

SENATE BILL NO. 991

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR MCCREERY.

4845S.011

KRISTINA MARTIN, Secretary

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.

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327.011, 327.031, 327.041, 327.081, 327.381, 327.411, 327.441, 327.442, 327.451, 537.033, and 621.045, RSMo, are repealed and twenty-three new sections enacted in lieu thereof, to be known as sections 324.001, 324.028, 327.011, 327.031, 327.041, 327.081, 327.381, 327.411, 327.441,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

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

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

9 2. There is hereby established a "Division of
10 Professional Registration" assigned to the department of
11 commerce and insurance as a type III transfer, headed by a
12 director appointed by the governor with the advice and
13 consent of the senate. All of the general provisions,
14 definitions and powers enumerated in section 1 of the
15 Omnibus State Reorganization Act of 1974 and Executive Order
16 06-04 shall apply to this department and its divisions,
17 agencies, and personnel.

18 3. The director of the division of professional
19 registration shall promulgate rules and regulations which
20 designate for each board or commission assigned to the
21 division the renewal date for licenses or certificates.
22 After the initial establishment of renewal dates, no
23 director of the division shall promulgate a rule or
24 regulation which would change the renewal date for licenses
25 or certificates if such change in renewal date would occur
26 prior to the date on which the renewal date in effect at the
27 time such new renewal date is specified next occurs. Each
28 board or commission shall by rule or regulation establish
29 licensing periods of one, two, or three years. Registration
30 fees set by a board or commission shall be effective for the
31 entire licensing period involved, and shall not be increased
32 during any current licensing period. Persons who are
33 required to pay their first registration fees shall be
34 allowed to pay the pro rata share of such fees for the
35 remainder of the period remaining at the time the fees are
36 paid. Each board or commission shall provide the necessary
37 forms for initial registration, and thereafter the director
38 may prescribe standard forms for renewal of licenses and

39 certificates. Each board or commission shall by rule and
40 regulation require each applicant to provide the information
41 which is required to keep the board's records current. Each
42 board or commission shall have the authority to collect and
43 analyze information required to support workforce planning
44 and policy development. Such information shall not be
45 publicly disclosed so as to identify a specific health care
46 provider, as defined in section 376.1350. Each board or
47 commission shall issue the original license or certificate.

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

69 5. The director of the division shall maintain a
70 system of accounting and budgeting, in cooperation with the

71 director of the department, the office of administration,
72 and the state auditor's office, to ensure proper charges are
73 made to the various boards for services rendered to them.
74 The general assembly shall appropriate to the division and
75 other state agencies from each board's funds moneys
76 sufficient to reimburse the division and other state
77 agencies for all services rendered and all facilities and
78 supplies furnished to that board.

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

100 7. The director of the division shall be responsible
101 for collecting and accounting for all moneys received by the
102 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

135 to engage in a professional occupation and the names and
136 addresses of applicants for such licenses is not
137 confidential information.

138 9. Any deliberations conducted and votes taken in
139 rendering a final decision after a hearing before an agency
140 assigned to the division shall be closed to the parties and
141 the public. Once a final decision is rendered, that
142 decision shall be made available to the parties and the
143 public.

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

151 11. (1) The following boards and commissions are
152 assigned by specific type transfers to the division of
153 professional registration: Missouri state board of
154 accountancy, chapter 326; board of cosmetology and barber
155 examiners, chapters 328 and 329; Missouri board for
156 architects, professional engineers, professional land
157 surveyors [and], **professional** landscape architects, and
158 **licensed interior designers**, chapter 327; Missouri state
159 board of chiropractic examiners, chapter 331; state board of
160 registration for the healing arts, chapter 334; Missouri
161 dental board, chapter 332; state board of embalmers and
162 funeral directors, chapter 333; state board of optometry,
163 chapter 336; Missouri state board of nursing, chapter 335;
164 board of pharmacy, chapter 338; state board of podiatric
165 medicine, chapter 330; Missouri real estate appraisers
166 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

199 renewal of licenses; specifically included are executive
200 secretaries (or comparable positions), consultants,
201 inspectors, investigators, counsel, and secretarial support
202 staff for these positions; and such other positions as are
203 established and authorized by statute for a particular board
204 or commission. Boards and commissions may employ legal
205 counsel, if authorized by law, and temporary personnel if
206 the board is unable to meet its responsibilities with the
207 employees authorized above. Any board or commission which
208 hires temporary employees shall annually provide the
209 division director and the appropriation committees of the
210 general assembly with a complete list of all persons
211 employed in the previous year, the length of their
212 employment, the amount of their remuneration, and a
213 description of their responsibilities.

