, under or above the land;

35 [(10)] **(11)** The preparation of plats, maps or other drawings showing
36 elevations and the locations of improvements and the measurement and
37 preparation of drawings showing existing improvements after construction;

38 [(11)] **(12)** Layout of proposed improvements;

39 [(12)] **(13)** The determination of azimuths by astronomic observations.

40 2. None of the specific duties listed in subdivisions [(4)] **(5)** to [(12)] **(13)**
41 of subsection 1 of this section are exclusive to professional land surveyors unless
42 they affect real property rights. For the purposes of this section, the term "real
43 property rights" means a recordable interest in real estate as it affects the
44 location of land boundary lines.

45 3. **Professional land surveyors shall be in responsible charge of**
46 **all drawings, maps, surveys, and other work product that can affect the**
47 **health, safety, and welfare of the public within their scope of practice.**

48 4. Nothing in this section shall be construed to preclude the practice of
49 architecture or professional engineering **or professional landscape**
50 **architecture** as provided in sections 327.091 [and], 327.181, and **327.600**.

51 [4. Nothing in this section shall be construed to prohibit the subdivision
52 of land pursuant to section 137.185.]

 327.312. 1. Any person may apply to the board for [examination and]
2 enrollment as a land surveyor-in-training who is over the age of twenty-one, who
3 is of good moral character, who is a high school graduate, or who holds a Missouri
4 certificate of high school equivalance (GED), and either:

5 (1) Has graduated and received a baccalaureate degree in an approved
6 curriculum as defined by board regulation which shall include at least twelve
7 semester hours of approved surveying course work as defined by board regulation
8 of which at least two semester hours shall be in the legal aspects of boundary
9 surveying; or

10 (2) Has passed at least sixty hours of college credit which shall include
11 credit for at least twenty semester hours of approved surveying course work as
12 defined by board regulation of which at least two semester hours shall be in legal
13 aspects of boundary surveying and present evidence satisfactory to the board that
14 in addition thereto such person has at least one year of combined professional
15 office and field experience in land surveying projects under the immediate
16 personal supervision of a professional land surveyor; or

17 (3) Has passed at least twelve semester hours of approved surveying
18 course work as defined by board regulation of which at least two semester hours
19 shall be in legal aspects of land surveying and in addition thereto has at least two
20 years of combined professional office and field experience in land surveying
21 projects under the immediate personal supervision of a professional land
22 surveyor. Pursuant to this provision, not more than one year of satisfactory
23 postsecondary education work shall count as equivalent years of satisfactory land
24 surveying work as aforementioned.

25 2. The board shall issue a certificate of completion to each applicant who
26 satisfies the requirements of the aforementioned land surveyor-in-training
27 program and passes such examination or examinations as shall be required by the
28 board.

327.313. Applications for [examination and] enrollment as a land
2 surveyor-in-training shall be [printed] **typewritten** on prescribed forms
3 furnished to the applicant. The application shall contain applicant's statements
4 showing the applicant's education, experience and such other pertinent
5 information as the board may require, including but not limited to three letters
6 of reference, one of which shall be from a professional land surveyor who has
7 personal knowledge of the applicant's land surveying education or
8 experience. Each application shall contain a statement that it is made under
9 oath or affirmation and that the representations are true and correct to the best
10 knowledge and belief of the applicant, subject to the penalties of making a false
11 affidavit or declaration and shall be accompanied by the required fee.

327.314. [1.] Any person may apply to the board for [examination and]
2 licensure as a professional land surveyor who has been enrolled as a land
3 surveyor-in-training and has presented evidence to the satisfaction of the board
4 that said person has acquired at least four years of satisfactory professional field
5 and office experience in land surveying from the date of enrollment as a land
6 surveyor-in-training. This experience shall have been under the immediate

7 personal supervision of a professional land surveyor.

8 [2. At any time prior to January 1, 2006, any applicant enrolled as a land
9 surveyor-in-training under the provisions of subsection (1) or (2) of section
10 327.312 must have acquired at least two years of satisfactory professional field
11 and office experience in land surveying under the immediate supervision of a
12 professional land surveyor. Any person who applied for enrollment as a land
13 surveyor-in-training under the provisions of subsection (3) of section 327.312
14 must have acquired at least one year of satisfactory professional field and office
15 experience in land surveying under the immediate supervision of a professional
16 land surveyor.]

327.321. Applications for [examination and] licensure as a professional
2 land surveyor shall be typewritten on prescribed forms furnished to the
3 applicant. The application shall contain the applicant's statements showing the
4 applicant's education, experience, results of prior land surveying examinations,
5 if any, and such other pertinent information as the board may require, including
6 but not limited to three letters of reference from professional land surveyors with
7 personal knowledge of the experience of the applicant's land surveying education
8 or experience. Each application shall contain a statement that it is made under
9 oath or affirmation and that its representations are true and correct to the best
10 knowledge and belief of the person signing same, subject to the penalties of
11 making a false affidavit or declaration and shall be accompanied by the required
12 fee.

