

## SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 991

AN ACT

To repeal sections 324.001, 324.028, 324.400, 324.402, 324.403, 324.406, 324.409, 324.412, 324.415, 324.418, 324.421, 324.424, 324.427, 324.430, 324.433, 324.436, 324.439, 327.011, 327.031, 327.041, 327.081, 327.381, 327.411, 327.441, 327.442, 327.451, 537.033, and 621.045, RSMo, and to enact in lieu thereof twenty-three new sections relating to interior designers, with penalty provisions and an effective date for certain sections.

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

Section A. Sections 324.001, 324.028, 324.400, 324.402, 324.403, 324.406, 324.409, 324.412, 324.415, 324.418, 324.421, 324.424, 324.427, 324.430, 324.433, 324.436, 324.439, 327.011, 327.031, 327.041, 327.081, 327.381, 327.411, 327.441, 327.442, 327.451, 537.033, and 621.045, RSMo, are repealed and twenty-three new sections enacted in lieu thereof, to be known as sections 324.001, 324.028, 327.011, 327.031, 327.041, 327.081, 327.381, 327.411, 327.441, 327.442, 327.451, 327.700, 327.705, 327.710, 327.720, 327.725, 327.730, 327.735, 327.740, 327.745, 327.750, 537.033, and 621.045, to read as follows:

324.001. 1. For the purposes of this section, the following terms mean:

(1) "Department", the department of commerce and insurance;

(2) "Director", the director of the division of professional registration; and

(3) "Division", the division of professional registration.

2. There is hereby established a "Division of Professional Registration" assigned to the department of commerce and insurance as a type III transfer, headed by a director appointed by the governor with the advice and consent of the senate. All of the general provisions, definitions and powers enumerated in section 1 of the Omnibus State Reorganization Act of 1974 and Executive Order 06-04 shall apply to this department and its divisions, agencies, and personnel.

3. The director of the division of professional registration shall promulgate rules and regulations which designate for each board or commission assigned to the division the renewal date for licenses or certificates. After the initial establishment of renewal dates, no director of the division shall promulgate a rule or regulation which would change the renewal date for licenses or certificates if such change in renewal date would occur prior to the date on which the renewal date in effect at the time such new renewal date is specified next occurs. Each board or commission shall by rule or regulation establish licensing periods of one, two, or three years. Registration fees set by a board or commission shall be effective for the entire licensing period involved, and shall not be increased during any current licensing period. Persons who are required to pay their first registration fees shall be allowed to pay the pro rata share of such fees for the remainder of the period remaining at the time the fees are paid. Each board or commission shall provide the necessary forms for initial registration, and thereafter the director may prescribe standard forms for renewal of licenses and certificates. Each board or commission shall by rule and regulation require each applicant to provide the information which is required to keep the board's records current. Each

board or commission shall have the authority to collect and analyze information required to support workforce planning and policy development. Such information shall not be publicly disclosed so as to identify a specific health care provider, as defined in section 376.1350. Each board or commission shall issue the original license or certificate.

4. The division shall provide clerical and other staff services relating to the issuance and renewal of licenses for all the professional licensing and regulating boards and commissions assigned to the division. The division shall perform the financial management and clerical functions as they each relate to issuance and renewal of licenses and certificates. "Issuance and renewal of licenses and certificates" means the ministerial function of preparing and delivering licenses or certificates, and obtaining material and information for the board or commission in connection with the renewal thereof to include verifying if the applicant has submitted all required documentation and that the documentation is legible. It does not include any discretionary authority with regard to the original review of an applicant's qualifications for licensure or certification, or the subsequent review of licensee's or certificate holder's qualifications, or any disciplinary action contemplated against the licensee or certificate holder. The division may develop and implement microfilming systems and automated or manual management information systems.

5. The director of the division shall maintain a system of accounting and budgeting, in cooperation with the director of the department, the office of administration, and the state auditor's office, to ensure proper charges are made to the various boards for services rendered to them. The general assembly shall appropriate to the division and

other state agencies from each board's funds moneys sufficient to reimburse the division and other state agencies for all services rendered and all facilities and supplies furnished to that board.

6. For accounting purposes, the appropriation to the division and to the office of administration for the payment of rent for quarters provided for the division shall be made from the "Professional Registration Fees Fund", which is hereby created, and is to be used solely for the purpose defined in subsection 5 of this section. The fund shall consist of moneys deposited into it from each board's fund. Each board shall contribute a prorated amount necessary to fund the division for services rendered and rent based upon the system of accounting and budgeting established by the director of the division as provided in subsection 5 of this section. Transfers of funds to the professional registration fees fund shall be made by each board on July first of each year; provided, however, that the director of the division may establish an alternative date or dates of transfers at the request of any board. Such transfers shall be made until they equal the prorated amount for services rendered and rent by the division. The provisions of section 33.080 to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of general revenue.

7. The director of the division shall be responsible for collecting and accounting for all moneys received by the division or its component agencies. Any money received by a board or commission shall be promptly given, identified by type and source, to the director. The director shall keep a record by board and state accounting system classification of the amount of revenue the director receives. The director shall promptly transmit all receipts to the

department of revenue for deposit in the state treasury to the credit of the appropriate fund. The director shall provide each board with all relevant financial information in a timely fashion. Each board shall cooperate with the director by providing necessary information.

8. All educational transcripts, test scores, complaints, investigatory reports, and information pertaining to any person who is an applicant or licensee of any agency assigned to the division of professional registration by statute or by the department are confidential and may not be disclosed to the public or any member of the public, except with the written consent of the person whose records are involved. The agency which possesses the records or information shall disclose the records or information if the person whose records or information is involved has consented to the disclosure. Each agency is entitled to the attorney-client privilege and work-product privilege to the same extent as any other person. Provided, however, that any board may disclose confidential information without the consent of the person involved in the course of voluntary interstate exchange of information, or in the course of any litigation concerning that person, or pursuant to a lawful request, or to other administrative or law enforcement agencies acting within the scope of their statutory authority. Information regarding identity, including names and addresses, registration, and currency of the license of the persons possessing licenses to engage in a professional occupation and the names and addresses of applicants for such licenses is not confidential information.

9. Any deliberations conducted and votes taken in rendering a final decision after a hearing before an agency assigned to the division shall be closed to the parties and

the public. Once a final decision is rendered, that decision shall be made available to the parties and the public.

10. A compelling governmental interest shall be deemed to exist for the purposes of section 536.025 for licensure fees to be reduced by emergency rule, if the projected fund balance of any agency assigned to the division of professional registration is reasonably expected to exceed an amount that would require transfer from that fund to general revenue.

