

SECOND REGULAR SESSION

SENATE BILL NO. 752

89TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR MATHEWSON.

Read 1st time January 19, 1998, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

L3357.011

AN ACT

To repeal sections 327.011, 327.051, 327.075, 327.091, 327.111, 327.131, 327.141, 327.151, 327.161, 327.171, 327.181, 327.191, 327.201, 327.221, 327.231, 327.241, 327.251, 327.261, 327.272, 327.281, 327.291, 327.312, 327.313, 327.314, 327.321, 327.331, 327.341, 327.351, 327.361, 327.371, 327.381, 327.391, 327.411, 327.421, 327.441, 327.451 and 327.461, RSMo 1994, and sections 327.031, 327.041, 327.101 and 327.401, RSMo Supp. 1997, relating to architects, professional engineers and professional land surveyors, and to enact in lieu thereof forty-one new sections relating to the same subject, with penalty provisions.

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

Section A. Sections 327.011, 327.051, 327.075, 327.091, 327.111, 327.131, 327.141, 327.151, 327.161, 327.171, 327.181, 327.191, 327.201, 327.221, 327.231, 327.241, 327.251, 327.261, 327.272, 327.281, 327.291, 327.312, 327.313, 327.314, 327.321, 327.331, 327.341, 327.351, 327.361, 327.371, 327.381, 327.391, 327.411, 327.421, 327.441, 327.451 and 327.461, RSMo 1994, and sections 327.031, 327.041, 327.101 and 327.401, RSMo Supp. 1997, are repealed and forty-one new sections enacted in lieu thereof, to be known as sections 327.011, 327.031, 327.041, 327.051, 327.075, 327.091, 327.101, 327.111, 327.131, 327.141, 327.151, 327.161, 327.171, 327.181, 327.191, 327.201, 327.221, 327.231, 327.241, 327.251, 327.261, 327.272, 327.281, 327.291, 327.312, 327.313, 327.314, 327.321, 327.331, 327.341, 327.351, 327.361, 327.371, 327.381, 327.391, 327.401, 327.411, 327.421, 327.441, 327.451 and 327.461, to read as follows:

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

- (1) "Accredited **degree program from a school of architecture**", a **degree from** any

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

school or other institution which teaches architecture and whose curricula [on the subjects in question are or have been at the times] **for the degree in question have been, at the time in question, certified as accredited by the National Architectural Accrediting Board;**

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

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

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

[(5)] "Land surveyor", any person authorized under the provisions of this chapter to practice as a land surveyor in Missouri as the practice of land surveying is defined in section 327.272;]

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

(6) **"Partnership", any partnership or limited liability partnership;**

[(6)] (7) "Person", any person, corporation, firm, partnership, association[,] or other entity;

[(7)] (8) "Professional engineer", any person authorized [under] **pursuant to** the provisions of this chapter to practice as a professional engineer in Missouri, as the practice of engineering is defined in section 327.181[.];

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

327.031. 1. The "Missouri Board for Architects, Professional Engineers, and **Professional Land Surveyors**" **is hereby established and** shall consist of eleven members: a [chairman] **chairperson**, who may be either [a registered] **an** architect **or**, a [registered] professional engineer or a professional land surveyor; three [registered] architects, who shall constitute the architectural division of the board; three [registered] professional engineers, who shall constitute its professional engineering division; three [registered] **professional** land surveyors, who shall constitute its **professional** land surveying division; and a voting public member.

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

3. The [chairman] **chairperson** shall be the administrative and executive officer of the board, and it shall be [his] **such chairperson's** duty to supervise and expedite the work of the board and its divisions, and, at [his] **such chairperson's** election, when a tie exists between the

divisions of the board, to break the tie by recording [his] **such chairperson's** vote for or against the action upon which the divisions are in disagreement. Each member of the architectural division shall have one vote [or] **when voting on an** action pending before the board; each member of the professional engineering division shall have one vote when voting on **an** action pending before the board; and [the three members] **each member** of the **professional land surveying** division shall [each] have one vote when voting on **an** action **pending** before the board. Every motion or proposed action upon which the divisions of the board are tied shall be deemed lost, and the [chairman] **chairperson** shall so declare, unless [he] **the chairperson** shall elect to break the tie as provided in this section. Six members of the board and two members of each division shall constitute a quorum, respectively, for the transaction of business.