327.331. 1. After [the board] **it** has **been** determined [upon such inquiry
2 and by such methods as it may consider proper] that an applicant possesses the
3 qualifications entitling [such] **the** applicant to be examined, each applicant for
4 examination and enrollment as a land surveyor-in-training and for examination
5 and [license] **licensure** as a professional land surveyor in Missouri shall appear
6 before the board or its representatives for examination at the time and place
7 specified [by the board in a written notice to each such applicant, provided that
8 an examination shall be given at least once in each calendar year].

9 2. The [written] examination or examinations shall be of such form,
10 content and duration as shall be determined by the board to thoroughly test the
11 qualifications of each applicant to become enrolled as a land surveyor-in-training
12 or to [be] become licensed as a professional land surveyor in Missouri.

13 3. Any applicant to be eligible for enrollment or for license must make a
14 grade on the applicable examination of at least seventy percent.

15 4. Any person who passes the examination hereinabove specified shall be
16 entitled to be enrolled as a land surveyor-in-training or licensed as a professional
17 land surveyor, as the case may be, in Missouri and shall receive a certificate of
18 enrollment or a license, as the case may be.

 327.341. If an applicant fails to make the required grade specified in
2 section 327.331, such applicant may apply for reexamination [on a form to be
3 furnished by the board, and if such application is approved, the applicant may
4 take another examination or examinations at such time and place as is specified
5 by the board. The reexamination shall be governed by the provisions of section
6 327.331] **in accordance with the guidelines established by the National**
7 **Council of Examiners for Engineering and Surveying or its successor.**

 327.351. 1. The professional license issued to every professional land
2 surveyor in Missouri, including certificates of authority issued to corporations as
3 provided in section 327.401, shall be renewed on or before the license or
4 certificate renewal date provided that the required fee is paid. The license of any
5 professional land surveyor or the certificate of authority of any such corporation
6 which is not renewed [within three months of] **by** the renewal date shall [be
7 suspended automatically, subject to the right of the holder of such suspended
8 license or certificate to have it reinstated within nine months of the date of
9 suspension, if the reinstatement fee is paid. Any license or certificate of
10 authority suspended and not reinstated within nine months of the suspension
11 date shall] expire **on the renewal date** and be void and the holder of such
12 expired license or certificate shall have no rights or privileges thereunder, but
13 any person or corporation whose license or certificate has expired may, within
14 **three months of the certificate renewal date or at** the discretion of the
15 board and upon payment of the required fee, be **renewed**, reregistered, or
16 relicensed under such person's or corporation's original license number.

17 2. Each application for the renewal of a license or of a certificate of
18 authority shall be on a form furnished to the applicant and shall be accompanied
19 by the required fee; but no renewal fee need be paid by any professional land
20 surveyor over the age of seventy-five.

21 3. [Beginning January 1, 1996,] As a condition for renewal of a license
22 issued pursuant to section 327.314, a license holder shall be required to
23 successfully complete twenty units of professional development that meet the
24 standards established by the board regulations within the preceding two calendar
25 years. Any license holder who completes more than twenty units of professional

26 development within the preceding two calendar years may have the excess, not
27 to exceed ten units, applied to the requirement for the next two-year period.

28 4. The board shall not renew the license of any license holder who has
29 failed to complete the professional development requirements pursuant to
30 subsection 3 of this section, unless such license holder can show good cause why
31 he or she was unable to comply with such requirements. If the board determines
32 that good cause was shown, the board shall permit the license holder to make up
33 all outstanding required units of professional development.

34 5. A license holder may at any time prior to the termination of his or her
35 license request to be classified as inactive. Inactive licenses may be maintained
36 by payment of an annual fee determined by the board. Holders of inactive
37 licenses shall not be required to complete professional development as required
38 in subsection 3 of this section. Holders of inactive licenses shall not practice as
39 professional land surveyors within this state, but may continue to use the title
40 "professional land surveyor" or the initials "PLS" after such person's name. If the
41 board determines that good cause was shown, the board shall permit the
42 professional land surveyor to make up all outstanding required units of
43 professional development.