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

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

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

235 14. (1) The state board of nursing, board of
236 pharmacy, Missouri dental board, state committee of
237 psychologists, state board of chiropractic examiners, state
238 board of optometry, Missouri board of occupational therapy,
239 or state board of registration for the healing arts may
240 individually or collectively enter into a contractual
241 agreement with the department of health and senior services,
242 a public institution of higher education, or a nonprofit
243 entity for the purpose of collecting and analyzing workforce
244 data from its licensees, registrants, or permit holders for
245 future workforce planning and to assess the accessibility
246 and availability of qualified health care services and
247 practitioners in Missouri. The boards shall work
248 collaboratively with other state governmental entities to
249 ensure coordination and avoid duplication of efforts.

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

256 (3) Data collection shall be controlled and approved
257 by the applicable state board conducting or requesting the
258 collection. Notwithstanding the provisions of sections
259 324.010 and 334.001, the boards may release identifying data
260 to the contractor to facilitate data analysis of the health
261 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

294 all of the provisions of chapter 536 and, if applicable,
295 section 536.028. This section and chapter 536 are
296 nonseverable and if any of the powers vested with the
297 general assembly under chapter 536 to review, to delay the
298 effective date, or to disapprove and annul a rule are
299 subsequently held unconstitutional, then the grant of
300 rulemaking authority and any rule proposed or adopted after
301 August 28, 2016, shall be invalid and void.

324.028. Any member authorized under the provisions of
2 sections 256.459, 324.063, 324.177, 324.203, 324.243,
3 [324.406,] 324.478, 326.259, 327.031, 329.015, 330.110,
4 331.090, 332.021, 333.151, 334.120, 334.430, 334.625,
5 334.717, 334.749, 334.830, 335.021, 336.130, 337.050,
6 337.305, 337.535, 337.622, 337.739, 338.110, 339.120,
7 340.202, 345.080, and 346.120 who misses three consecutive
8 regularly scheduled meetings of the board or council on
9 which he **or she** serves shall forfeit his **or her** membership
10 on that board or council. A new member shall be appointed
11 to the respective board or council by the governor with the
12 advice and consent of the senate.

327.011. As used in this chapter, **unless specifically**
2 **provided otherwise**, the following words and terms shall have
3 the meanings indicated:

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

10 (2) **"Accredited degree program from a school of**
11 **interior design", a degree from any school or other**
12 **institution which teaches interior design and whose**

13 **curricula for the degree in question have been, at the time**
14 **in question, certified as accredited by the Council for**
15 **Interior Design Accreditation or an accreditation body**
16 **recognized by the United States Department of Education;**

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

24 [(3)] (4) "Accredited school of landscape
25 architecture", any school or other institution which teaches
26 landscape architecture and whose curricula on the subjects
27 in question are or have been at the times in question
28 certified as accredited by the Landscape Architecture
29 Accreditation Board of the American Society of Landscape
30 Architects;

31 [(4)] (5) "Architect", any person authorized pursuant
32 to the provisions of this chapter to practice architecture
33 in Missouri, as the practice of architecture is defined in
34 section 327.091;

35 [(5)] (6) "Board", the Missouri board for architects,
36 professional engineers, professional land surveyors [and],
37 professional landscape architects, **and licensed interior**
38 **designers;**

39 [(6)] (7) "Corporation", any general business
40 corporation, professional corporation or limited liability
41 company;

42 [(7)] (8) "Design coordination", the review and
43 coordination of technical submissions prepared by others
44 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", the same meaning
given to such term 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;

77 [(12)] (14) "Person", any individual, corporation,
78 firm, partnership, association or other entity authorized to
79 do business;

80 [(13)] (15) "Professional engineer", any person
81 authorized pursuant to the provisions of this chapter to
82 practice as a professional engineer in Missouri, as the
83 practice of engineering is defined in section 327.181;

84 [(14)] (16) "Professional land surveyor", any person
85 authorized pursuant to the provisions of this chapter to
86 practice as a professional land surveyor in Missouri as the
87 practice of land surveying is defined in section 327.272;

88 [(15)] (17) "Professional landscape architect", any
89 person authorized pursuant to the provisions of this chapter
90 to practice as a professional landscape architect in
91 Missouri as the practice of **professional** landscape
92 architecture is defined in section 327.600;

93 [(16)] (18) "Responsible charge", the independent
94 direct control of a licensee's work and personal supervision
95 of such work pertaining to the practice of architecture,
96 engineering, land surveying, [or] landscape architecture, **or**
97 **interior design.**

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

12 surveyors, who shall constitute its professional land
13 surveying division; three professional landscape architects,
14 who shall constitute its professional landscape
15 architectural division; **two licensed interior designers, who**
16 **shall constitute its licensed interior design division;** and
17 a voting public member.