11. (1) The following boards and commissions are assigned by specific type transfers to the division of professional registration: Missouri state board of accountancy, chapter 326; board of cosmetology and barber examiners, chapters 328 and 329; Missouri board for architects, professional engineers, professional land surveyors [and], professional landscape architects, and licensed interior designers, chapter 327; Missouri state board of chiropractic examiners, chapter 331; state board of registration for the healing arts, chapter 334; Missouri dental board, chapter 332; state board of embalmers and funeral directors, chapter 333; state board of optometry, chapter 336; Missouri state board of nursing, chapter 335; board of pharmacy, chapter 338; state board of podiatric medicine, chapter 330; Missouri real estate appraisers commission, chapter 339; and Missouri veterinary medical board, chapter 340. The governor shall appoint members of these boards by and with the advice and consent of the senate.

(2) The boards and commissions assigned to the division shall exercise all their respective statutory duties and powers, except those clerical and other staff services involving collecting and accounting for moneys and

financial management relating to the issuance and renewal of licenses, which services shall be provided by the division, within the appropriation therefor. Nothing herein shall prohibit employment of professional examining or testing services from professional associations or others as required by the boards or commissions on contract. Nothing herein shall be construed to affect the power of a board or commission to expend its funds as appropriated. However, the division shall review the expense vouchers of each board. The results of such review shall be submitted to the board reviewed and to the house and senate appropriations committees annually.

(3) Notwithstanding any other provisions of law, the director of the division shall exercise only those management functions of the boards and commissions specifically provided in the Reorganization Act of 1974, and those relating to the allocation and assignment of space, personnel other than board personnel, and equipment.

(4) "Board personnel", as used in this section or chapters 317, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, and 345, shall mean personnel whose functions and responsibilities are in areas not related to the clerical duties involving the issuance and renewal of licenses, to the collecting and accounting for moneys, or to financial management relating to issuance and renewal of licenses; specifically included are executive secretaries (or comparable positions), consultants, inspectors, investigators, counsel, and secretarial support staff for these positions; and such other positions as are established and authorized by statute for a particular board or commission. Boards and commissions may employ legal counsel, if authorized by law, and temporary personnel if the board is unable to meet its responsibilities with the

employees authorized above. Any board or commission which hires temporary employees shall annually provide the division director and the appropriation committees of the general assembly with a complete list of all persons employed in the previous year, the length of their employment, the amount of their remuneration, and a description of their responsibilities.

(5) Board personnel for each board or commission shall be employed by and serve at the pleasure of the board or commission, shall be supervised as the board or commission designates, and shall have their duties and compensation prescribed by the board or commission, within appropriations for that purpose, except that compensation for board personnel shall not exceed that established for comparable positions as determined by the board or commission pursuant to the job and pay plan of the department of commerce and insurance. Nothing herein shall be construed to permit salaries for any board personnel to be lowered except by board action.

12. All the powers, duties, and functions of the division of athletics, chapter 317, and others, are assigned by type I transfer to the division of professional registration.

13. Wherever the laws, rules, or regulations of this state make reference to the division of professional registration of the department of economic development, such references shall be deemed to refer to the division of professional registration.

14. (1) The state board of nursing, board of pharmacy, Missouri dental board, state committee of psychologists, state board of chiropractic examiners, state board of optometry, Missouri board of occupational therapy, or state board of registration for the healing arts may

individually or collectively enter into a contractual agreement with the department of health and senior services, a public institution of higher education, or a nonprofit entity for the purpose of collecting and analyzing workforce data from its licensees, registrants, or permit holders for future workforce planning and to assess the accessibility and availability of qualified health care services and practitioners in Missouri. The boards shall work collaboratively with other state governmental entities to ensure coordination and avoid duplication of efforts.

(2) The boards may expend appropriated funds necessary for operational expenses of the program formed under this subsection. Each board is authorized to accept grants to fund the collection or analysis authorized in this subsection. Any such funds shall be deposited in the respective board's fund.

(3) Data collection shall be controlled and approved by the applicable state board conducting or requesting the collection. Notwithstanding the provisions of sections 324.010 and 334.001, the boards may release identifying data to the contractor to facilitate data analysis of the health care workforce including, but not limited to, geographic, demographic, and practice or professional characteristics of licensees. The state board shall not request or be authorized to collect income or other financial earnings data.

(4) Data collected under this subsection shall be deemed the property of the state board requesting the data. Data shall be maintained by the state board in accordance with chapter 610, provided that any information deemed closed or confidential under subsection 8 of this section or any other provision of state law shall not be disclosed without consent of the applicable licensee or entity or as

otherwise authorized by law. Data shall only be released in an aggregate form by geography, profession or professional specialization, or population characteristic in a manner that cannot be used to identify a specific individual or entity. Data suppression standards shall be addressed and established in the contractual agreement.

(5) Contractors shall maintain the security and confidentiality of data received or collected under this subsection and shall not use, disclose, or release any data without approval of the applicable state board. The contractual agreement between the applicable state board and contractor shall establish a data release and research review policy to include legal and institutional review board, or agency-equivalent, approval.

(6) Each board may promulgate rules subject to the provisions of this subsection and chapter 536 to effectuate and implement the workforce data collection and analysis authorized by this subsection. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2016, shall be invalid and void.

324.028. Any member authorized under the provisions of sections 256.459, 324.063, 324.177, 324.203, 324.243, [324.406,] 324.478, 326.259, 327.031, 329.015, 330.110, 331.090, 332.021, 333.151, 334.120, 334.430, 334.625,

334.717, 334.749, 334.830, 335.021, 336.130, 337.050, 337.305, 337.535, 337.622, 337.739, 338.110, 339.120, 340.202, 345.080, and 346.120 who misses three consecutive regularly scheduled meetings of the board or council on which he or she serves shall forfeit his or her membership on that board or council. A new member shall be appointed to the respective board or council by the governor with the advice and consent of the senate.

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 degree program from a school of interior design", a degree from any school or other institution which teaches interior design and whose curricula for the degree in question have been, at the time in question, certified as accredited by the Council for Interior Design Accreditation or an accreditation body recognized by the United States Department of Education;

(3) "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)] (4) "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)] (5) "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)] (6) "Board", the Missouri board for architects, professional engineers, professional land surveyors [and], professional landscape architects, and licensed interior designers;

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

[(7)] (8) "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, licensed interior designers, and other consultants;

[(8)] (9) "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)] (10) "Incidental practice", the performance of other professional services licensed under this chapter 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 327.700 and applicable board rules to perform such incidental professional service;

(11) "Licensed interior designer", any person authorized pursuant to the provisions of this chapter to practice as a licensed interior designer in Missouri, as the practice of licensed interior design is defined in section 327.700;

~~[(10)]~~ (12) "Licensee", a person licensed to practice any profession regulated under this chapter or a corporation authorized to practice any such profession;

~~[(11)]~~ (13) "Partnership", any partnership or limited liability partnership;

~~[(12)]~~ (14) "Person", any individual, corporation, firm, partnership, association or other entity authorized to do business;

~~[(13)]~~ (15) "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)]~~ (16) "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)]~~ (17) "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 professional landscape architecture is defined in section 327.600;

[(16)] (18) "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, or interior design.