4. Each division of the board shall, at its first meeting in each even-numbered year, elect one of its members as division [chairman] **chairperson** for a term of two years. The [chairmen] **chairpersons** of the architectural division [and of], the professional engineering division **and the professional land surveying division** so elected shall be vice [chairmen] **chairs** of the board, and when the [chairman] **chairperson** of the board is an architect, the [chairman] **chairperson** of the architectural division shall be the ranking vice [chairman] **chairperson**, and when the [chairman] **chairperson** of the board is a professional engineer, the [chairman] **chairperson** of the professional engineering division shall be the ranking vice [chairman] **chairperson, and when the chairperson of the board is a professional land surveyor, the chairperson of the professional land surveying division shall be the ranking vice chairperson.** The [chairman] **chairperson** of each division shall be the administrative and executive officer of [his] **that chairperson's** division, and it shall be [his] **that chairperson's** duty to supervise and expedite the work of the division, and, in case of a tie vote on any matter, [he] **that chairperson** shall, at [his] **that chairperson's** election, break the tie by [his] **such chairperson's** vote. Every motion or question pending before the division upon which a tie exists shall be deemed lost, and so declared by the [chairman] **chairperson** of the division, unless [he] **such chairperson** shall elect to break such tie by his **or her** vote.

5. Any person appointed to the board, except a public member, shall be a currently [registered architect, registered professional engineer, or registered land surveyor] **licensed architect, licensed professional engineer or licensed professional land surveyor** in Missouri, as the vacancy on the board may require, who has been a resident of Missouri for at least five years, who has been engaged in active practice as [a registered or licensed] **an** architect, professional engineer or **professional** land surveyor, as the case may be, for at least ten consecutive years immediately preceding [his] **such person's** appointment and who is and has been a citizen of the United States for at least five years immediately preceding [his] **such person's** appointment. Active service as a faculty member while holding the rank of assistant professor or higher in an accredited school of engineering shall be regarded as active practice of

engineering, for the purposes of this chapter. Active service as a faculty member, after meeting the qualifications required by section 327.314, while holding the rank of assistant professor or higher in an accredited school of engineering and teaching land surveying courses shall be regarded an active practice of land surveying for the purposes of this chapter. Active service as a faculty member while holding the rank of assistant professor or higher in an accredited school of architecture shall be regarded as active practice of architecture for the purposes of this chapter; provided, however, that no faculty member of an accredited school of architecture shall be eligible for appointment to the board unless **[he] such person** has had at least three years' experience in the active practice of architecture other than in teaching. The public member shall be, at the time of **[his]** appointment, a citizen of the United States; a resident of this state for a period of one year and a registered voter; a person who is not and never was a member of any profession licensed or regulated **[under] pursuant to** this chapter or the spouse of such person; and a person who does not have and never has had a material, financial interest in either the providing of the professional services regulated by this chapter, or an activity or organization directly related to any profession licensed or regulated **[under] pursuant to** this chapter. All members, including public members, shall be chosen from lists submitted by the director of the department of economic development, **which lists shall be compiled as required in subsection 7 of this section, except for the public member.** 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 alternate among an architect, a professional engineer and a professional land surveyor. All appointments, except to fill an unexpired term, shall be for terms of four years; but no person shall serve on the board for more than two consecutive four-year terms, and each four-year term shall be deemed to have begun on the date of the expiration of the term of the board member who is being replaced or reappointed, as the case may be. Any appointment to the board which is made when the senate is not in session shall be submitted to the senate for its advice and consent at its next session following the date of the appointment.

7. In the event that a vacancy is to occur on the board because of the expiration of a term, then ninety days prior to the expiration, or as soon as feasible after a vacancy otherwise occurs, the president of the **[Missouri Council of Architects] American Institute of Architects/Missouri** if the vacancy to be filled requires the appointment of an architect, the president of the Missouri Society of Professional Engineers if the vacancy to be filled requires the appointment of an engineer, and the president of the Missouri Association of Registered Land

Surveyors if the vacancy to be filled requires the appointment of a land surveyor, shall submit to the director of the department of economic development a list of five architects or five professional engineers, or five **professional** land surveyors, as the case may require, qualified and willing to fill the vacancy in question, with the recommendation that the governor appoint one of the five persons so listed; and with the list of names so submitted, the president of the appropriate organization [above named] shall include in a letter of transmittal a description of the method by which the names were chosen. This subsection shall not apply to public member vacancies.