44 6. [A holder of an inactive license may return such license to an active
45 license to practice professional land surveying by paying the required fee, and
46 either:

47 (1) Completing one-half of the two-year requirement for professional
48 development multiplied by the number of years of lapsed or inactive status. The
49 maximum requirement for professional development units shall be two and
50 one-half times the two-year requirement. The minimum requirement for
51 professional development units shall be no less than the two-year
52 requirement. Such requirement shall be satisfied within the two years prior to
53 the date of reinstatement; or

54 (2) **Taking] If a licensee is granted inactive status, the licensee**
55 **may return to active status by notifying the board in advance of such**
56 **intention by paying appropriate fees as determined by the board, and**
57 **by meeting all established requirements of the board including the**
58 **demonstration of current knowledge, competency, and skill in the**
59 **practice of land surveying as a condition of reactivation.**

60 7. **In the event an inactive licensee does not maintain a current**
61 **license in any state for a five-year period immediately prior to**

62 **requesting reactivation, that person may be required to take** such
63 examination as the board deems necessary to determine such person's
64 qualifications. Such examination shall cover areas designed to demonstrate the
65 applicant's proficiency in current methods of land surveying practice.

66 [7.] **8.** Exemption to the required professional development units shall
67 be granted to [registrants] **licensees** during periods of serving honorably on
68 full-time active duty in the military service.

69 [8.] **9.** At the time of application for license renewal, each licensee shall
70 report, on a form provided by the board, the professional development activities
71 undertaken during the preceding renewal period to satisfy the requirements
72 pursuant to subsection 3 of this section. The licensee shall maintain a file in
73 which records of activities are kept, including dates, subjects, duration of
74 program, and any other appropriate documentation, for a period of four years
75 after the program date.

327.381. [The board shall issue a license to any architect, professional
2 engineer, professional land surveyor or landscape architect who has been licensed
3 in another state, territory or possession of the United States, or in another
4 country, provided that the board is satisfied by proof adduced by such applicant
5 that the applicant's qualifications meet or exceed the requirements for initial
6 licensure in Missouri at the time of the applicant's initial license.] **The board**
7 **may license, in its discretion, any architect, professional engineer,**
8 **professional land surveyor, or professional landscape architect licensed**
9 **in another state or territory of the United States, province of Canada,**
10 **or in another country, when such applicant has qualifications which**
11 **are at least equivalent to the requirements for licensure as an**
12 **architect, professional engineer, professional land surveyor, or**
13 **professional landscape architect in this state,** and provided further that the
14 board may establish by rule the conditions under which it shall require any such
15 applicant to take any examination it considers necessary, and provided further
16 that the board is satisfied by proof adduced by such applicant that the applicant
17 is of good moral character, and provided further that any such application is
18 accompanied by the required fee [which shall be equal to the examination fee].

327.392. 1. The board shall upon application issue a professional
2 engineering license to any individual who holds a degree at the bachelor's level
3 or higher in engineering and who has at least twenty years of satisfactory
4 engineering experience, and who passes part two of the [written] examination

5 defined in section 327.241, provided that any such application is accompanied by
6 the required fee.

7 2. The board shall upon application issue a professional engineering
8 license to any individual who holds a degree from an Engineering Accreditation
9 Commission of the Accreditation Board for Engineering and Technology (ABET,
10 INC.) or its equivalent and a doctorate in engineering from an institution that
11 offers Engineering Accreditation Commission programs, and who passes part two
12 of the [written] examination defined in section 327.241, provided that any such
13 application is accompanied by the required fee. The doctorate degree must be
14 approved by the board for the candidate to qualify.

327.401. 1. The right to practice as an architect or to practice as a
2 professional engineer or to practice as a professional land surveyor or to practice
3 as a **professional** landscape architect shall be deemed a personal right, based
4 upon the qualifications of the individual, evidenced by such individual's
5 professional license and shall not be transferable; but any architect or any
6 professional engineer or any professional land surveyor or any **professional**
7 landscape architect may practice his or her profession through the medium of, or
8 as a member or as an employee of, a partnership or corporation if the plans,
9 specifications, estimates, plats, reports, surveys or other like documents or
10 instruments of the partnership or corporation are signed and stamped with the
11 personal seal of the architect, professional engineer, professional land surveyor,
12 or **professional** landscape architect by whom or under whose immediate
13 personal supervision the same were prepared and provided that the architect or
14 professional engineer or professional land surveyor or **professional** landscape
15 architect who affixes his or her signature and personal seal to any such plans,
16 specifications, estimates, plats, reports or other documents or instruments shall
17 be personally and professionally responsible [therefor] **therefore**.