327.031. 1. The "Missouri Board for Architects, Professional Engineers, Professional Land Surveyors [and], Professional Landscape Architects, and Licensed Interior Designers" is hereby established and shall consist of [fifteen] seventeen members: a chairperson, who may be either an architect, a professional engineer, a professional land surveyor, [or] a professional landscape architect, or a licensed interior designer; three architects, who shall constitute the architectural division of the board; four professional engineers, who shall constitute its professional engineering division; three professional land surveyors, who shall constitute its professional land surveying division; three professional landscape architects, who shall constitute its professional landscape architectural division; two licensed interior designers, who shall constitute its licensed interior design division; and a voting public member.

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

3. The chairperson shall be the administrative and executive officer of the board, and it shall be his or her duty to supervise and expedite the work of the board and its

divisions, and, at his or her election, when a tie exists between the divisions of the board, to break the tie by recording his or her vote for or against the action upon which the divisions are in disagreement. Each member of the architectural division shall have one vote when voting on an action pending before the board; each member of the professional engineering division shall have one vote when voting on an action pending before the board; each member of the professional land surveying division shall have one vote when voting on an action pending before the board; [and] each member of the professional landscape architectural division shall have one vote when voting on an action pending before the board; and each member of the licensed interior design division shall have one vote when voting on an action pending before the board. Every motion or proposed action upon which the divisions of the board are tied shall be deemed lost, and the chairperson shall so declare, unless the chairperson shall elect to break the tie as provided in this section. [Eight] Nine voting members of the board, including at least one member of each division, shall constitute a quorum, respectively, for the transaction of board business.

4. Each division of the board shall, at its first meeting in each even-numbered year, elect one of its members as division chairperson for a term of two years. Two voting members of each division of the board shall constitute a quorum for the transaction of division business. The chairpersons of the architectural division, professional engineering division, professional land surveying division, [and] professional landscape architectural division, and licensed interior design division so elected shall be vice chairpersons of the board[, and]. When the chairperson of the board is an architect, the chairperson of the

architectural division shall be the ranking vice chairperson[, and]; when the chairperson of the board is a professional engineer, the chairperson of the professional engineering division shall be the ranking vice chairperson[,]; when the chairperson of the board is a professional land surveyor, the chairperson of the professional land surveying division shall be the ranking vice chairperson[, and]; when the chairperson of the board is a professional landscape architect, the chairperson of the professional landscape architectural division shall be the ranking vice chairperson; and when the chairperson of the board is a licensed interior designer, the chairperson of the licensed interior design division shall be the ranking vice chairperson. The chairperson of each division shall be the administrative and executive officer of his or her division, and it shall be his or her duty to supervise and expedite the work of the division, and, in case of a tie vote on any matter, the chairperson shall, at his or her election, break the tie by his or her vote. Every motion or question pending before the division upon which a tie exists shall be deemed lost, and so declared by the chairperson of the division, unless the chairperson shall elect to break such tie by his or her vote.

5. (1) Any person appointed to the board, except a public member, shall be a currently licensed architect, licensed professional engineer, licensed professional land surveyor [or], licensed professional landscape architect, or licensed interior designer in Missouri, as the vacancy on the board may require, who has been a resident of Missouri for at least five years, who has been engaged in active practice as an architect, professional engineer, professional land surveyor [or], professional landscape architect, or licensed interior designer, as the case may

be, for at least ten consecutive years as a Missouri licensee immediately preceding such person's appointment, and who is and has been a citizen of the United States for at least five years immediately preceding such person's appointment.

(2) (a) Active service as a faculty member while holding the rank of assistant professor or higher in an accredited school of engineering shall be regarded as active practice of engineering, for the purposes of this chapter.

(b) Active service as a faculty member, after meeting the qualifications required by section 327.314, while holding the rank of assistant professor or higher in an accredited school of engineering and teaching land surveying courses shall be regarded as active practice of land surveying for the purposes of this chapter.

(c) Active service as a faculty member while holding the rank of assistant professor or higher in an accredited school of landscape architecture shall be regarded as active practice of landscape architecture, for the purposes of this chapter.

(d) Active service as a faculty member while holding the rank of assistant professor or higher in an accredited school of architecture shall be regarded as active practice of architecture for the purposes of this chapter; provided, however, that no faculty member of an accredited school of architecture shall be eligible for appointment to the board unless such person has had at least three years' experience in the active practice of architecture other than in teaching.

(e) Active service as a faculty member while holding the rank of assistant professor or higher in an accredited school of interior design shall be regarded as active practice of licensed interior design for the purposes of

this chapter, provided that no faculty member of an accredited school of interior design shall be eligible for appointment to the board unless such person has had at least three years of experience in the active practice of licensed interior design other than in teaching.

(3) The public member shall be, at the time of appointment, a citizen of the United States; a resident of this state for a period of one year and a registered voter; a person who is not and never was a member of any profession licensed or regulated pursuant to this chapter or the spouse of such person; and a person who does not have and never has had a material, financial interest in either the providing of the professional services regulated by this chapter, or an activity or organization directly related to any profession licensed or regulated pursuant to this chapter. All members, including public members, shall be chosen from lists submitted by the director of the division of professional registration. The duties of the public member shall not include the determination of the technical requirements to be met for licensure or whether any person meets such technical requirements or of the technical competence or technical judgment of a licensee or a candidate for licensure.

6. The governor shall appoint the chairperson and the other members of the board when a vacancy occurs either by the expiration of a term or otherwise, and each board member shall serve until such member's successor is appointed and has qualified. The position of chairperson shall rotate sequentially with an architect, then professional engineer, then professional land surveyor, then licensed interior designer, and then professional landscape architect, and shall be a licensee who has previously served as a member of the board. The appointment of the chairperson shall be for

a term of four years which shall be deemed to have begun on the date of his or her appointment and shall end upon the appointment of the chairperson's successor. The chairperson shall not serve more than one term. All other appointments, except to fill an unexpired term, shall be for terms of four years; but no person shall serve on the board for more than two consecutive four-year terms, and each four-year term shall be deemed to have begun on the date of the expiration of the term of the board member who is being replaced or reappointed, as the case may be. Any appointment to the board which is made when the senate is not in session shall be submitted to the senate for its advice and consent at its next session following the date of the appointment.