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

23 3. The chairperson shall be the administrative and
24 executive officer of the board, and it shall be his or her
25 duty to supervise and expedite the work of the board and its
26 divisions, and, at his or her election, when a tie exists
27 between the divisions of the board, to break the tie by
28 recording his or her vote for or against the action upon
29 which the divisions are in disagreement. Each member of the
30 architectural division shall have one vote when voting on an
31 action pending before the board; each member of the
32 professional engineering division shall have one vote when
33 voting on an action pending before the board; each member of
34 the professional land surveying division shall have one vote
35 when voting on an action pending before the board; [and]
36 each member of the professional landscape architectural
37 division shall have one vote when voting on an action
38 pending before the board; **and each member of the licensed**
39 **interior design division shall have one vote when voting on**
40 **an action pending before the board.** Every motion or
41 proposed action upon which the divisions of the board are
42 tied shall be deemed lost, and the chairperson shall so
43 declare, unless the chairperson shall elect to break the tie

44 as provided in this section. ~~[Eight]~~ **Nine** voting members of
45 the board, including at least one member of each division,
46 shall constitute a quorum, respectively, for the transaction
47 of board business.

48 4. Each division of the board shall, at its first
49 meeting in each even-numbered year, elect one of its members
50 as division chairperson for a term of two years. Two voting
51 members of each division of the board shall constitute a
52 quorum for the transaction of division business. The
53 chairpersons of the architectural division, professional
54 engineering division, professional land surveying division,
55 ~~[and]~~ professional landscape architectural division, **and**
56 **licensed interior design division** so elected shall be vice
57 chairpersons of the board~~[, and]~~. When the chairperson of
58 the board is an architect, the chairperson of the
59 architectural division shall be the ranking vice
60 chairperson~~[, and]~~; when the chairperson of the board is a
61 professional engineer, the chairperson of the professional
62 engineering division shall be the ranking vice
63 chairperson~~[,]~~; when the chairperson of the board is a
64 professional land surveyor, the chairperson of the
65 professional land surveying division shall be the ranking
66 vice chairperson~~[, and]~~; when the chairperson of the board
67 is a professional landscape architect, the chairperson of
68 the professional landscape architectural division shall be
69 the ranking vice chairperson; **and when the chairperson of**
70 **the board is a licensed interior designer, the chairperson**
71 **of the licensed interior design division shall be the**
72 **ranking vice chairperson.** The chairperson of each division
73 shall be the administrative and executive officer of his or
74 her division, and it shall be his or her duty to supervise
75 and expedite the work of the division, and, in case of a tie

76 vote on any matter, the chairperson shall, at his or her
77 election, break the tie by his or her vote. Every motion or
78 question pending before the division upon which a tie exists
79 shall be deemed lost, and so declared by the chairperson of
80 the division, unless the chairperson shall elect to break
81 such tie by his or her vote.

82 5. **(1)** Any person appointed to the board, except a
83 public member, shall be a currently licensed architect,
84 licensed professional engineer, licensed professional land
85 surveyor [or], licensed professional landscape architect, **or**
86 **licensed interior designer** in Missouri, as the vacancy on
87 the board may require, who has been a resident of Missouri
88 for at least five years, who has been engaged in active
89 practice as an architect, professional engineer,
90 professional land surveyor [or], professional landscape
91 architect, **or licensed interior designer**, as the case may
92 be, for at least ten consecutive years as a Missouri
93 licensee immediately preceding such person's appointment,
94 and who is and has been a citizen of the United States for
95 at least five years immediately preceding such person's
96 appointment.

