

SECOND REGULAR SESSION

SENATE BILL NO. 992

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BURLISON.

Read 1st time February 11, 2020, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5222S.011

AN ACT

To repeal sections 327.011, 327.091, 327.101, 327.131, 327.191, 327.241, and 327.612, RSMo, and to enact in lieu thereof seven new sections relating to licensing of architects, engineers, and landscape architects.

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

Section A. Sections 327.011, 327.091, 327.101, 327.131, 327.191, 327.241, and 327.612, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as sections 327.011, 327.091, 327.101, 327.131, 327.191, 327.241, and 327.612, to read as follows:

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

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

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

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

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

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) "Design coordination", the review and coordination of technical
25 submissions prepared by others including, as appropriate and without limitation,
26 architects, professional engineers, professional land surveyors, professional
27 landscape architects, and other consultants;

28 (8) "Design survey", a survey which includes all activities required to
29 gather information to support the sound conception, planning, design,
30 construction, maintenance, and operation of design projects, but excludes the
31 surveying of real property for the establishment of land boundaries, rights-of-way,
32 easements, and the dependent or independent surveys or resurveys of the public
33 land survey system;

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

44 (10) "Licensee", a person licensed to practice any profession regulated
45 under this chapter or a corporation authorized to practice any such profession;

46 (11) "Partnership", any partnership or limited liability partnership;

47 (12) "Person", any [person] **individual**, corporation, firm, partnership,
48 association or other entity **authorized to do business**;

49 (13) "Professional engineer", any person authorized pursuant to the
50 provisions of this chapter to practice as a professional engineer in Missouri, as
51 the practice of engineering is defined in section 327.181;

52 (14) "Professional land surveyor", any person authorized pursuant to the

53 provisions of this chapter to practice as a professional land surveyor in Missouri
54 as the practice of land surveying is defined in section 327.272;

55 (15) "Professional landscape architect", any person authorized pursuant
56 to the provisions of this chapter to practice as a professional landscape architect
57 in Missouri as the practice of landscape architecture is defined in section 327.600;

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

327.091. 1. [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] **The**
14 **practice of architecture is the rendering of or offering to render**
15 **services in connection with the design and construction of public and**
16 **private buildings, structures and shelters, site improvements, in whole**
17 **or part and including any additions or alterations thereto, which**
18 **services are required by state law or local ordinance to be performed**
19 **by a licensed architect, as well as to the spaces within and the site**
20 **surrounding such buildings and structures, which have as their**
21 **principal purpose human occupancy or habitation. The services**
22 **referred to may include consultation, design surveys, feasibility studies,**
23 **evaluation, planning, aesthetic and structural design, preliminary**
24 **design, drawings, specifications, technical submissions and other**
25 **instruments of service, the administration of construction contracts,**
26 **construction observation and inspection, and the coordination of any**
27 **elements of technical submissions prepared by others, including**
28 **professional engineers, landscape architects and other consultants that**

29 **pertain to the practice of architecture. A person shall be considered to**
30 **be practicing architecture when such person uses the title "architect"**
31 **or the terms "architect" or "architecture" or "architectural" alone or**
32 **together with any words other than "landscape" to indicate or imply**
33 **that such person is or holds himself or herself out to be an**
34 **architect. Only a person with the required architectural education,**
35 **practical training, relevant work experience, and licensure may**
36 **practice as an architect in Missouri.**

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

327.101. 1. No person shall practice architecture in Missouri as defined
2 in 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 2. **Notwithstanding the provisions of subsection 1 of this section,**
8 **the following persons may engage in actions defined as the practice of**
9 **architecture in section 327.091, provided that such persons shall not**
10 **use the title "architect" or the terms "architect" or "architecture" or**
11 **"architectural" alone or together with any words other than "landscape"**
12 **that indicate or imply that such person is or holds himself or herself**
13 **out to be an architect:**

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

20 (2) [Any person who is a regular full-time employee who performs
21 architectural work for the person's employer if and only if all such work and
22 service so performed is in connection with a facility owned or wholly operated by
23 the employer and which is occupied by the employer of the employee performing
24 such work or service, and if and only if such work and service so performed do not
25 endanger the public health or safety] **Any person who renders architectural**

26 **services in connection with the construction, remodeling, or repairing**
27 **of any building or structure used exclusively for agriculture purposes;**