7. In the event that a vacancy is to occur on the board because of the expiration of a term, then ninety days prior to the expiration, or as soon as feasible after a vacancy otherwise occurs, the president of the American Institute of Architects/Missouri if the vacancy to be filled requires the appointment of an architect, the president of the Missouri Society of Professional Engineers if the vacancy to be filled requires the appointment of a professional engineer, the president of the Missouri Society of Professional Surveyors if the vacancy to be filled requires the appointment of a professional land surveyor, [and] the president of the Missouri Association of Landscape Architects if the vacancy to be filled requires the appointment of a professional landscape architect, and the president or other chief executive of any Missouri chapter of the International Interior Design Association if the vacancy to be filled requires the appointment of a licensed interior designer, shall submit to the director of the division of professional registration a list of five architects [or], five professional engineers, [or] five

professional land surveyors, [or] five professional landscape architects, or five licensed interior designers, as the case may require, qualified and willing to fill the vacancy in question, with the recommendation that the governor appoint one of the five persons so listed; and with the list of names so submitted, the president or other chief executive of the appropriate organization shall include in a letter of transmittal a description of the method by which the names were chosen. This subsection shall not apply to public member vacancies.

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

9. Upon appointment by the governor and confirmation by the senate of the two licensed interior designers to be first appointed to the interior design division of the board, the interior design council shall be abolished and all of its powers, duties, and responsibilities shall be transferred and imposed upon the board pursuant to this section. Every act performed by or under the authority of the board shall be deemed to have the same force and effect as if performed by the interior design council pursuant to the authority granted to the interior design council prior to August 28, 2026. All rules of the interior design council shall continue in effect and shall be deemed to be duly adopted by the board until such rules are revised,

amended, or repealed by the board as provided by law, of which such action shall be taken by the board on or before January 1, 2027.

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

2. The board shall, within the scope and purview of the provisions of this chapter, prescribe the duties of its officers and employees and adopt, publish and enforce the rules and regulations of professional conduct which shall establish and maintain appropriate standards of competence and integrity in the professions of architecture, professional engineering, professional land surveying [and], professional landscape architecture, and licensed interior design, and adopt, publish and enforce procedural rules and regulations as may be considered by the board to be necessary or proper for the conduct of the board's business and the management of its affairs, and for the effective administration and interpretation of the provisions of this chapter. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this chapter shall become effective

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

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

327.081. 1. All funds received pursuant to the provisions of this chapter shall be deposited in the state treasury to the credit of the "State Board for Architects, Professional Engineers, Professional Land Surveyors [and], Professional Landscape Architects, and Licensed Interior Designers Fund" which is hereby established. All expenditures authorized by this chapter shall be paid from funds appropriated to the board by the general assembly from this fund.

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

appropriate multiple of the appropriations from the board's funds for the preceding fiscal year.

3. Upon appointment by the governor and confirmation by the senate of the two licensed interior designers to be first appointed to the interior design division of the board, all moneys in the interior designer council fund shall be transferred to the state board for architects, professional engineers, professional land surveyors, professional landscape architects, and licensed interior designers fund. The interior designer council fund shall be abolished upon the transfer of all moneys in the fund to the state board for architects, professional engineers, professional land surveyors, professional landscape architects, and licensed interior designers fund.

327.381. The board may license, in its discretion, any architect, professional engineer, professional land surveyor, or professional landscape architect who is licensed, or any interior designer who is licensed, certified, or registered, in another state or territory of the United States, province of Canada, or in another country, when such applicant has qualifications which are at least equivalent to the requirements for licensure as an architect, professional engineer, professional land surveyor, **[or]** professional landscape architect, or licensed interior designer in this state, and provided further that the board may establish by rule the conditions under which it shall require any such applicant to take any examination it considers necessary, and provided further that any such application is accompanied by the required fee.

327.411. 1. Each architect and each professional engineer and each professional land surveyor and each professional landscape architect and each licensed interior designer shall have a personal seal in a form prescribed by

the board, and he or she shall affix the seal to all final technical submissions. Technical submissions shall include, but are not limited to, drawings, specifications, plats, surveys, exhibits, reports, and certifications of construction prepared by the licensee, or under such licensee's immediate personal supervision. Such licensee shall either prepare or personally supervise the preparation of all documents sealed by the licensee, and such licensee shall be held personally responsible for the contents of all such documents sealed by such licensee, whether prepared or drafted by another licensee or not.

2. The personal seal of an architect or professional engineer or professional land surveyor or professional landscape architect or licensed interior designer shall be the legal equivalent of the licensee's signature whenever and wherever used, and the owner of the seal shall be responsible for the architectural, engineering, land surveying, [or] landscape architectural, or interior design documents, as the case may be, when the licensee places his or her personal seal on such technical submissions to be used in connection with, any architectural or engineering project, survey, [or] landscape architectural project, or interior alteration or construction project, as such term is defined in section 327.700. Licensees shall undertake to perform architectural, professional engineering, professional land surveying [and], professional landscape architectural, and licensed interior design services only when they are qualified by education, training, and experience in the specific technical areas involved.

3. Notwithstanding any provision of this section, any architect, professional engineer, professional land surveyor, [or] professional landscape architect, or licensed interior designer may, but is not required to, attach a

statement over his or her signature, authenticated by his or her personal seal, specifying the particular technical submissions, or portions thereof, intended to be authenticated by the seal, and disclaiming any responsibility for all other technical submissions relating to or intended to be used for any part or parts of the architectural or engineering project [or], survey [or], landscape architectural project, or interior alteration or construction project, as such term is defined in section 327.700.

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

327.441. 1. The board may refuse to issue any license or certificate of authority required pursuant to this chapter for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant's right to file a complaint with the administrative hearing commission as provided by chapter 621.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any license or certificate of authority required by this chapter or any person who has failed to renew or has surrendered such person's license or certificate of authority, for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by this chapter;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state, of the United States, or of any country, for any offense directly related to the duties and responsibilities of the occupation, as set forth in section 324.012, regardless of whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation or bribery in securing any license or certificate of authority issued pursuant to this chapter or in obtaining permission to take any examination given or required pursuant to this chapter;

(4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of any profession licensed or regulated by this chapter;

(6) Violation of, or assisting or enabling any person to violate, any provision of this chapter, or of any lawful rule or regulation adopted pursuant to this chapter;

(7) Impersonation of any person holding a license or certificate of authority, or allowing any person to use his or her license or certificate of authority, or diploma from any school;

(8) Disciplinary action against the holder of a license or a certificate of authority, or other right to practice any profession regulated by this chapter granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;

(9) A person is finally adjudged incapacitated or disabled by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by this chapter who is not licensed and currently eligible to practice pursuant to this chapter. The provisions of this subdivision shall not apply to prohibit assisting or enabling any person who is not licensed under this chapter to perform or offer to perform services within the practice of licensed interior design;

(11) Issuance of a professional license or a certificate of authority based upon a material mistake of fact;

(12) Failure to display a valid license or certificate of authority if so required by this chapter or any rule promulgated pursuant to this chapter;

(13) Violation of any professional trust or confidence;

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

3. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the board may, singly or in combination, censure or place the person named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or order a civil penalty under section 327.077, or revoke the license or certificate of authority of the person named in the complaint.

