

FIRST REGULAR SESSION

SENATE BILL NO. 257

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR BURLISON.

0883S.02I

ADRIANE D. CROUSE, Secretary

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,
2 327.191, 327.241, and 327.612, RSMo, are repealed and seven new
3 sections enacted in lieu thereof, to be known as sections
4 327.011, 327.091, 327.101, 327.131, 327.191, 327.241, and
5 327.612, to read as follows:

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

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

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

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

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

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

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

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

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

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

44 (9) "Incidental practice", the performance of other
45 professional services licensed under chapter 327 that are
46 related to a licensee's professional service, but are
47 secondary and substantially less in scope and magnitude when

48 compared to the professional services usually and normally
49 performed by the licensee practicing in their licensed
50 profession. This incidental professional service shall be
51 safely and competently performed by the licensee without
52 jeopardizing the health, safety, and welfare of the public.
53 The licensee shall be qualified by education, training, and
54 experience as determined by the board and in sections
55 327.091, 327.181, 327.272, and 327.600 and applicable board
56 rules to perform such incidental professional service;

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

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

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

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

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

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

78 (16) "Responsible charge", the independent direct
79 control of a licensee's work and personal supervision of

80 such work pertaining to the practice of architecture,
81 engineering, land surveying, or landscape architecture.

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

31 administration of construction contracts, construction
32 observation and inspection, and the coordination of any
33 elements of technical submissions prepared by others,
34 including professional engineers, landscape architects, and
35 other consultants that pertain to the practice of
36 architecture. A person shall be considered to be practicing
37 architecture when such person uses the title "architect" or
38 the terms "architect" or "architecture" or "architectural"
39 alone or together with any words other than "landscape" to
40 indicate or imply that such person is or holds himself or
41 herself out to be an architect. Only a person with the
42 required architectural education, practical training,
43 relevant work experience, and licensure may practice as an
44 architect in Missouri.

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

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

9 2. Notwithstanding the provisions of subsection 1 of
10 this section, the following persons may engage in actions
11 defined as the practice of architecture in section 327.091,
12 provided that such persons shall not use the title
13 "architect" or the terms "architect" or "architecture" or
14 "architectural" alone or together with any words other than

15 **"landscape" that indicate or imply that such person is or**
16 **holds himself or herself out to be an architect:**

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

24 (2) [Any person who is a regular full-time employee
25 who performs architectural work for the person's employer if
26 and only if all such work and service so performed is in
27 connection with a facility owned or wholly operated by the
28 employer and which is occupied by the employer of the
29 employee performing such work or service, and if and only if
30 such work and service so performed do not endanger the
31 public health or safety] **Any person who renders**
32 **architectural services in connection with the construction,**
33 **remodeling, or repairing of any building or structure used**
34 **exclusively for agriculture purposes;**

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

41 (4) Any person who is a professional landscape
42 architect, city planner or regional planner who performs
43 work consisting only of consultations concerning and
44 preparation of master plans for parks, land areas or
45 communities, or the preparation of plans for and the
46 supervision of the planting and grading or the construction

47 of walks and paving for parks or land areas and such other
48 minor structural features as fences, steps, walls, small
49 decorative pools and other construction not involving
50 structural design or stability and which is usually and
51 customarily included within the area of work of a
52 professional landscape architect or planner;

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

60 (a) A dwelling house; or

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

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

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

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

77 (6) Any person who renders architectural services in
78 connection with the remodeling or repairing of any privately

79 owned multiple family dwelling house, flat or apartment
80 containing three or four families, provided that the
81 alteration, renovation, or remodeling does not affect
82 architectural or engineering safety features of the building
83 and who indicates on any drawings, specifications,
84 estimates, reports or other documents furnished in
85 connection with such services that the person is not a
86 licensed architect;

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

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

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

11 2. Notwithstanding the provisions of subsection 1 of
12 this section, the following persons may engage in actions
13 defined as the practice of professional engineering in
14 section 327.181, provided that such persons shall not use
15 the title "professional engineer" or "consulting engineer"
16 or the word "engineer" alone or preceded by any word
17 indicating or implying that such person is or holds himself
18 or herself out to be a professional engineer, or use any
19 word or words, letters, figures, degrees, titles, or other
20 description indicating or implying that such person is a
21 professional engineer or is willing or able to practice
22 engineering:

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

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

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

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

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

63 (a) A dwelling house;

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

66 (c) Any one building or structure, except for those
67 buildings or structures referenced in subdivision (2) of
68 this subsection, which provides for the employment,
69 assembly, housing, sleeping, or eating of not more than nine
70 persons, contains less than two thousand square feet, and is
71 not part of another building structure;

72 (6) Any person who renders engineering services in
73 connection with the remodeling or repairing of any privately
74 owned, multiple family dwelling house, flat, or apartment

75 containing three or four families, provided that the
76 alteration, renovation, or remodeling does not affect
77 architectural or engineering safety features of the
78 building, and who indicates on any drawings, specifications,
79 estimates, reports, or other documents furnished in
80 connection with such services that the person is not a
81 licensed professional engineer;

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

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

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

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

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

21 an engineer-intern, subject to the other provisions of this
22 chapter.

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

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

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

50 [8. Any person entitled to be licensed as a
51 professional engineer as provided in subsection 5, 6, or 7
52 of this section must be so licensed within four years after

53 the date on which he or she was so entitled, and if one is
54 not licensed within the time he or she is so entitled, the
55 engineering division of the board may require him to take
56 and satisfactorily pass such further examination as provided
57 by rule before issuing to him a license.]

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

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