18 2. Any domestic corporation formed under the corporation law of this
19 state, or any foreign corporation, now or hereafter organized and having as one
20 of its purposes the practicing of architecture or professional engineering or
21 professional land surveying or **professional** landscape architecture and any
22 existing corporation which amends its charter to propose to practice architecture
23 or professional engineering or professional land surveying or **professional**
24 landscape architecture shall obtain a certificate of authority for each profession
25 named in the articles of incorporation or articles of organization from the board
26 which shall be renewed in accordance with the provisions of section 327.171 or

27 327.261 or 327.351, as the case may be, and from and after the date of such
28 certificate of authority and while the authority or a renewal thereof is in effect,
29 may offer and render architectural or professional engineering or professional
30 land surveying or **professional** landscape architectural services in this state if:

31 (1) At all times during the authorization or any renewal thereof the
32 directors of the corporation shall have assigned responsibility for the proper
33 conduct of all its architectural or professional engineering or professional land
34 surveying or **professional** landscape architectural activities in this state to an
35 architect licensed and authorized to practice architecture in this state or to a
36 professional engineer licensed and authorized to practice engineering in this state
37 or to a professional land surveyor licensed and authorized to practice professional
38 land surveying in this state, or to a **professional** landscape architect licensed
39 and authorized to practice **professional** landscape architecture in this state, as
40 the case may be; and

41 (2) The person or persons who is or are personally in charge and
42 supervises or supervise the architectural or professional engineering or
43 professional land surveying or **professional** landscape architectural activities,
44 as the case may be, of any such corporation in this state shall be licensed and
45 authorized to practice architecture or professional engineering or professional
46 land surveying or **professional** landscape architecture, as the case may be, as
47 provided in this chapter; and

48 (3) The corporation pays such fees for the certificate of authority, renewals
49 or reinstatements thereof as are required.

327.411. 1. Each architect and each professional engineer and each
2 professional land surveyor and each **professional** landscape architect shall have
3 a personal seal in a form prescribed by the board, and he or she shall affix the
4 seal to all final [documents including, but not limited to, plans, specifications,
5 estimates, plats, reports, surveys, proposals and other documents or instruments]
6 **technical submissions. Technical submissions shall include, but are not**
7 **limited to, drawings, specifications, plats, surveys, exhibits, reports,**
8 **and certifications of construction** prepared by the licensee, or under such
9 licensee's immediate personal supervision. Such licensee shall either prepare or
10 personally supervise the preparation of all documents sealed by the licensee, and
11 such licensee shall be held personally responsible for the contents of all such
12 documents sealed by such licensee, whether prepared or drafted by another
13 licensee or not.

14 2. The personal seal of an architect or professional engineer or
15 professional land surveyor or **professional** landscape architect shall be the legal
16 equivalent of the licensee's signature whenever and wherever used, and the owner
17 of the seal shall be responsible for the architectural, engineering, **land** surveying,
18 or landscape architectural documents, as the case may be, when the licensee
19 places his or her personal seal on such [plans, specifications, estimates, plats,
20 reports, surveys or other documents or instruments for, or] **technical**
21 **submissions** to be used in connection with, any architectural or engineering
22 project, survey, or landscape architectural project. Licensees shall undertake to
23 perform architectural, professional engineering, professional land surveying and
24 **professional** landscape architectural services only when they are qualified by
25 education, training, and experience in the specific technical areas involved.

26 3. Notwithstanding any provision of this section, any architect,
27 professional engineer, professional land surveyor, or **professional** landscape
28 architect may, but is not required to, attach a statement over his or her
29 signature, authenticated by his or her personal seal, specifying the particular
30 [plans, specifications, plats, reports, surveys or other documents or instruments]
31 **technical submissions**, or portions thereof, intended to be authenticated by the
32 seal, and disclaiming any responsibility for all other [plans, specifications,
33 estimates, reports, or other documents or instruments] **technical submissions**
34 relating to or intended to be used for any part or parts of the architectural or
35 engineering project or survey or landscape architectural project.

36 4. Nothing in this section, or any rule or regulation of the board shall
37 require any professional to seal preliminary or incomplete documents.

327.421. This state and its political subdivisions including counties, cities
2 and towns, or legally constituted boards, agencies, districts, commissions and
3 authorities of this state shall not engage in the construction of public works
4 involving the practice of architecture, engineering [or], land surveying, **or**
5 **landscape architecture**, unless the architectural [and], engineering, **and**
6 **landscape architectural** drawings, specifications and estimates and the plats
7 and surveys have been prepared by an architect, professional engineer [or],
8 professional land surveyor, **or professional landscape architect** whose license
9 is current and in good standing, as the case may require.