327.442. 1. At such time as the final trial proceedings are concluded whereby a licensee, or any person who has failed to renew or has surrendered his or her certificate of licensure or authority, has been finally adjudicated and found guilty, or has entered a plea of guilty or nolo contendere, in a [felony] criminal prosecution pursuant to the laws of [this] any state, [the laws of any other state, territory, or the laws] of the United States [of America], or of any country for any offense [reasonably] directly related to the [qualifications, functions, or] duties [of a licensee pursuant to this chapter or any felony offense, an essential element of which is fraud, dishonesty, or an act of violence, or for any felony offense involving moral turpitude,] and responsibilities of the occupation, as set forth in section 324.012, regardless of whether or not sentence is imposed, the board for architects, professional engineers, professional land surveyors [and], professional landscape architects, and licensed interior designers may hold a disciplinary hearing to singly or in combination censure or place the licensee named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke the license or certificate.

2. Anyone who has been revoked or denied a license or certificate to practice in another state may automatically be denied a license or certificate to practice in this state. However, the board for architects, professional engineers, professional land surveyors [and], professional landscape architects, and licensed interior designers may establish other qualifications by which a person may ultimately be qualified and licensed to practice in Missouri.

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

2. If the affidavit so filed does not contain statements of fact which if true would authorize, pursuant to the provisions of this chapter, suspension or revocation of the accused's license or certificate of authority, or does not contain statements of fact which if true would authorize, pursuant to the provisions of this chapter, the refusal of the renewal of an existing license or certificate of authority or the refusal of a license or certificate of authority to an applicant, the board shall either dismiss the charge or charges or, within its discretion, cause an investigation to be made of the charges contained in the affidavit, after which investigation the board shall either dismiss the charge or charges or proceed against the accused by written complaint as provided in subsection 3 of this section.

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

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

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

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

[324.400.] 327.700. As used in sections [324.400 to 324.439] 327.700 to 327.750, the following terms mean:

(1) ["Council", the interior design council created in section 324.406;

(2) "Division", the division of professional registration;

(3) "Registered interior designer", a design professional who provides services including preparation of documents and specifications relative to nonload-bearing interior construction, furniture, finishes, fixtures and equipment and who meets the criteria of education, experience and examination as provided in sections 324.400 to 324.439] "Building equipment", any mechanical plumbing, electrical, or structural components, including a conveyance, designed for or located in a building or structure;

(2) "Conveyance", an elevator, dumbwaiter, vertical reciprocating conveyor, escalator, or other motorized vertical transportation system;

(3) "Interior alteration or construction project", a project, including construction, modification, renovation, rehabilitation, or historic preservation, for an interior space or area within a proposed or existing building or structure that involves changing or altering:

(a) The design function or layout of a room; or

(b) The state of permanent fixtures or equipment;

(4) "Interior nonstructural element", an interior design element that does not require structural bracing and

that is not load-bearing according to any applicable building codes;

(5) "Interior technical submission", the designs, drawings, and specifications that establish the scope of the interior alteration or construction project, the standard of quality for any materials, workmanship, equipment, and construction systems of an interior alteration or construction project, and the studies and other technical reports and calculations prepared in the course of the practice of licensed interior design;

(6) "Practice of licensed interior design", the design of interior spaces as a part of an interior alteration or construction project in conformity with public health, safety, and welfare requirements, including the preparation of documents relating to building code descriptions, project egress plans that require no increase in the capacity of exits in the space affected, space planning, and finish materials, and the preparation of documents and interior technical submissions relating to an interior alteration or construction project. The term "practice of licensed interior design":

(a) Shall include:

a. The programming, planning, pre-design analysis, and conceptual design of any interior nonstructural elements including, but not limited to, the selection of materials, except for building equipment;

b. The alteration or construction of any interior nonstructural elements and any interior technical submissions related to such alteration or construction;

c. The preparation of a physical plan of space within a proposed or existing building or structure, including:

(i) Determinations of circulation systems or patterns;

(ii) Determinations of the location of exit requirements based on occupancy loads; and

(iii) Assessments and analyses of any interior safety factors to comply with applicable building codes related to interior nonstructural elements;

d. The application of all federal, state, and local building codes and accessibility standards, as applicable to interior technical submissions for interior nonstructural elements;

e. The rendering of designs, plans, drawings, specifications, contract documents, or other interior technical submissions; and

f. The administration of the construction of interior nonstructural elements and contracts relating to interior nonstructural elements in the interior alteration or construction of a proposed or existing building or structure; and

(b) Shall not include:

a. Services or work that constitute the practice of architecture, as provided in section 327.091, except as otherwise provided for in this chapter;

b. Services or work that constitute the practice of professional engineering, as provided in section 327.181;

c. Services or work that constitute the practice of professional land surveying, as provided in section 327.272;

d. Services or work that constitute the practice of professional landscape architecture, as defined in section 327.600;

e. Altering or affecting the structural system and seismic system of a building, including changing the building's live or dead load on the structural system;

f. Changes to the building envelope, including exterior walls, exterior wall coverings, exterior wall

openings, exterior windows or doors, architectural trim, balconies and similar projections, bay or oriel windows, roof assemblies and rooftop structures, and glass and glazing for exterior use in both vertical, horizontal, and sloped applications in buildings and structures;

g. Altering or affecting the mechanical, plumbing, heating, air conditioning, ventilation, electrical, vertical transportation, fire sprinkler, or fire alarm systems, and any building elements, spaces, or areas that are for the purpose of containing such systems;

h. Changes beyond the exit access component of a means of egress system;

i. Construction that materially affects any life safety systems pertaining to fire safety or fire protection of structural elements, smoke evacuation and compartmentalization systems, or fire-rated vertical shafts in multi-story structures;

j. Changes to the existing use group for an occupancy;

k. Changes to the construction classification of the building or structure according to any applicable building codes;

l. Creating or modifying any atriums, floor openings, community spaces, or vertical openings; or

m. Any person who renders services within the practice of licensed interior design in connection with the construction, remodeling, or repairing of any privately owned building described in item (i), (ii), or (iii) of this subparagraph, and who indicates on any drawings, specifications, estimates, reports, or other documents furnished in connection with the services within the practice of licensed interior design that the person is not a licensed interior designer:

(i) A dwelling house;

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

(iii) Any one building or structure, except for those buildings or structures used exclusively for agricultural purposes, 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;

(7) "Professional design firm", a partnership, limited partnership, or limited liability partnership consisting of partners licensed to practice the professions regulated by this chapter for the purposes of providing services or work constituting the practice of licensed interior design along with the practice of architecture, as provided in section 327.091, the practice of professional engineering, as provided in section 327.181, the practice of professional land surveying, as provided in section 327.272, or the practice of professional landscape architecture, as defined in section 327.600, or a general business corporation, professional corporation, or limited liability company with a certificate of authority issued pursuant to this chapter that provides services or work constituting the practice of licensed interior design.