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

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

2. The board shall, within the scope and purview of the provisions of this chapter, prescribe the duties of its officers and employees and adopt, publish and enforce the rules and regulations of professional conduct which shall establish and maintain appropriate standards of competence and integrity in the professions of architecture, professional engineering and **professional** land surveying, and adopt, publish and enforce procedural rules and regulations as may be considered by the board to be necessary or proper for the conduct of the board's business and the management of its affairs, and for the effective administration and interpretation of the provisions of this chapter. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

3. Rules promulgated by the board pursuant to sections 327.272 to 327.371 shall be consistent with and shall not supersede the rules promulgated by the department of natural resources [under] **pursuant to** chapter 60, RSMo.

327.051. 1. The board shall meet at least twice a year at such times and places as are fixed by the board.

2. The board may appoint and employ legal counsel and such board personnel, as defined in subdivision (4) of subsection [16] **15** of section 620.010, RSMo, as it deems necessary within the

appropriation therefor.

3. The board shall keep records of its official acts and decisions and certified copies of any such records attested by the executive director with the board's seal affixed shall be received as evidence in all courts to the same extent as the board's original records would be received.

4. Each member of the board shall receive as compensation an amount set by the board not to exceed fifty dollars for each day devoted to the affairs of the board, and shall be entitled to reimbursement of **[his] such member's** expenses necessarily incurred in the discharge of **[his] such member's** official duties.

327.075. 1. Upon application by the board, and the necessary burden having been met, a court of general jurisdiction may grant an injunction, restraining order or other order as may be appropriate to enjoin a person from:

(1) Offering to engage or engaging in the performance of any acts or practices for which a certificate of registration or authority, permit or license is required upon a showing that such acts or practices were performed or offered to be performed without a certificate of registration or authority, permit or license; or

(2) Engaging in any practice or business authorized by a certificate of registration or authority, permit or license issued pursuant to this chapter upon a showing that the holder presents a substantial probability of serious danger to the health, safety or welfare of any resident of this state or client **[or patient]** of the licensee.

2. Any such action shall be commenced either in the county in which such conduct occurred or in the county in which the defendant resides.

3. Any action brought **[under] pursuant to** this section shall be in addition to and not in lieu of any **[penalty] remedy** provided by this chapter and may be brought concurrently with other actions to enforce this chapter.

327.091. Any person practices **[architecture] as an architect** in Missouri who renders or offers to render or represents **[himself] oneself** as willing or able to render service or creative work which requires architectural education, training and experience, including services and work such as consultation, evaluation, planning, aesthetic and structural design, the preparation of drawings, specifications and related documents, and the coordination of services furnished by structural, civil, mechanical and electrical engineers and other consultants as they relate to architectural work in connection with the construction or erection of any private or public building, building structure, building project or integral part or parts of buildings or of any additions or alterations thereto; **or who uses the title "architect" or the terms "architect" or "architecture" or "architectural" alone or together with any words other than "landscape" that indicate or imply that such person is or holds himself or herself out to be an architect.**

327.101. No person shall practice architecture in Missouri as defined in section 327.091

unless and until there is issued to the person a [certificate of registration] **license** or a certificate of authority certifying that the person has been duly [registered] **licensed** as an architect or authorized to practice architecture, in Missouri, and unless such [certificate] **license** has been renewed as hereinafter specified; provided, however, that nothing in this chapter shall apply to the following persons:

(1) Any person who is an employee of a person holding a currently valid [certificate of registration] **license** as an architect or who is an employee of any person holding a currently valid certificate of authority pursuant to this chapter, and who performs architectural work under the direction and continuing supervision of and is checked by one holding a currently valid [certificate of registration] **license** as an architect pursuant to this chapter;

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

(3) Any holder of a currently valid [certificate] **license** as a [registered] professional engineer who performs only such architectural work as is incidental and necessary to the completion of engineering work lawfully being performed by such [registered] **licensed** professional engineer;

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

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

(a) A dwelling house; or

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

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

(d) Any one structure containing less than twenty thousand cubic feet, except as provided

in **paragraphs** (b) and (c) [above] **of this subdivision**, and which is not a part or a portion of a project which contains more than one structure; or

(e) A building or structure used exclusively for farm purposes;