327.442. 1. At such time as the final trial proceedings are concluded
2 whereby a licensee, or any person who has failed to renew or has surrendered his
3 or her certificate of licensure or authority, has been adjudicated and found guilty,

4 or has entered a plea of guilty or nolo contendere, in a felony prosecution
5 pursuant to the laws of this state, the laws of any other state, territory, or the
6 laws of the United States of America for any offense reasonably related to the
7 qualifications, functions, or duties of a licensee pursuant to this chapter or any
8 felony offense, an essential element of which is fraud, dishonesty, or an act of
9 violence, or for any felony offense involving moral turpitude, whether or not
10 sentence is imposed, the board for architects, professional engineers, professional
11 land surveyors and **professional** landscape architects may hold a disciplinary
12 hearing to singly or in combination censure or place the licensee named in the
13 complaint on probation on such terms and conditions as the board deems
14 appropriate for a period not to exceed five years, or may suspend, for a period not
15 to exceed three years, or revoke the license or certificate.

16 2. Anyone who has been revoked or denied a license or certificate to
17 practice in another state may automatically be denied a license or certificate to
18 practice in this state. However, the board for architects, professional engineers,
19 professional land surveyors and **professional** landscape architects may establish
20 other qualifications by which a person may ultimately be qualified and licensed
21 to practice in Missouri.

327.451. 1. Any person who believes that an architect or a professional
2 engineer or a professional land surveyor **or a professional landscape**
3 **architect** has acted or failed to act so that his or her license or certificate of
4 authority should, pursuant to the provisions of this chapter, be suspended or
5 revoked, or who believes that any applicant for a license or certificate of authority
6 pursuant to the provisions of this chapter is not entitled to a license or a
7 certificate of authority, may file a written affidavit with the executive director of
8 the board which the affiant shall sign and swear to and in which the affiant shall
9 clearly set forth the reasons for the affiant's charge or charges that the license or
10 certificate of an architect or professional engineer or professional land surveyor
11 should be suspended or revoked or not renewed or that a license or certificate
12 should not be issued to an applicant.

13 2. If the affidavit so filed does not contain statements of fact which if true
14 would authorize, pursuant to the provisions of this chapter, suspension or
15 revocation of the accused's license or certificate, or does not contain statements
16 of fact which if true would authorize, pursuant to the provisions of this chapter,
17 the refusal of the renewal of an existing license or certificate or the refusal of a
18 license or certificate to an applicant, the board shall either dismiss the charge or

19 charges or, within its discretion, cause an investigation to be made of the charges
20 contained in the affidavit, after which investigation the board shall either dismiss
21 the charge or charges or proceed against the accused by written complaint as
22 provided in subsection 3 of this section.

23 3. If the affidavit contains statements of fact which if true would
24 authorize pursuant to the provisions of this chapter the revocation or suspension
25 of an accused's license or certificate, the board shall cause an investigation to be
26 made of the charge or charges contained in the affidavit and unless the
27 investigation discloses the falsity of the facts upon which the charge or charges
28 in the affidavit are based, the board shall file with and in the administrative
29 hearing commission a written complaint against the accused setting forth the
30 cause or causes for which the accused's license or certificate of authority should
31 be suspended or revoked. Thereafter, the board shall be governed by and shall
32 proceed in accordance with the provisions of chapter 621.

33 4. If the charges contained in the affidavit filed with the board would
34 constitute a cause or causes for which pursuant to the provisions of this chapter
35 an accused's license or certificate of authority should not be renewed or a cause
36 or causes for which pursuant to the provisions of this chapter a certificate should
37 not be issued, the board shall cause an investigation to be made of the charge or
38 charges and unless the investigation discloses the falsity of the facts upon which
39 the charge or charges contained in the affidavit are based, the board shall refuse
40 to permit an applicant to be examined upon the applicant's qualifications for
41 licensure or shall refuse to issue or renew a license or certificate of authority, as
42 the case may require.

43 5. The provisions of this section shall not be so construed as to prevent
44 the board on its own initiative from instituting and conducting investigations and
45 based thereon to make written complaints in and to the administrative hearing
46 commission.

47 6. If for any reason the provisions of chapter 621 become inapplicable to
48 the board, then, and in that event, the board shall proceed to charge, adjudicate
49 and otherwise act in accordance with the provisions of chapter 536.

327.461. Every contract for architectural or engineering or land surveying
2 **or landscape architectural** services entered into by any person who is not an
3 architect or professional engineer or professional land surveyor **or professional**
4 **landscape architect**, as the case may be, and who is not exempt from the
5 provisions of this chapter, shall be unenforceable by the unlicensed or

6 unauthorized person, whether in contract, quantum meruit or other legal theory,
7 regardless of whether a benefit has been conferred.