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

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

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

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

121 **(e) Active service as a faculty member while holding**
122 **the rank of assistant professor or higher in an accredited**
123 **school of interior design shall be regarded as active**
124 **practice of licensed interior design for the purposes of**
125 **this chapter, provided that no faculty member of an**
126 **accredited school of interior design shall be eligible for**
127 **appointment to the board unless such person has had at least**
128 **three years of experience in the active practice of licensed**
129 **interior design other than in teaching.**

130 **(3)** The public member shall be, at the time of
131 appointment, a citizen of the United States; a resident of
132 this state for a period of one year and a registered voter;
133 a person who is not and never was a member of any profession
134 licensed or regulated pursuant to this chapter or the spouse
135 of such person; and a person who does not have and never has
136 had a material, financial interest in either the providing
137 of the professional services regulated by this chapter, or
138 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 professional landscape
architect, **and then licensed interior designer** 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.

171 7. In the event that a vacancy is to occur on the
172 board because of the expiration of a term, then ninety days
173 prior to the expiration, or as soon as feasible after a
174 vacancy otherwise occurs, the president of the American
175 Institute of Architects/Missouri if the vacancy to be filled
176 requires the appointment of an architect, the president of
177 the Missouri Society of Professional Engineers if the
178 vacancy to be filled requires the appointment of a
179 professional engineer, the president of the Missouri Society
180 of Professional Surveyors if the vacancy to be filled
181 requires the appointment of a professional land surveyor,
182 [and] the president of the Missouri Association of Landscape
183 Architects if the vacancy to be filled requires the
184 appointment of a professional landscape architect, **and the**
185 **presidents or other chief executives of any Missouri**
186 **consortium for interior design if the vacancy to be filled**
187 **requires the appointment of a licensed interior designer,**
188 shall submit to the director of the division of professional
189 registration a list of five architects [or], five
190 professional engineers, [or] five professional land
191 surveyors, [or] five professional landscape architects, **or**
192 **five licensed interior designers,** as the case may require,
193 qualified and willing to fill the vacancy in question, with
194 the recommendation that the governor appoint one of the five
195 persons so listed; and with the list of names so submitted,
196 the president **or other chief executive** of the appropriate
197 organization shall include in a letter of transmittal a
198 description of the method by which the names were chosen.
199 This subsection shall not apply to public member vacancies.

200 8. The board may sue and be sued as the Missouri board
201 for architects, professional engineers, professional land
202 surveyors [and], professional landscape architects, **and**

203 **licensed interior designers**, and its members need not be
204 named as parties. Members of the board shall not be
205 personally liable either jointly or severally for any act or
206 acts committed in the performance of their official duties
207 as board members, nor shall any board member be personally
208 liable for any court costs which accrue in any action by or
209 against the board.

210 **9. Upon appointment by the governor and confirmation**
211 **by the senate of the two licensed interior designers to be**
212 **first appointed to the interior design division of the**
213 **board, the interior design council shall be abolished and**
214 **all of its powers, duties, and responsibilities shall be**
215 **transferred and imposed upon the board pursuant to this**
216 **section. Every act performed by or under the authority of**
217 **the board shall be deemed to have the same force and effect**
218 **as if performed by the interior design council pursuant to**
219 **the authority granted to the interior design council prior**
220 **to August 28, 2026. All rules of the interior design**
221 **council shall continue in effect and shall be deemed to be**
222 **duly adopted by the board until such rules are revised,**
223 **amended, or repealed by the board as provided by law, of**
224 **which such action shall be taken by the board on or before**
225 **January 1, 2027.**

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

10 certificates of registration or certificates of authority
11 provided for in this chapter, or pertaining to the unlawful
12 practice of architecture, professional engineering,
13 professional land surveying [or], professional landscape
14 architecture, **or licensed interior design.**

15 2. The board shall, within the scope and purview of
16 the provisions of this chapter, prescribe the duties of its
17 officers and employees and adopt, publish and enforce the
18 rules and regulations of professional conduct which shall
19 establish and maintain appropriate standards of competence
20 and integrity in the professions of architecture,
21 professional engineering, professional land surveying [and],
22 professional landscape architecture, **and licensed interior**
23 **design,** and adopt, publish and enforce procedural rules and
24 regulations as may be considered by the board to be
25 necessary or proper for the conduct of the board's business
26 and the management of its affairs, and for the effective
27 administration and interpretation of the provisions of this
28 chapter. Any rule or portion of a rule, as that term is
29 defined in section 536.010, that is created under the
30 authority delegated in this chapter shall become effective
31 only if it complies with and is subject to all of the
32 provisions of chapter 536 and, if applicable, section
33 536.028. This section and chapter 536 are nonseverable and
34 if any of the powers vested with the general assembly
35 pursuant to chapter 536 to review, to delay the effective
36 date or to disapprove and annul a rule are subsequently held
37 unconstitutional, then the grant of rulemaking authority and
38 any rule proposed or adopted after August 28, 2001, shall be
39 invalid and void.