(6) Any person who renders architectural services in connection with the remodeling or repairing of any privately owned building described in paragraphs (a), (c), (d) and (e) of subdivision (5) of this section or for a multiple family dwelling house, flat or apartment containing not more than four families, and who indicates on any drawings, specifications, estimates, reports or other documents furnished in connection with such services that the person is not a [registered] **licensed** architect[.];

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

327.111. Any person who practices architecture in Missouri as defined in section 327.091, who is not exempt [under] **pursuant to** the [proviso] **provisions** of section 327.101, or who is not the holder of a currently valid [certificate of registration] **license or certificate of authority** to practice architecture in Missouri, or who pretends or attempts to use as [his] **such person's** own the **license or** certificate of registration or the seal of another architect or who affixes his or [another registered] **her or another** architect's seal on any plans, specifications, drawings, or reports which have not been prepared by [him or under his] **such person or under such person's** immediate personal supervision, is guilty of a class A misdemeanor.

327.131. 1. Any person may apply to the board for examination and [registration] **license** as an architect who is over the age of twenty-one, is of good moral character, and is a graduate of and holds a degree in architecture from an accredited school of architecture and has acquired at least three years of satisfactory architectural experience after acquiring the degree [aforesaid] **in architecture**, or who possesses the age and character qualifications [above stated] **as provided in this subsection** and who has acquired a combined total of twelve years of education, above the high school level, and satisfactory architectural experience.

2. The board shall provide by rule what shall constitute satisfactory architectural experience, based upon recognized education and training equivalents.

327.141. Applications for examination and [registration] **license** as an architect shall be typewritten on prescribed forms furnished to the applicant. The application shall contain **the** applicant's statements showing **the** applicant's education, experience, results of previous architectural licensing examinations, if any, and such other pertinent information as the board may require. Each application shall contain a statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing [same] **the application**, subject to the penalties of making a false affidavit or declaration and shall be accompanied by the required fee.

327.151. 1. After the board has determined upon such inquiry and by such methods as it may consider proper that [he] **such applicant** possesses the qualifications entitling [him] **such applicant** to be examined, each applicant for examination and [registration] **license** as an architect shall appear before the board or its representatives for examination at the time and place specified by the board in a written notice to each such applicant, provided that an examination shall be given at least once in each calendar year.

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

3. An applicant to be eligible for [registration must] **license shall** make a passing grade on each examination. The "passing grade" shall be fixed by the board but it shall never be higher than the current "passing grade" determined by the National Council of Architectural Registration Boards.

4. Any person who passes the examination or examinations prescribed by the board shall be entitled to be [registered] **licensed** as an architect in Missouri, subject[, however,] to the other provisions of this chapter.

[327.161. If an applicant fails to make the grade specified in section 327.151, he may make application for reexamination on a form furnished to the applicant, and if the application is approved, he may take another examination at the next scheduled examination.]

327.161. If an applicant fails to make the grade specified in section 327.151, the applicant may apply for re-examination, by section, on a form furnished to the applicant. If the application is approved, the applicant may take another examination, no sooner than six months after the date of the failed examination.

327.171. 1. The [certificate of registration] **professional license**, issued to every [registered] architect in Missouri, including certificates of authority issued to corporations as [hereinafter] provided **in section 327.401**, shall be renewed on or before the [certificate] **license** renewal date, provided that the required fee is paid. **The board may establish, by rule, continuing education requirements as a condition to renewing the license of an architect.** The [certificate of any registered] **license of any** architect or the certificate of authority issued to any corporation which is not renewed within three months of the certificate renewal date shall be suspended automatically, subject to the right of the holder of such suspended certificate to have the certificate reinstated within nine months of the date of suspension, if the reinstatement fee is paid. Any [certificate of registration] **license** or certificate of authority suspended and not reinstated within nine months of the suspension date, as [above] provided **in this section**, shall expire and be void and the holder of such expired **license or** certificate shall have no rights or privileges [thereunder] **under such license or certificate**; but any person or

corporation whose certificate has expired as [aforesaid] **provided in this section** may within the discretion of the board, upon payment of the required fee, be [reregistered or reauthorized under his or its original registration number] **relicensed or reauthorized under such person's or such corporation's original license number.**

2. Each application for the renewal of a [registration] **license** or of a certificate of authority shall be on a form furnished to the applicant and shall be accompanied by the required fee, but no renewal fee need be paid by any [registered] architect over the age of seventy-five.