327.600. As used in sections 327.600 to 327.635, the following terms
2 mean:

3 (1) ["Landscape architecture", the performance of professional services,
4 including but not limited to consultations, research, planning, design or
5 responsible supervision in connection with the development of land, in which the
6 dominant purpose of such professional services is the preservation, enhancement
7 or determination of land uses, natural land features, ground cover and planting,
8 naturalistic and esthetic value, settings and approaches to structures or other
9 improvements, natural drainage and the consideration and determination of
10 inherent problems of the land relating to erosion, wear and tear, blight or other
11 hazard;

12 (2)] "Practice of **professional** landscape architecture", the location and
13 arrangement of such tangible objects and features as are [incidental and]
14 necessary to the purposes specified in the definition of landscape architecture, but
15 shall not include the design of structures or facilities with separate and
16 self-contained purposes such as are ordinarily included in the practice of
17 engineering or architecture, and shall not include the making of final land plats
18 for official approval or recording;

19 (2) "**Professional landscape architecture**", the performance of
20 **professional services, including but not limited to consultations,**
21 **research, analysis, planning, design, or responsible supervision in**
22 **connection with feasibility studies, design surveys, formulation of**
23 **graphic and written criteria to govern the planning and design of land**
24 **construction programs, preparation, review, and analysis of master**
25 **plans for land use and development, production of site plans, landscape**
26 **grading and landscape drainage plans, irrigation plans, planting plans,**
27 **and construction details, specifications, and reports for land**
28 **development, design coordination, construction observation and the**
29 **inspection of landscape architectural construction for the purpose of**
30 **compliance with drawings and specifications.**

327.603. 1. [One year from the appointment of the landscape architecture
2 division,] No person shall practice or offer to practice, or hold himself or herself
3 out as a **professional** landscape architect or as being able to practice landscape
4 architecture in this state or to use in connection with his or her name or

5 otherwise assume, or advertise unless he or she is licensed as required by this
6 chapter. Nothing in sections 327.600 to 327.635 shall be construed to require
7 licensing of employees of the state of Missouri or its political subdivisions while
8 performing duties for the state of Missouri or a political subdivision, provided the
9 project does not jeopardize the public health, safety and welfare. Sections
10 327.600 to 327.635 shall not be construed to prohibit those persons engaged in
11 nursery occupations, gardeners, landscape contractors, home builders or
12 residential developers from preparing planting plans and items incidental
13 thereto, provided the project scope does not jeopardize the public health, safety
14 and welfare; nor shall sections 327.600 to 327.635 be construed to prevent the
15 practice of any other legally recognized profession as governed by applicable
16 law. Nothing contained in this section shall under any circumstances be
17 construed as in anyway affecting the laws relating to the practice, licensing,
18 certification or registration of architects, **professional** engineers and
19 **professional** land surveyors. An architect, **professional** engineer or
20 **professional** land surveyor licensed, certified or registered to practice his or her
21 profession or occupation pursuant to the provisions of any law to regulate the
22 practice of such profession or occupation is exempt from licensing as a
23 **professional** landscape architect, and nothing contained in this section shall
24 under any circumstances be construed as in anyway precluding an architect or
25 **professional** engineer from performing any of the services included within the
26 definition of the term landscape architecture in section 327.600.

27 2. [The licensure requirement shall be waived for those persons who hold
28 a current registration by the division as a landscape architect on or before August
29 28, 2001, provided that application is made on a form prescribed by the board on
30 or before December 31, 2002. The licensure requirement shall be waived for those
31 persons whose certificates of registration have expired on or before August 28,
32 2002, by being approved by the board for reinstatement of expired registration
33 and then making application for licensure on a form prescribed by the board on
34 or before December 31, 2002.] **Professional landscape architects shall be in**
35 **responsible charge of all landscape architectural designs that can affect**
36 **the health, safety, and welfare of the public within their scope of**
37 **practice.**

327.607. The board shall conduct all examinations, determine which
2 applicants have successfully passed the examinations and recommend each such
3 applicant to the division for licensure as a **professional** landscape

4 architect. The board may obtain the services of specially trained and qualified
5 persons or organizations to assist in conducting examinations of applicants for
6 licensure. Certification of an applicant's technical qualifications by the [council
7 of landscape architectural registration boards] **Council of Landscape**
8 **Architectural Registration Boards (CLARB)** may be accepted by this state's
9 board as establishing such qualifications and the applicant shall not be required
10 to pass any further examination.

327.612. Any person who is of good moral character, has attained the age
2 of twenty-one years, and has a degree in landscape architecture from an
3 accredited school of landscape architecture and has acquired at least three years
4 satisfactory landscape architectural experience after acquiring such a degree may
5 apply to the board for [examination and] licensure as a **professional** landscape
6 architect.

327.615. Applications for [examinations and] licensure as a **professional**
2 landscape architect shall be typewritten on forms approved by the board. The
3 application shall contain the applicant's statements showing the applicant's
4 education, experience, results of previous **professional** landscape architectural
5 licensing examinations, if any, and such other pertinent information as the board
6 may require. Each application shall contain a statement that it is made under
7 oath or affirmation and that its representations are true and correct to the best
8 knowledge and belief of the person signing the application subject to the penalties
9 of making a false affidavit or declaration, and shall be accompanied by the
10 required fee.

