

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 257

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Section A. Sections 327.011, 327.091, 327.101, 327.131, 327.191, 327.241, and 327.612, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as sections 327.011, 327.091, 327.101, 327.131, 327.191, 327.241, and 327.612, to read as follows: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

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

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

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

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

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

(9) "Incidental practice", the performance of other professional services licensed under chapter 327 that are related to a licensee's professional service, but are secondary and substantially less in scope and magnitude when compared to the professional services usually and normally performed by the licensee practicing in their licensed profession. This incidental professional service shall be safely and competently performed by the licensee without

jeopardizing the health, safety, and welfare of the public. The licensee shall be qualified by education, training, and experience as determined by the board and in sections 327.091, 327.181, 327.272, and 327.600 and applicable board rules to perform such incidental professional service;

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

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

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

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

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

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

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

327.091. 1. [Any person practices as an architect in Missouri who renders or offers to render or represents himself or herself as willing or able to render service or

creative work which requires architectural education, training and experience, including services and work such as consultation, evaluation, planning, aesthetic and structural design, the preparation of drawings, specifications and related documents, and the coordination of services furnished by structural, civil, mechanical and electrical engineers and other consultants as they relate to architectural work in connection with the construction or erection of any private or public building, building structure, building project or integral part or parts of buildings or of any additions or alterations thereto; or who uses the title "architect" or the terms "architect" or "architecture" or "architectural" alone or together with any words other than "landscape" that indicate or imply that such person is or holds himself or herself out to be an architect] The practice of architecture is the rendering of or offering to render services in connection with the design and construction of public and private buildings, structures and shelters, site improvements, in whole or part and including any additions or alterations thereto, as well as to the spaces within and the site surrounding such buildings and structures, which have as their principal purpose human occupancy or habitation. The services referred to include consultation, design surveys, feasibility studies, evaluation, planning, aesthetic and structural design, preliminary design, drawings, specifications, technical submissions, and other instruments of service, the administration of construction contracts, construction observation and inspection, and the coordination of any elements of technical submissions prepared by others, including professional engineers, landscape architects, and other consultants that pertain to the practice of architecture. A person shall be considered to be practicing

architecture when such person uses the title "architect" or the terms "architect" or "architecture" or "architectural" alone or together with any words other than "landscape" to indicate or imply that such person is or holds himself or herself out to be an architect. Only a person with the required architectural education, practical training, relevant work experience, and licensure may practice as an architect in Missouri.

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

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

2. Notwithstanding the provisions of subsection 1 of this section, the following persons may engage in actions defined as the practice of architecture in section 327.091, provided that such persons shall not use the title "architect" or the terms "architect" or "architecture" or "architectural" alone or together with any words other than "landscape" that indicate or imply that such person is or holds himself or herself out to be an architect:

(1) Any person who is an employee of a person holding a currently valid license as an architect or who is an employee of any person holding a currently valid certificate of authority pursuant to this chapter, and who performs architectural work under the direction and continuing

supervision of and is checked by one holding a currently valid license as an architect pursuant to this chapter;

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

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

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

(5) Any person who renders architectural services in connection with the construction, remodeling or repairing of any privately owned building described in paragraphs (a), (b), or (c) [, (d), and (e)] which follow, and who indicates on any drawings, specifications, estimates, reports or other

documents furnished in connection with such services that the person is not a licensed architect:

(a) A dwelling house; or

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

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

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

(e) A building or structure used exclusively for farm purposes] Any one building or structure, except for those buildings or structures referenced in subdivision (8) of this subsection, which provides for the employment, assembly, housing, sleeping, or eating of not more than nine persons, contains less than two thousand square feet, and is not part of another building or structure;

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

(7) Any person or corporation who is offering, but not performing or rendering, architectural services if the person or corporation is licensed to practice architecture

in the state or country of residence or principal place of business; or

(8) Any person who renders architectural services in connection with the construction, remodeling, or repairing of any building or structure used exclusively for agriculture purposes.

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

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

2. Notwithstanding the provisions of subsection 1 of this section, the following persons may engage in actions defined as the practice of professional engineering in section 327.181, provided that such persons shall not use the title "professional engineer" or "consulting engineer" or the word "engineer" alone or preceded by any word indicating or implying that such person is or holds himself or herself out to be a professional engineer, or use any word or words, letters, figures, degrees, titles, or other

description indicating or implying that such person is a professional engineer or is willing or able to practice engineering:

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

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

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

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

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

(a) A dwelling house;

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

(c) Any one building or structure, except for those buildings or structures referenced in subdivision (8) of this subsection, which provides for the employment, assembly, housing, sleeping, or eating of not more than nine persons, contains less than two thousand square feet, and is not part of another building or structure;

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

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

(8) Any person who renders engineering services in connection with the construction, remodeling, or repairing

of any building or structure used exclusively for agricultural purposes.

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

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

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

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

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

6. Notwithstanding the provisions of subsections 4 and 5 of this section, the board may, in its discretion, provide

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

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

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

327.612. Any person who [has attained the age of twenty-one years, and] has a degree in landscape architecture from an accredited school of landscape architecture [and], or possesses an education which in the opinion of the board equals or exceeds the education received by a graduate of an accredited school, has acquired at least three years satisfactory landscape architectural

experience after acquiring such a degree, and who has taken and passed all sections of the landscape architectural registration examination administered by the Council of Landscape Architectural Registration Boards may apply to the board for licensure as a professional landscape architect.