327.181. Any person practices in Missouri as a professional engineer who renders or offers to render or holds himself **or herself** out as willing or able to render any service or creative work, the adequate performance of which requires engineering education, training, and experience in the application of special knowledge of the mathematical, physical, and engineering sciences to such services or creative work as consultation, investigation, evaluation, planning and design of engineering works and systems, engineering teaching of advanced engineering subjects or courses related thereto, engineering surveys, and the inspection of construction for the purpose of [assuring] compliance with drawings and specifications, any of which embraces such service or work either public or private, in connection with any utilities, structures, buildings, machines, equipment, processes, work systems[,] or projects and including such architectural work as is incidental to the practice of engineering; or who uses the title "professional engineer" or "consulting engineer" or the word "engineer" alone or preceded by any word indicating or implying that such person is or holds himself **or herself** out to be a professional engineer, or who shall use any word or words, letters, figures, degrees, titles or other description indicating or implying that such person is a professional engineer or is willing or able to practice engineering.

327.191. No person shall practice as a professional engineer in Missouri, as defined in section 327.181 unless and until there is issued to [him a certificate of registration] **such person a professional license** or a certificate of authority certifying that [he has been duly registered] **such person has been duly licensed** as a professional engineer or authorized to practice engineering in Missouri, and unless such **license or** certificate has been renewed as [hereinafter specified; provided, however, that nothing in this chapter shall apply to the following persons] **provided in section 327.261; provided that section 327.181 shall not be construed to prevent the practice of engineering by the following persons:**

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

(2) Any person who is a regular full-time employee of a person, who performs professional

engineering work for such employer if and only if all such work and service so performed is done solely in connection with a facility owned or wholly operated by the employer and occupied or maintained by the employer of the employee performing such work or service;

(3) Any person engaged in engineering who is a full-time, regular employee of a person engaged in manufacturing operations and which engineering so performed by [said] **such** person relates to the manufacture, sale or installation of the products of such person;

(4) Any holder of a currently valid [certificate as a registered] **license or certificate of authority as an** architect who performs only such engineering work as is incidental and necessary to the completion of architectural work lawfully being performed by such [registered] **licensed** architect.

327.201. Any person who practices professional engineering in Missouri as defined in section 327.181, who is not exempt [under] **pursuant to** the provisions of section 327.191 and who is not the holder of a currently valid [certificate of registration] **license or certificate of authority** to practice professional engineering in Missouri, or who pretends or attempts to use as [his] **such person's** own the [certificate of registration] **license or certificate of authority** or the seal of another professional engineer, or who affixes [his] **such person's** or another [registered] **licensed** professional engineer's seal on any plans, specifications, drawings[,] or reports which have not been prepared by [him or under his] **such person or under such person's** immediate personal supervision is guilty of a class A misdemeanor.

327.221. Any person may apply to the board for examination and [registration] **license** as a professional engineer who is over the age of twenty-one, who is of good moral character, and who is a graduate of and holds a degree in engineering from an accredited school of engineering, or who possesses an education which includes at the minimum a baccalaureate degree in engineering, and which in the opinion of the board, equals or exceeds the education received by a graduate of an accredited school, and has acquired at least four years of satisfactory engineering experience, after [he] **such person** has graduated and has received a degree or education as [aforesaid; provided, however,] **provided in this section; provided** that the board shall by rule provide what shall constitute satisfactory engineering experience based upon recognized education and training equivalents, but in any event such rule shall provide that no more than one year of satisfactory postgraduate work in engineering subjects and that each year of satisfactory teaching of engineering subjects accomplished after a person has graduated from and has received a degree from an accredited school of engineering or after receiving an education as [aforesaid] **provided in this section** shall count as equivalent years of satisfactory engineering experience.

327.231. Applications for examination and [registration] **license** as a professional engineer shall be typewritten on prescribed forms furnished to the applicant. The application shall contain **the** applicant's statements showing **the** applicant's education, experience, results of previous engineering examinations, if any, and such other pertinent information as the board may

require. Each application shall contain a statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing [same] **such application**, subject to the penalties of making a false affidavit or declaration and shall be accompanied by the required fee.

327.241. 1. After the board has determined upon such inquiry and by such methods as it may consider proper that [he] **an applicant** possesses the qualifications entitling [him] **such applicant** to be examined, each applicant for examination and [registration] **licensure** as a professional engineer in Missouri shall appear before the board or its representatives for examination at the time and place specified by the board in a written notice to each such applicant, provided that an examination shall be given at least once in each calendar year.