40 3. Rules promulgated by the board pursuant to sections
41 327.272 to 327.635 shall be consistent with and shall not

42 supersede the rules promulgated by the department of natural
43 resources pursuant to chapter 60.

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

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

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

31 **state board for architects, professional engineers,**
32 **professional land surveyors, professional landscape**
33 **architects, and licensed interior designers fund.**

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

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

14 such documents sealed by such licensee, whether prepared or
15 drafted by another licensee or not.

16 2. The personal seal of an architect or professional
17 engineer or professional land surveyor or professional
18 landscape architect **or licensed interior designer** shall be
19 the legal equivalent of the licensee's signature whenever
20 and wherever used, and the owner of the seal shall be
21 responsible for the architectural, engineering, land
22 surveying, [or] landscape architectural, **or interior design**
23 documents, as the case may be, when the licensee places his
24 or her personal seal on such technical submissions to be
25 used in connection with, any architectural or engineering
26 project, survey, [or] landscape architectural project, **or**
27 **interior alteration or construction project**. Licensees
28 shall undertake to perform architectural, professional
29 engineering, professional land surveying [and], professional
30 landscape architectural, **and interior design** services only
31 when they are qualified by education, training, and
32 experience in the specific technical areas involved.

33 3. Notwithstanding any provision of this section, any
34 architect, professional engineer, professional land
35 surveyor, [or] professional landscape architect, **or licensed**
36 **interior designer** may, but is not required to, attach a
37 statement over his or her signature, authenticated by his or
38 her personal seal, specifying the particular technical
39 submissions, or portions thereof, intended to be
40 authenticated by the seal, and disclaiming any
41 responsibility for all other technical submissions relating
42 to or intended to be used for any part or parts of the
43 architectural or engineering project [or], survey [or],
44 landscape architectural project, **or interior alteration or**
45 **construction project**.

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

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

 2. The board may cause a complaint to be filed with
10 the administrative hearing commission as provided by chapter
11 621 against any holder of any license or certificate of
12 authority required by this chapter or any person who has
13 failed to renew or has surrendered such person's license or
14 certificate of authority, for any one or any combination of
15 the following causes:

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

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

 (3) Use of fraud, deception, misrepresentation or
28 bribery in securing any license or certificate of authority
29 issued pursuant to this chapter or in obtaining permission

30 to take any examination given or required pursuant to this
31 chapter;

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

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

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

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

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

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

54 (10) Assisting or enabling any person to practice or
55 offer to practice any profession licensed or regulated by
56 this chapter who is not licensed and currently eligible to
57 practice pursuant to this chapter. **The provisions of this**
58 **subdivision shall not apply to prohibit assisting or**
59 **enabling any person to perform or offer to perform interior**
60 **design services who is not licensed under this chapter;**

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

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

67 (13) Violation of any professional trust or confidence;

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

72 3. After the filing of such complaint, the proceedings
73 shall be conducted in accordance with the provisions of
74 chapter 621. Upon a finding by the administrative hearing
75 commission that the grounds, provided in subsection 2 of
76 this section, for disciplinary action are met, the board
77 may, singly or in combination, censure or place the person
78 named in the complaint on probation on such terms and
79 conditions as the board deems appropriate for a period not
80 to exceed five years, or may suspend, for a period not to
81 exceed three years, or order a civil penalty under section
82 327.077, or revoke the license or certificate of authority
83 of the person named in the complaint.

 327.442. 1. At such time as the final trial
2 proceedings are concluded whereby a licensee, or any person
3 who has failed to renew or has surrendered his or her
4 certificate of licensure or authority, has been **finally**
5 adjudicated and found guilty, or has entered a plea of
6 guilty or nolo contendere, in a [felony] **criminal**
7 prosecution pursuant to the laws of [this] **any** state, [the
8 laws of any other state, territory, or the laws] of the
9 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

41 affidavit are based, the board shall file with and in the
42 administrative hearing commission a written complaint
43 against the accused setting forth the cause or causes for
44 which the accused's license or certificate of authority
45 should be suspended or revoked. Thereafter, the board shall
46 be governed by and shall proceed in accordance with the
47 provisions of chapter 621.