[324.402.] 327.705. The state or any county, municipality, or other political subdivision shall not require the use of a [registered] licensed interior designer for any residential building, residential remodeling, residential rehabilitation, or residential construction purposes.

[324.403.] 327.710. 1. No person may use the name or title, [registered] licensed interior designer, in this state unless that person is [registered] licensed as required by sections [324.400 to 324.439] 327.700 to 327.750.

2. A licensed interior designer shall undertake to perform services within the practice of licensed interior design only when he or she is qualified by education, training, and experience in the specific technical areas involved.

3. Licensed interior designers shall be in responsible charge of interior design technical submissions that can affect the health, safety, and welfare of the public within their scope of practice. Licensed interior designers shall not take responsible charge over interior technical submissions prepared by another person unless the licensed interior designer reviewing such interior technical submissions actually exercises personal supervision and direct control over the interior technical submissions. Nothing in [sections 324.400 to 324.439] this chapter shall be construed as limiting or preventing the practice of a person's interior design profession or restricting a person from providing [interior design] services within the practice of licensed interior design, provided such person does not indicate to the public that such person is [registered] licensed as an interior designer pursuant to the provisions of sections [324.400 to 324.439] 327.700 to 327.750.

4. Nothing in this chapter shall be construed as in any way precluding an architect from performing any of the services included within the practice of licensed interior design.

[324.409.] 327.720. 1. To be a [registered] licensed interior designer, a person:

(1) Shall take and pass or have passed the examination administered by the [National] Council for Interior Design Qualification or an equivalent examination approved by the [division] board. In addition to proof of passage of the

examination, the application shall provide substantial evidence to the [division] board that the applicant:

(a) Is a graduate of a five-year or four-year accredited degree program from a school of interior design [program from an accredited institution] and has completed at least two years of diversified and appropriate interior design experience; or

(b) [Has completed at least three years of an interior design curriculum from an accredited institution and has completed at least three years of diversified and appropriate interior design experience; or

(c)] Is a graduate of a two-year accredited degree program from a school of interior design [program from an accredited institution] and has completed at least four years of diversified and appropriate interior design experience; or

(2) May qualify who is currently [registered] licensed pursuant to sections 327.091 to 327.171, and section 327.401 pertaining to the practice of architecture [and registered with the division. Such applicant shall give authorization to the division in order to verify current registration with sections 327.091 to 327.171 and section 327.401 pertaining to the practice of architecture].

2. An applicant whose curriculum or transcript has been approved by the board shall be exempt from the requirement to provide substantial evidence that the applicant meets the requirements of paragraph (a) or (b) of subdivision (1) of subsection 1 of this section.

3. The [division] board shall verify if an applicant has complied with the provisions of this section and has paid the required fees, then the [division] board shall recommend such applicant be [registered] licensed as a

[registered] licensed interior designer by the [division] board.

[324.415.] 327.725. Applications for [registration] licensure as a [registered] licensed interior designer shall be typewritten on forms prescribed by the [division] board and furnished to the applicant. The application shall contain the applicant's statements showing the applicant's education, experience, results of previous interior design certification, registration, or licensing examinations, if any, and such other pertinent information as the [division] board may require, or architect's license or registration number and such other pertinent information as the [division] board may require. Each application shall contain a statement that is made under oath or affirmation and that the representations are true and correct to the best knowledge and belief of the person signing the application. The person shall be subject to the penalties for making a false affidavit or declaration and shall be accompanied by the required fee.

[324.418.] 327.730. 1. The [certificate of registration] license issued biennially to a [registered] licensed interior designer pursuant to sections [324.400 to 324.439] 327.700 to 327.750 shall be renewed on or before the [certificate] license renewal date accompanied by the required fee. The [certificate of registration] license of a [registered] licensed interior designer which is not renewed within three months after the [certificate] license renewal date shall be suspended automatically, subject to the right of the holder to have the suspended [certificate of registration] license reinstated within nine months of the date of suspension if the person pays the required reinstatement fee. Any [certificate of registration] license suspended and not reinstated within nine months of

the suspension date shall expire and be void and the holder of such [certificate] license shall have no rights or privileges provided to holders of valid [certificates] licenses. Any person whose [certificate of registration] license has expired may, upon demonstration of current qualifications and payment of required fees, be [reregistered] relicensed or reauthorized under the person's original [certificate of registration] license number.

2. Each application for the renewal or reinstatement of a [registration] license shall be on a form furnished to the applicant and shall be accompanied by the required fees [and proof of current completion of at least one unit every two years of approved or verifiable continuing education in interior design or architecture, immediately prior to such renewal or reinstatement. Ten contact hours constitutes one continuing education unit. Five contact hours of teaching in interior design or architecture constitutes one continuing education unit. One college course credit in interior design or architecture constitutes one continuing education unit].

3. The board shall establish, by rule, continuing education requirements as a condition to renewing or reinstating the license of an interior designer that are substantially equivalent to the continuing education requirements for architects.

[324.427.] 327.735. It is unlawful for any person to advertise or indicate to the public that the person is a [registered] licensed interior designer in this state, unless such person is [registered] licensed as a [registered] licensed interior designer by the [division] board and is in good standing pursuant to sections [324.400 to 324.439] 327.700 to 327.750.

[324.430.] 327.740. No person may use the designation [registered] licensed interior designer in Missouri, unless the [division] board has issued a current [certificate of registration] license certifying that the person has been duly [registered] licensed as a [registered] licensed interior designer in Missouri and unless such [registration] license has been renewed or reinstated as provided in section [324.418] 327.730.

[324.433.] 327.745. The right to use the title of [registered] licensed interior designer shall be deemed a personal right, based upon the qualifications of the individual, evidenced by the person's current [certificate of registration] license and such [certificate] license is not transferable; except that, a [registered] licensed interior designer may perform the [interior designer's profession] practice of licensed interior design through, or as a member of, or as an employee of, a partnership or corporation.

[324.439.] 327.750. [After twenty-four months after August 28, 1998,] Any person who violates any provision of sections [324.400 to 324.439] 327.700 to 327.750 shall be guilty of a class A misdemeanor.