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

32 (4) Any person who is a professional landscape architect, city planner or
33 regional planner who performs work consisting only of consultations concerning
34 and preparation of master plans for parks, land areas or communities, or the
35 preparation of plans for and the supervision of the planting and grading or the
36 construction of walks and paving for parks or land areas and such other minor
37 structural features as fences, steps, walls, small decorative pools and other
38 construction not involving structural design or stability and which is usually and
39 customarily included within the area of work of a professional landscape architect
40 or planner;

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

46 (a) A dwelling house; or

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

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

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

55 (e) A building or structure used exclusively for farm purposes] **Any one**
56 **building or structure, except for those buildings or structures**
57 **referenced in subdivision (2) of this subsection, which provides for the**
58 **employment, assembly, housing, sleeping, or eating of not more than**
59 **nine persons, contains less than two thousand square feet, and is not**
60 **part of another building structure;**

61 (6) Any person who renders architectural services in connection with the

62 remodeling or repairing of any privately owned multiple family dwelling house,
63 flat or apartment containing three or four families, provided that the alteration,
64 renovation, or remodeling does not affect architectural or engineering safety
65 features of the building and who indicates on any drawings, specifications,
66 estimates, reports or other documents furnished in connection with such services
67 that the person is not a licensed architect;

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

327.131. Any person may apply to the board for licensure as an architect
2 who is over the age of twenty-one, is of good moral character, has acquired an
3 accredited degree from an accredited degree program from a school of
4 architecture, holds a certified Intern Development Program (IDP) or
5 **Architectural Experience Program (AXP)** record with the National Council
6 of Architectural Registration Boards, and has taken and passed all divisions of
7 the Architect Registration Examination.

327.191. 1. No person shall practice as a professional engineer in
2 Missouri, as defined in section 327.181 unless and until there is issued to such
3 person a professional license or a certificate of authority certifying that such
4 person has 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 **2. Notwithstanding the provisions of subsection 1 of this section,**
9 **the following persons may engage in actions defined as the practice of**
10 **professional engineering in section 327.181, provided that such persons**
11 **shall not use the title "professional engineer" or "consulting engineer"**
12 **or the word "engineer" alone or preceded by any word indicating or**
13 **implying that such person is or holds himself or herself out to be a**
14 **professional engineer, or use any word or words, letters, figures,**
15 **degrees, titles or other description indicating or implying that such**
16 **person is a professional engineer or is willing or able to practice**
17 **engineering:**

18 (1) Any person who is an employee of a person holding a currently valid
19 license as a professional engineer or who is an employee of a person holding a

20 currently valid certificate of authority pursuant to this chapter, and who performs
21 professional engineering work under the direction and continuing supervision of
22 and is checked by one holding a currently valid license as a professional engineer
23 pursuant to this chapter;

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

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

38 (4) Any holder of a currently valid license or certificate of authority as an
39 architect, professional land surveyor, or professional landscape architect who
40 performs only such engineering as incidental practice and necessary to the
41 completion of professional services lawfully being performed by such architect,
42 professional land surveyor, or professional landscape architect;

43 (5) **Any person who renders engineering services in connection
44 with the construction, remodeling, or repairing of any privately owned
45 building described as follows, and who indicates on any drawings,
46 specifications, estimates, reports, or other documents furnished in
47 connection with such services that the person is not a licensed
48 professional engineer:**

49 (a) A dwelling house;

50 (b) A multiple family dwelling house, flat, or apartment
51 containing no more than two families; or

52 (c) Any one building or structure, except for those buildings or
53 structures referenced in subdivision (2) of this subsection, which
54 provides for the employment, assembly, housing, sleeping or eating of
55 not more than nine persons, contains less than two thousand square

56 feet, and is not part of another building structure;

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

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

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

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

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

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

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

23 6. Notwithstanding the provisions of subsections 4 and 5 of this section,

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

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

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

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], **or possesses an education**
4 **which in the opinion of the board equals or exceeds the education**
5 **received by a graduate of an accredited school**, has acquired at least three
6 years satisfactory landscape architectural experience after acquiring such a
7 degree, **and who has taken and passed all sections of the landscape**
8 **architectural registration examination administered by the Council of**
9 **Landscape Architectural Registration Boards** may apply to the board for
10 licensure as a professional landscape architect.

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