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

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

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

[324.400.] **327.700.** As used in sections [324.400 to
2 **324.439]** **327.700 to 327.750**, the following terms mean:

(1) ["Council", the interior design council created in section 324.406] "Building equipment", any mechanical plumbing, electrical, or structural components, including a conveyance, designed for or located in a building or structure;

(2) ["Division", the division of professional registration] "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) "[Registered] Licensed interior designer", a design professional who provides services including preparation of documents and specifications relative to nonload-bearing interior construction, furniture, finishes,

35 fixtures and equipment and who meets the criteria of
36 education, experience and examination as provided in
37 sections [324.400 to 324.439] 327.700 to 327.750;

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

49 (a) Shall include:

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

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

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

59 (i) Determinations of circulation systems or patterns;

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

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

65 d. The application of all federal, state, and local
66 building codes and accessibility standards, as applicable to

67 interior technical submissions for interior nonstructural
68 elements;

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

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

77 (b) Shall not include:

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

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

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

85 d. Services or work that constitute the practice of
86 professional landscape architecture, as defined in section
87 327.600;

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

91 f. Changes to the building envelope, including
92 exterior walls, exterior wall coverings, exterior wall
93 openings, exterior windows or doors, architectural trim,
94 balconies and similar projections, bay or oriel windows,
95 roof assemblies and rooftop structures, and glass and
96 glazing for exterior use in both vertical, horizontal, and
97 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 interior design services 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 interior design services 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;

(8) "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 interior design services only when he or she is qualified by education, training, and experience in the specific technical areas involved.

9 3. Licensed interior designers shall be in responsible
10 charge of all interior design of buildings that can affect
11 the health, safety, and welfare of the public with their
12 scope of practice. Licensed interior designers shall not
13 take responsible charge over interior technical submissions
14 prepared by another person unless the licensed interior
15 designer reviewing such interior technical submissions
16 actually exercises personal supervision and direct control
17 over the interior technical submissions. Nothing in
18 [sections 324.400 to 324.439] this chapter shall be
19 construed as limiting or preventing the practice of a
20 person's interior design profession or restricting a person
21 from providing interior design services, provided such
22 person does not indicate to the public that such person is
23 [registered] licensed as an interior designer pursuant to
24 the provisions of sections [324.400 to 324.439] 327.700 to
25 327.750.

26 4. Nothing in this chapter shall be construed as
27 preventing or restricting persons from engaging in
28 professional interior design services limited to the design
29 of kitchen and bath spaces or the specification of products
30 for kitchen and bath spaces in noncommercial settings.

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

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

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

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

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

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

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

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

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

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

39 [registered] **licensed** interior designer by the [division]
40 **board**.

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

[324.418.] **327.730.** 1. The [certificate of
2 registration] **license** issued biennially to a [registered]
3 **licensed** interior designer pursuant to sections [324.400 to
4 324.439] **327.700 to 327.750** shall be renewed on or before
5 the [certificate] **license** renewal date accompanied by the
6 required fee. The [certificate of registration] **license** of
7 a [registered] **licensed** interior designer which is not
8 renewed within three months after the [certificate] **license**
9 renewal date shall be suspended automatically, subject to
10 the right of the holder to have the suspended [certificate
11 of registration] **license** reinstated within nine months of
12 the date of suspension if the person pays the required
13 reinstatement fee. Any [certificate of registration]

14 **license** suspended and not reinstated within nine months of
15 the suspension date shall expire and be void and the holder
16 of such **[certificate]** **license** shall have no rights or
17 privileges provided to holders of valid **[certificates]**
18 **licenses**. Any person whose **[certificate of registration]**
19 **license** has expired may, upon demonstration of current
20 qualifications and payment of required fees, be
21 **[reregistered]** **relicensed** or reauthorized under the person's
22 original **[certificate of registration]** **license** number.

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

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

[324.427.] 327.735. It is unlawful for any person to
2 advertise or indicate to the public that the person is a
3 **[registered]** **licensed** interior designer in this state,
4 unless such person is **[registered]** **licensed** as a
5 **[registered]** **licensed** interior designer by the **[division]**

6 **board** and is in good standing pursuant to sections [324.400
7 to 324.439] **327.700 to 327.750**.