327.617. 1. After [the board] it has **been** determined [upon such inquiry
2 and by such methods as it may consider proper] that an applicant possesses the
3 qualifications entitling the applicant to be examined, each applicant for
4 examination and licensure as a **professional** landscape architect shall appear
5 before the board or its representatives for examination at the time and place
6 specified [by the board in a written notice to each such applicant, provided that
7 an examination shall be given at least once in each calendar year].

8 2. The [written] examination shall be of such form, content and duration
9 as determined by the **professional landscape architectural division of the**
10 board to thoroughly test the qualifications of each applicant **to practice**
11 **landscape architecture in Missouri.**

12 3. **An applicant to be eligible for licensure shall make a passing**
13 **grade on each examination. The "passing grade" shall be fixed by the**

14 **board but it shall never be higher than the current "passing grade"**
15 **determined by the Council of Landscape Architectural Registration**
16 **Boards.**

17 4. Any person who passes the examination prescribed by the board shall
18 be entitled to be licensed as a **professional** landscape architect in Missouri,
19 subject to the other provisions of sections 327.600 to 327.635.

327.619. If an applicant fails to pass the examination, [he] **such**
2 **applicant** may [make application for reexamination on a form furnished to the
3 applicant, and may] take another examination at the next scheduled examination.

327.621. 1. The professional license issued to every **professional**
2 landscape architect in Missouri, and certificates of authority issued to
3 corporations under section 327.401, shall be renewed on or before the license
4 renewal date, provided that the required fee is paid. The board may establish,
5 by rule, continuing education requirements as a condition to renewing the license
6 of a **professional** landscape architect, provided that the board shall not require
7 more than thirty such hours. The license of a **professional** landscape architect
8 or the certificate of authority issued to any corporation which is not renewed
9 [within three months of] **by** the renewal date shall [be suspended automatically,
10 subject to the right of the holder thereof to have such suspended license
11 reinstated within nine months of the date of suspension, if the reinstatement fee
12 is paid. Any license or certificate of authority suspended and not reinstated
13 within nine months of the suspension date shall] expire **on the renewal date**
14 and be void and the holder thereof shall have no rights or privileges thereunder;
15 provided, however, any person or corporation whose license has expired under
16 this section may within **three months of the certificate renewal date or at**
17 the discretion of the board, upon payment of the fee, be **renewed**, relicensed, or
18 reauthorized under such person's or such corporation's original license number.

19 2. Each application for the renewal of a license shall be on a form
20 furnished to the applicant and shall be accompanied by the required fee, but no
21 renewal fee need be paid by any **professional** landscape architect over the age
22 of seventy-five.

327.622. 1. A **professional** landscape architect licensed in this state may
2 apply to the board for inactive license status on a form furnished by the
3 board. Upon receipt of the completed inactive status application form and the
4 board's determination that the licensee meets the requirements established by
5 rule, the board shall declare the licensee inactive and shall place the licensee on

6 an inactive status list. A person whose license is inactive shall not offer or
7 practice landscape architecture within this state, but may continue to use the
8 title "**professional** landscape architect" **or the initials "PLA" after such**
9 **person's name.**

10 2. If a licensee is granted inactive status, the licensee may return to
11 active status by notifying the board in advance of such intention by paying
12 appropriate fees as determined by the board, and by meeting all established
13 requirements of the board including the demonstration of current knowledge,
14 competency, and skill in the practice of landscape architecture as a condition of
15 **[reinstatement] reactivation.**

16 3. In the event an inactive licensee does not maintain a current license
17 in any state for a five-year period immediately prior to requesting **[reinstatement]**
18 **reactivation**, that person may be required to take an examination as the board
19 deems necessary to determine such person's qualifications. Such examination
20 shall cover areas designed to demonstrate proficiency in the knowledge of current
21 methods of landscape architecture.

327.629. No person shall practice as a **professional** landscape architect
2 in Missouri as defined in section 327.600 unless and until the board has issued
3 to him or her a license **or certificate of authority** certifying that he or she has
4 been duly licensed as a **professional** landscape architect in Missouri, and unless
5 such licensure has been renewed as provided in section 327.621; provided,
6 however, that nothing in sections 327.600 to 327.635 shall be construed [as
7 authorizing a landscape architect to engage in the practice of architecture,
8 engineering, land surveying or to affect or prevent the practice of architecture by
9 an architect licensed pursuant to the laws of this state, or to affect or prevent the
10 practice of engineering by a professional engineer licensed pursuant to the laws
11 of this state, or to affect or prevent the practice of land surveying by a land
12 surveyor licensed pursuant to the laws of this state; or to apply to any person
13 licensed as an architect, professional engineer or land surveyor in this state
14 except that] **to require licensing of a person or corporation who is**
15 **offering, but not performing or rendering, landscape architectural**
16 **services if the person or corporation is licensed to practice landscape**
17 **architecture in the state or country of residence or principal place of**
18 **business.** No person shall hold themselves out to be a **professional** landscape
19 architect unless licensed pursuant to the provisions of sections 327.600 to
20 327.635.