537.033. 1. As used in this section, unless the context clearly indicates otherwise, the following words and terms shall have the meanings indicated:

(1) "Design professional", an architect, landscape architect, professional land surveyor, [or] professional engineer, or licensed interior designer licensed under the provisions of chapter 327 or any professional design firm, as defined in section 327.700, or corporation authorized to practice architecture, landscape architecture, land surveying, or engineering under section 327.401 while acting within their scope of practice;

(2) "Lessons learned", internal meetings, classes, publications in any medium, presentations, lectures, or other means of teaching and communicating after substantial completion of the project which are conducted solely and exclusively by and with the employees, partners, and coworkers of the design professional who prepared the project's design for the purpose of learning best practices and reducing errors and omissions in design documents and procedures. Lessons learned shall not include presentations, lectures, teaching, or communication made to or by third parties who are not employees, partners, and coworkers of the design professional whose work is being evaluated and discussed;

(3) "Peer review process", a process through which design professionals evaluate, maintain, or monitor the quality and utilization of architectural, landscape architectural, land surveying, [or] engineering, or interior design services, prepare internal lessons learned, or exercise any combination of such responsibilities;

(4) "Substantial completion", the construction of the project covered by the design professional's design documents has reached substantial completion, as that term is defined in section 436.327.

2. A peer review process shall only be performed by a design professional licensed in any jurisdiction in the United States in the same profession as would be required under chapter 327 to prepare the design documents being reviewed, or in a case requiring multiple professions, by a person or persons holding the proper licenses. A peer review process may be performed by one or more design professionals appointed by the partners, shareholders, board of directors, chief executive officer, quality control director, or employed design professionals of a professional

design firm, as such term is defined in section 327.700, or  
of a partnership or of a corporation authorized under  
section 327.401 to practice architecture, landscape  
architecture, land surveying, or engineering, or by the  
owner of a sole proprietorship engaged in one or more of  
such professions. Any individual identified in this  
subsection and performing a peer review shall be deemed a  
peer reviewer.

3. Each peer reviewer described in this subsection  
shall be immune from civil liability for such acts so long  
as the acts are performed in good faith, without malice, and  
are reasonably related to the scope of inquiry of the peer  
review process. The immunity in this subsection is intended  
to cover only outside peer reviews by a third-party design  
professional who is not an employee, coworker, or partner of  
the design professional whose design is being peer reviewed  
before substantial completion of the project and who has no  
other role in the project besides performing the peer review.

4. This section does not provide immunity to any in-  
house peer reviewer when performed by employees, coworkers,  
or partners of the design professional who prepares the  
design, nor are any such documents or peer review comments,  
other than lessons learned, inadmissible into evidence in  
any judicial or administrative action.

5. Except for documents related to lessons learned,  
the interviews, memoranda, proceedings, findings,  
deliberations, reports, and minutes of the peer review  
process, or the existence of the same, concerning the  
professional services provided to a client or member of the  
public are subject to discovery, subpoena, or other means of  
legal compulsion for their release to any person or entity  
and shall be admissible into evidence in any judicial or  
administrative action for failure to provide appropriate

architectural, landscape architectural, land surveying, [or] engineering, or interior design services, subject to applicable rules of the court or tribunal. Except as otherwise provided in this section, no person who was in attendance at, or participated in, any lessons learned process or proceedings shall be permitted or required to disclose any information acquired in connection with or in the course of such proceeding, or to disclose any opinion, recommendation, or evaluation made in a lessons learned process or proceeding; provided, however, that information otherwise discoverable or admissible from original sources is not to be construed as immune from discovery or use in any proceeding merely because it was presented during a lessons learned process or proceeding nor is a member, employee, or agent involved in any such process or proceeding, or other person appearing before a peer reviewer, to be prevented from testifying as to matters within his or her personal knowledge and in accordance with the other provisions of this section, but such witness cannot be questioned about a lessons learned process or proceeding or about opinions formed as a result of such process or proceeding. The disclosure of any memoranda, proceedings, reports, or minutes of a lessons learned proceeding to any person or entity, including but not limited to governmental agencies, professional accrediting agencies, or other design professionals, whether proper or improper, shall not waive or have any effect upon its confidentiality, nondiscoverability, or nonadmissibility.

6. Nothing in this section shall limit authority otherwise provided by law of the Missouri board for architects, professional engineers, professional land surveyors, [and] professional landscape architects, and licensed interior designers to obtain information by

subpoena or other authorized process from a peer reviewer or to require disclosure of otherwise confidential information relating to matters and investigations within the jurisdiction of such licensing board.

621.045. 1. The administrative hearing commission shall conduct hearings and make findings of fact and conclusions of law in those cases when, under the law, a license issued by any of the following agencies may be revoked or suspended or when the licensee may be placed on probation or when an agency refuses to permit an applicant to be examined upon his or her qualifications or refuses to issue or renew a license of an applicant who has passed an examination for licensure or who possesses the qualifications for licensure without examination:

Missouri State Board of Accountancy

Missouri State Board for Architects, Professional Engineers, Professional Land Surveyors [and], Professional Landscape Architects, and Licensed Interior Designers

Board of Barber Examiners

Board of Cosmetology

Board of Chiropody and Podiatry

Board of Chiropractic Examiners

Missouri Dental Board

Board of Embalmers and Funeral Directors

Board of Registration for the Healing Arts

Board of Nursing

Board of Optometry

Board of Pharmacy

Missouri Real Estate Commission

Missouri Veterinary Medical Board

Supervisor of Liquor Control

Department of Health and Senior Services

Department of Commerce and Insurance

Department of Mental Health

Board of Private Investigator Examiners.

2. If in the future there are created by law any new or additional administrative agencies which have the power to issue, revoke, suspend, or place on probation any license, then those agencies are under the provisions of this law.

3. The administrative hearing commission is authorized to conduct hearings and make findings of fact and conclusions of law in those cases brought by the Missouri state board for architects, professional engineers, professional land surveyors [and], professional landscape architects, and licensed interior designers against unlicensed persons under section 327.076.

4. Notwithstanding any other provision of this section to the contrary, after August 28, 1995, in order to encourage settlement of disputes between any agency described in subsection 1 or 2 of this section and its licensees, any such agency shall:

(1) Provide the licensee with a written description of the specific conduct for which discipline is sought and a citation to the law and rules allegedly violated, together with copies of any documents which are the basis thereof and the agency's initial settlement offer, or file a contested case against the licensee;

(2) If no contested case has been filed against the licensee, allow the licensee at least sixty days, from the date of mailing, to consider the agency's initial settlement offer and to contact the agency to discuss the terms of such settlement offer;

(3) If no contested case has been filed against the licensee, advise the licensee that the licensee may, either at the time the settlement agreement is signed by all

parties, or within fifteen days thereafter, submit the agreement to the administrative hearing commission for determination that the facts agreed to by the parties to the settlement constitute grounds for denying or disciplining the license of the licensee; and

(4) In any contact under this subsection by the agency or its counsel with a licensee who is not represented by counsel, advise the licensee that the licensee has the right to consult an attorney at the licensee's own expense.

5. If the licensee desires review by the administrative hearing commission under subdivision (3) of subsection 4 of this section at any time prior to the settlement becoming final, the licensee may rescind and withdraw from the settlement and any admissions of fact or law in the agreement shall be deemed withdrawn and not admissible for any purposes under the law against the licensee. Any settlement submitted to the administrative hearing commission shall not be effective and final unless and until findings of fact and conclusions of law are entered by the administrative hearing commission that the facts agreed to by the parties to the settlement constitute grounds for denying or disciplining the license of the licensee.