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

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

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

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

4 (1) "Design professional", an architect, landscape
5 architect, professional land surveyor, [or] professional
6 engineer, **or licensed interior designer** licensed under the
7 provisions of chapter 327 or any **professional design firm**,
8 **as defined in section 327.700, or** corporation authorized to

9 practice architecture, landscape architecture, land
10 surveying, or engineering under section 327.401 while acting
11 within their scope of practice;

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

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

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

35 2. A peer review process shall only be performed by a
36 design professional licensed in any jurisdiction in the
37 United States in the same profession as would be required
38 under chapter 327 to prepare the design documents being
39 reviewed, or in a case requiring multiple professions, by a
40 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

73 professional services provided to a client or member of the
74 public are subject to discovery, subpoena, or other means of
75 legal compulsion for their release to any person or entity
76 and shall be admissible into evidence in any judicial or
77 administrative action for failure to provide appropriate
78 architectural, landscape architectural, land surveying, [or]
79 engineering, **or interior design** services, subject to
80 applicable rules of the court or tribunal. Except as
81 otherwise provided in this section, no person who was in
82 attendance at, or participated in, any lessons learned
83 process or proceedings shall be permitted or required to
84 disclose any information acquired in connection with or in
85 the course of such proceeding, or to disclose any opinion,
86 recommendation, or evaluation made in a lessons learned
87 process or proceeding; provided, however, that information
88 otherwise discoverable or admissible from original sources
89 is not to be construed as immune from discovery or use in
90 any proceeding merely because it was presented during a
91 lessons learned process or proceeding nor is a member,
92 employee, or agent involved in any such process or
93 proceeding, or other person appearing before a peer
94 reviewer, to be prevented from testifying as to matters
95 within his or her personal knowledge and in accordance with
96 the other provisions of this section, but such witness
97 cannot be questioned about a lessons learned process or
98 proceeding or about opinions formed as a result of such
99 process or proceeding. The disclosure of any memoranda,
100 proceedings, reports, or minutes of a lessons learned
101 proceeding to any person or entity, including but not
102 limited to governmental agencies, professional accrediting
103 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

22 Board of Nursing
23 Board of Optometry
24 Board of Pharmacy
25 Missouri Real Estate Commission
26 Missouri Veterinary Medical Board
27 Supervisor of Liquor Control
28 Department of Health and Senior Services
29 Department of Commerce and Insurance
30 Department of Mental Health
31 Board of Private Investigator Examiners.

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

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

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

49 (1) Provide the licensee with a written description of
50 the specific conduct for which discipline is sought and a
51 citation to the law and rules allegedly violated, together
52 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

84 grounds for denying or disciplining the license of the
85 licensee.

86 6. When a holder of a license, registration, permit,
87 or certificate of authority issued by the division of
88 professional registration or a board, commission, or
89 committee of the division of professional registration
90 against whom an affirmative decision is sought has failed to
91 plead or otherwise respond in the contested case and
92 adequate notice has been given under sections 536.067 and
93 621.100 upon a properly pled writing filed to initiate the
94 contested case under this chapter or chapter 536, a default
95 decision shall be entered against the licensee without
96 further proceedings. The default decision shall grant such
97 relief as requested by the division of professional
98 registration, board, committee, commission, or office in the
99 writing initiating the contested case as allowed by law.
100 Upon motion stating facts constituting a meritorious defense
101 and for good cause shown, a default decision may be set
102 aside. The motion shall be made within a reasonable time,
103 not to exceed thirty days after entry of the default
104 decision. "Good cause" includes a mistake or conduct that
105 is not intentionally or recklessly designed to impede the
106 administrative process.

 [324.406. 1. There is hereby created
2 within the division of professional registration
3 a council to be known as the "Interior Design
4 Council". The council shall consist of four
5 interior designers and one public member
6 appointed by the director of the division. The
7 director shall give due consideration to the
8 recommendations by state organizations of the
9 interior design profession for the appointment
10 of the interior design members to the council.
11 Council members shall be appointed to serve a
12 term of four years; except that of the members

13 first appointed, one interior design member and
14 the public member shall be appointed for terms
15 of four years, one member shall be appointed for
16 a term of three years, one member shall be
17 appointed for a term of two years and one member
18 shall be appointed for a term of one year. No
19 member of the council shall serve more than two
20 terms.