327.630. The right to practice as a **professional** landscape architect shall
2 be deemed a personal right, based upon the qualifications of the individual,
3 evidenced by his or her license and shall not be transferable; provided, however,
4 that any licensed **professional** landscape architect may practice his or her
5 profession through the medium of, or as a member or as an employee of, a
6 partnership or corporation.

327.635. Nothing contained in sections 327.600 to 327.635 shall be
2 considered as a directive to any state department of administration or any
3 political subdivision thereof to employ a **professional** landscape architect.

[327.391. The board shall upon application issue a license
2 to any individual who has at least twenty years of satisfactory
3 experience, and who passes the Fundamentals of Land Surveying
4 examination, the Professional Land Surveying examination, and
5 the Missouri state specific examination provided that any such
6 application is accompanied by the required fee.]

[327.623. The board may license, in its discretion and
2 without examination, any landscape architect certified, licensed or
3 registered in another state or territory of the United States when
4 such applicant has qualifications which are at least equivalent to
5 the requirements for licensure as a landscape architect in this
6 state.]

[327.631. 1. The board may refuse to issue any license
2 required pursuant to section 327.629, or renewal or reinstatement
3 thereof, for one or any combination of causes stated in subsection
4 2 of this section. The board shall notify the applicant in writing of
5 the reasons for the refusal and shall advise the applicant of his or
6 her right to file a complaint with the administrative hearing
7 commission as provided by chapter 621.

2. The board may cause a complaint to be filed with the
8 administrative hearing commission as provided by chapter 621
9 against any holder of any license required by section 327.629 or
10 any person who has failed to renew or has surrendered his or her
11 license for any one or any combination of the following causes:

13 (1) The person has been finally adjudicated and found
14 guilty, or entered a plea of guilty or nolo contendere, in a criminal
15 prosecution pursuant to the laws of any state or of the United

16 States, for any offense reasonably related to the qualifications,
17 functions or duties of the profession regulated pursuant to sections
18 327.600 to 327.635, for any offense an essential element of which
19 is fraud, dishonesty or an act of violence, or for any offense
20 involving moral turpitude, whether or not sentence is imposed;

21 (2) Use of fraud, deception, misrepresentation or bribery in
22 securing any license or authority, permit or license issued pursuant
23 to sections 327.600 to 327.635 or in obtaining permission to take
24 any examination given or required pursuant to sections 327.600 to
25 327.635;

26 (3) Obtaining or attempting to obtain any fee, charge,
27 tuition or other compensation by fraud, deception or
28 misrepresentation;

29 (4) Incompetency, misconduct, gross negligence, fraud,
30 misrepresentation or dishonesty in the performance of the
31 functions or duties of the profession regulated by sections 327.600
32 to 327.635;

33 (5) Violation of, or assisting or enabling any person to
34 violate, any provision of sections 327.600 to 327.635, or of any
35 lawful rule or regulation adopted pursuant to such sections;

36 (6) Impersonation of any person holding a license or
37 authority, permit or license allowing any person to use his or her
38 certificate or diploma from any school;

39 (7) Disciplinary action against the holder of a license or
40 other right to practice the profession regulated by sections 327.600
41 to 327.635 granted by another state, territory, federal agency, or
42 country upon grounds for which revocation or suspension is
43 authorized in this state;

44 (8) A person is finally adjudged insane or incompetent by
45 a court of competent jurisdiction;

46 (9) Issuance of a license based upon a material mistake of
47 fact;

48 (10) Use of any advertisement or solicitation which is false,
49 misleading or deceptive to the general public or persons to whom
50 the advertisement or solicitation is primarily directed.

51 3. After the filing of such complaint, the proceedings shall

52 be conducted in accordance with the provisions of chapters 536 and
53 621. Upon a finding by the administrative hearing commission
54 that the grounds, provided in subsection 2 of this section, for
55 disciplinary action are met, the board may censure or place the
56 person named in the complaint on probation on such terms and
57 conditions as the board deems appropriate for a period not to
58 exceed five years, or may suspend, for a period not to exceed three
59 years, or revoke the license.]

Unofficial ✓

Bill

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