6. When a holder of a license, registration, permit, or certificate of authority issued by the division of professional registration or a board, commission, or committee of the division of professional registration against whom an affirmative decision is sought has failed to plead or otherwise respond in the contested case and adequate notice has been given under sections 536.067 and 621.100 upon a properly pled writing filed to initiate the contested case under this chapter or chapter 536, a default decision shall be entered against the licensee without

further proceedings. The default decision shall grant such relief as requested by the division of professional registration, board, committee, commission, or office in the writing initiating the contested case as allowed by law. Upon motion stating facts constituting a meritorious defense and for good cause shown, a default decision may be set aside. The motion shall be made within a reasonable time, not to exceed thirty days after entry of the default decision. "Good cause" includes a mistake or conduct that is not intentionally or recklessly designed to impede the administrative process.

[324.406. 1. There is hereby created within the division of professional registration a council to be known as the "Interior Design Council". The council shall consist of four interior designers and one public member appointed by the director of the division. The director shall give due consideration to the recommendations by state organizations of the interior design profession for the appointment of the interior design members to the council. Council members shall be appointed to serve a term of four years; except that of the members first appointed, one interior design member and the public member shall be appointed for terms of four years, one member shall be appointed for a term of three years, one member shall be appointed for a term of two years and one member shall be appointed for a term of one year. No member of the council shall serve more than two terms.

2. Each council member, other than the public member, shall be a citizen of the United States, a resident of the state of Missouri for at least one year, meet the qualifications for professional registration, practice interior design as the person's principal livelihood and, except for the first members appointed, be registered pursuant to sections 324.400 to 324.439 as an interior designer.

3. The public member shall be, at the time of such person's appointment, a citizen of the United States, a registered voter, a person who is not and never was a member of the profession regulated by sections 324.400 to 324.439 or the spouse of such a person and a person who does not have and never has had a material financial interest in the providing of the professional services regulated by sections 324.400 to 324.439. The duties of the public member shall not include the determination of the technical requirements for the registration of persons as interior designers.

4. The provisions of section 324.028 pertaining to members of certain state boards and commissions shall apply to all members of the council.

5. Members of the council may be removed from office for cause. Upon the death, resignation or removal from office of any member of the council, the appointment to fill the vacancy shall be for the unexpired portion of the term so vacated and shall be filled in the same manner as the first appointment and due notice be given to the state organizations of the interior design profession prior to the appointment.

6. Each member of the council may receive as compensation an amount set by the division not to exceed fifty dollars per day and shall be reimbursed for the member's reasonable and necessary expenses incurred in the official performance of the member's duties as a member of the council. The director shall establish by rule guidelines for payment.

7. The council shall meet at least twice each year and guide, advise, and make recommendations to the division on matters within the scope of sections 324.400 to 324.439. The organization of the council shall be established by the members of the council.】

【324.412. The division shall:

(1) Employ, within the limits of the appropriations for that purpose, such employees

as are necessary to carry out the provisions of sections 324.400 to 324.439;

(2) Exercise all budgeting, purchasing, reporting and other related management functions;

(3) Recommend prosecution for violations of sections 324.400 to 324.439 to the appropriate prosecuting or circuit attorney;

(4) Promulgate such rules and regulations as are necessary to administer the provisions of sections 324.400 to 324.439. Any rule or portion of a rule, as that term is defined in section 536.010, that is promulgated to administer and enforce sections 324.400 to 324.439, shall become effective only if the agency has fully complied with all of the requirements of chapter 536, including but not limited to, section 536.028, if applicable, after August 28, 1998. If the provisions of section 536.028 apply, the provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028 to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void, except that nothing in this section shall affect the validity of any rule adopted and promulgated prior to August 28, 1998.]

[324.421. The division shall register without examination any interior designer certified, licensed or registered in a foreign country if the applicant has qualifications which are at least equivalent to the requirements for registration as a registered interior designer in this state and such applicant pays the required fees.]

[324.424. 1. The division shall set the amount of the fees authorized by sections 324.400 to 324.439 by rules and regulations. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering sections

324.400 to 324.439. All fees required pursuant to sections 324.400 to 324.439 shall be paid to and collected by the division of professional registration and transmitted to the department of revenue for deposit in the state treasury to the credit of the "Interior Designer Council Fund", which is hereby created.

2. Notwithstanding the provisions of section 33.080 to the contrary, money in the fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds three times the amount of the appropriation to the council for the preceding fiscal year. The amount, if any, in the fund which shall lapse is the amount in the fund which exceeds the appropriate multiple of the appropriations to the council for the preceding fiscal year.]

[324.436. 1. The division may refuse to issue any certificate required pursuant to sections 324.400 to 324.439, or renew or reinstate any such certificate, for any one or any combination of the reasons stated in subsection 2 of this section. The division shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the person's right to file a complaint with the administrative hearing commission as provided in chapter 621.

2. The division may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of a certificate of registration required by sections 324.400 to 324.439 or any person who has failed to renew or has surrendered the person's certificate of registration for any one or combination of the following reasons:

(1) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, or of any country, for any offense directly related to the duties and responsibilities of the occupation, as set forth

in section 324.012, regardless of whether or not sentence is imposed;

(2) Use of fraud, deception, misrepresentation or bribery in securing any certificate of registration issued pursuant to sections 324.400 to 324.439 or in obtaining permission to take any examination given or required pursuant to sections 324.400 to 324.439;

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

(4) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of the profession regulated by sections 324.400 to 324.439;

(5) Violation of, or assisting or enabling any person to violate, any provision of sections 324.400 to 324.439, or of any lawful rule or regulation adopted pursuant to such sections;

(6) Impersonation of any person holding a certificate of registration or authority, permit or license or allowing any person to use the person's certificate or diploma from any school;

(7) Disciplinary action against the holder of a certificate of registration or other right to perform the profession regulated by sections 324.400 to 324.439 granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;

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

(9) Issuance of a certificate of registration based upon a material mistake of fact;

(10) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed, as it relates to the interior design profession.

3. After the filing of a complaint pursuant to subsection 2 of this section, the proceedings shall be conducted in accordance with the provisions of chapter 536 and chapter

621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the division shall censure or place the person named in the complaint on probation for a period not to exceed five years or may suspend the person's certificate for a period not to exceed three years or may revoke the person's certificate of registration.]

Section B. The repeal of sections 324.406 and 324.424 shall become effective upon notification to the revisor from the director of the division of professional registration of the department of commerce and insurance of the appointment and confirmation of two members to the interior design division of the Missouri board for architects, professional engineers, professional land surveyors, professional landscape architects, and licensed interior designers.