21 2. Each council member, other than the
22 public member, shall be a citizen of the United
23 States, a resident of the state of Missouri for
24 at least one year, meet the qualifications for
25 professional registration, practice interior
26 design as the person's principal livelihood and,
27 except for the first members appointed, be
28 registered pursuant to sections 324.400 to
29 324.439 as an interior designer.

30 3. The public member shall be, at the time
31 of such person's appointment, a citizen of the
32 United States, a registered voter, a person who
33 is not and never was a member of the profession
34 regulated by sections 324.400 to 324.439 or the
35 spouse of such a person and a person who does
36 not have and never has had a material financial
37 interest in the providing of the professional
38 services regulated by sections 324.400 to
39 324.439. The duties of the public member shall
40 not include the determination of the technical
41 requirements for the registration of persons as
42 interior designers.

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

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

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

65 7. The council shall meet at least twice
66 each year and guide, advise, and make
67 recommendations to the division on matters
68 within the scope of sections 324.400 to
69 324.439. The organization of the council shall
70 be established by the members of the council.]

 [324.412. The division shall:

2 (1) Employ, within the limits of the
3 appropriations for that purpose, such employees
4 as are necessary to carry out the provisions of
5 sections 324.400 to 324.439;

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

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

11 (4) Promulgate such rules and regulations
12 as are necessary to administer the provisions of
13 sections 324.400 to 324.439. Any rule or
14 portion of a rule, as that term is defined in
15 section 536.010, that is promulgated to
16 administer and enforce sections 324.400 to
17 324.439, shall become effective only if the
18 agency has fully complied with all of the
19 requirements of chapter 536, including but not
20 limited to, section 536.028, if applicable,
21 after August 28, 1998. If the provisions of
22 section 536.028 apply, the provisions of this
23 section are nonseverable and if any of the
24 powers vested with the general assembly pursuant
25 to section 536.028 to review, to delay the
26 effective date, or to disapprove and annul a
27 rule or portion of a rule are held
28 unconstitutional or invalid, the purported grant
29 of rulemaking authority and any rule so proposed

30 and contained in the order of rulemaking shall
31 be invalid and void, except that nothing in this
32 section shall affect the validity of any rule
33 adopted and promulgated prior to August 28,
34 1998.]

2 [324.421. The division shall register
3 without examination any interior designer
4 certified, licensed or registered in a foreign
5 country if the applicant has qualifications
6 which are at least equivalent to the
7 requirements for registration as a registered
8 interior designer in this state and such
9 applicant pays the required fees.]

2 [324.424. 1. The division shall set the
3 amount of the fees authorized by sections
4 324.400 to 324.439 by rules and regulations.
5 The fees shall be set at a level to produce
6 revenue which shall not substantially exceed the
7 cost and expense of administering sections
8 324.400 to 324.439. All fees required pursuant
9 to sections 324.400 to 324.439 shall be paid to
10 and collected by the division of professional
11 registration and transmitted to the department
12 of revenue for deposit in the state treasury to
13 the credit of the "Interior Designer Council
14 Fund", which is hereby created.

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

2 [324.436. 1. The division may refuse to
3 issue any certificate required pursuant to
4 sections 324.400 to 324.439, or renew or
5 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

50 or license or allowing any person to use the
51 person's certificate or diploma from any school;

52 (7) Disciplinary action against the holder
53 of a certificate of registration or other right
54 to perform the profession regulated by sections
55 324.400 to 324.439 granted by another state,
56 territory, federal agency or country upon
57 grounds for which revocation or suspension is
58 authorized in this state;

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

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

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

70 3. After the filing of a complaint
71 pursuant to subsection 2 of this section, the
72 proceedings shall be conducted in accordance
73 with the provisions of chapter 536 and chapter
74 621. Upon a finding by the administrative
75 hearing commission that the grounds, provided in
76 subsection 2 of this section, for disciplinary
77 action are met, the division shall censure or
78 place the person named in the complaint on
79 probation for a period not to exceed five years
80 or may suspend the person's certificate for a
81 period not to exceed three years or may revoke
82 the person's certificate of registration.]

Section B. The repeal of sections 324.406 and 324.424
2 shall become effective upon notification to the revisor from
3 the director of the division of professional registration of
4 the department of commerce and insurance of the appointment
5 and confirmation of two members to the interior design
6 division of the Missouri board for architects, professional

7 engineers, professional land surveyors, professional
8 landscape architects, and licensed interior designers.

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