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

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

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

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

6. Notwithstanding the provisions of subsections 4 and 5 of this section, the board may, in its discretion, provide by rule that any person who has graduated from and holds an engineering degree from an accredited school of engineering may thereupon be eligible to take both parts of the engineering examination and that upon passing [said] **such** examination and acquiring four years of satisfactory engineering experience, after graduating and receiving [a] **an engineering** degree [as aforesaid], shall be entitled to receive a [certificate of registration] **a license** to practice as a professional engineer, subject, however, to the other provisions of this chapter.

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

however,] to the other provisions of this chapter.

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

327.251. If an applicant fails to make the grade specified in section 327.241, he **or she** may apply for reexamination on a form to be furnished by the board, and if the application is approved, [he] **the applicant** may take another examination or examinations at any regularly scheduled examination upon payment of the required fee.

327.261. 1. The [certificate of registration] **professional license** issued to every [registered] professional engineer in Missouri, including certificates of authority issued to corporations as [hereinafter] provided **in section 327.401**, shall be renewed on or before the [certificate] **license** renewal date, provided that the required fee is paid. The [certificate of any registered] **license of any** professional engineer or the certificate of authority of any such corporation which is not renewed within three months of the certificate renewal date shall be suspended automatically, subject to the right of the holder of such suspended certificate to have the certificate reinstated within nine months of the date of suspension if the reinstatement fee is paid. Any [certificate of registration] **license** or certificate of authority suspended and not reinstated within nine months of the suspension date[, as above provided,] shall expire and be void and the holder of the expired **license or** certificate shall have no rights or privileges [thereunder] **under such license or certificate**; but any person or corporation whose **license or** certificate has expired [as aforesaid] may within the discretion of the board, upon payment of the required fee, be [reregistered or reauthorized under his or its original registration number] **relicensed or reauthorized under such person's or such corporation's original license number**.

2. Each application for the renewal of a [registration] **license** or of a certificate of authority shall be on a form furnished to the applicant and shall be accompanied by the required fee; but no renewal fee need be paid by any [registered] professional engineer over the age of seventy-five.

327.272. Any person practices in Missouri as a "**professional** land surveyor" who renders or offers to render, or holds himself **or herself** out as willing or able to render, any service comprising the determination of the location of land boundaries and land boundary corners, the preparation of maps showing the shape and area of tracts of land and their subdivisions into smaller tracts and showing access thereto, or the preparation of official plats, or maps, of [said] **such** land in this state; or who uses the title "[registered] **professional** land surveyor" or "land surveyor" or the word "surveyor" alone or preceded by any word indicating or implying that he **or**

she is or holds himself **or herself** out to be a **professional** land surveyor, or who shall by word or words, letters, figures, degrees, titles, or other description indicate or imply that he **or she** is a land surveyor or is willing or able to practice land surveying.

327.281. No person, including any duly elected county surveyor, shall practice as a **professional** land surveyor in Missouri as defined in section 327.272 unless and until there is issued to [him a certificate of registration] **such person a license** or a certificate of authority certifying that [he has been duly registered as a] **such person has been duly licensed as a professional** land surveyor in Missouri, and unless such **license or** certificate has been renewed as [hereinafter specified] **provided in section 327.351.**

[327.291. Any person who practices as a land surveyor in Missouri as defined in section 327.272, who is not a holder of a currently valid certificate of registration to practice land surveying in Missouri, or who pretends or attempts to use as his own the certificate of registration or the seal of another land surveyor or who affixes his or another registered land surveyor's seal on any map, plat, survey or other document which has not been prepared by him or under his immediate personal supervision is guilty of a class A misdemeanor.] **327.291. Any person who practices as a professional land surveyor in Missouri as defined in section 327.272, who is not a holder of a currently valid license or certificate of authority to practice professional land surveying in Missouri, or who fraudulently uses or attempts to use as such person's own the license or certificate of authority or the seal of another professional land surveyor or who affixes such person's or another professional land surveyor's seal on any map, plat, survey or other document which has not been prepared by such person or under such person's immediate personal supervision is guilty of a class A misdemeanor.**

327.312. 1. Any person may apply to the board for examination and enrollment as a land surveyor-in-training who is over the age of twenty-one, who is of good moral character, who is a high school graduate, or who holds a Missouri certificate of high school equivalence (GED), and either:

(1) Has graduated and received a baccalaureate degree [from] **in** an approved curriculum as defined by board regulation which shall include at least twelve semester hours of approved surveying course work as defined by board regulation of which at least two semester hours shall be in the legal aspects of boundary surveying; or

(2) Has passed at least sixty hours of college credit which shall include credit for at least twenty semester hours of approved surveying course work as defined by board regulation of which at least two semester hours shall be in legal aspects of boundary surveying and present evidence satisfactory to the board that in addition thereto [he] **such person** has at least one year of combined professional office and field experience in land surveying projects under the immediate personal supervision of a [registered] **professional** land surveyor; or

(3) Has passed at least twelve semester hours of approved surveying course work as defined by board regulation of which at least two semester hours shall be in legal aspects of land surveying and in addition thereto has at least two years of combined professional office and field experience in land surveying projects under the immediate personal supervision of a [registered] **professional** land surveyor. [Under] **Pursuant to** this provision, not more than one year of satisfactory post-secondary education work shall count as equivalent years of satisfactory land surveying work as [aforementioned] **provided in this subsection**.

2. The board shall issue a certificate of completion to each applicant who satisfies the requirements of the [aforementioned] land surveyor-in-training program **as provided in subsection 1 of this section** and passes such examination or examinations as shall be required by the board.

327.313. Applications for examination and enrollment as a land surveyor-in-training shall be printed on prescribed forms furnished to the applicant. The application shall contain **the** applicant's statements showing the applicant's education, experience and such other pertinent information as the board may require, including but not limited to three letters of reference, one of which shall be from a [registered] **professional** land surveyor who has personal knowledge of the applicant's land surveying education [and/or] **or** experience. Each application shall contain a statement that it is made under oath or affirmation and that the representations are true and correct to the best knowledge and belief of the applicant, subject to the penalties of making a false affidavit or declaration and shall be accompanied by the required fee.

327.314. Any person may apply to the board for examination and [registration] **license** as a **professional** land surveyor who has been enrolled as a land surveyor-in-training for a period of not less than one year and who has presented evidence to the satisfaction of the board that [he] **such person** has completed the following requirement: A person who applied for enrollment as a land surveyor-in-training [under] **pursuant to** the provisions of subsection 1 or 2 of section 327.312 [must] **shall** have acquired at least two years of satisfactory professional field and office experience in land surveying projects under the immediate personal supervision of a [registered] **professional** land surveyor in addition to the experience required for enrollment as a land surveyor-in-training. A person who applied for enrollment as a land surveyor-in-training [under] **pursuant to** the provisions of subsection 3 of section 327.312 [must] **shall** have acquired at least one year of satisfactory professional field and office experience in land surveying projects under the immediate personal supervision of a [registered] **professional** land surveyor in addition to the experience required for enrollment as a land surveyor-in-training. At any time prior to January 1, 1991, any person possessing the experience qualifications [above set forth] **as provided in this section** may apply to the board for examination and [registration] **license** as a **professional** land surveyor if [he] **the applicant** either:

(1) Is a graduate of and holds a degree in engineering from an accredited school of

engineering and has acquired at least two years of satisfactory land surveying experience after [he] **such person** has graduated and has received [a] **an engineering** degree [as aforesaid]; or

(2) Is a high school graduate, or holds a Missouri certificate of high school equivalence (GED), and after such graduation or after having acquired the certificate, has acquired at least eight years of satisfactory education and experience in land surveying.

327.321. Applications for examination and [registration] **licensure** as a **professional** land surveyor shall be typewritten on prescribed forms furnished to the applicant. The application shall contain **the** applicant's statements showing **the** applicant's education, experience, results of prior land surveying examinations, if any, and such other pertinent information as the board may require, including but not limited to three letters of reference from [registered] **professional** land surveyors with personal knowledge of the experience of the applicant's land surveying education [and/or] **or** experience. Each application shall contain a statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing same, subject to the penalties of making a false affidavit or declaration and shall be accompanied by the required fee.

327.331. 1. After the board has determined upon such inquiry and by such methods as it may consider proper that [he] **an applicant** possesses the qualifications entitling [him] **such applicant** to be examined, each applicant for examination and [registration] **enrollment** as a land surveyor-in-training and for examination and [registration] **license** as a **professional** land surveyor in Missouri shall appear before the board or its representatives for examination at the time and place specified by the board in a written notice to each such applicant, provided that an examination shall be given at least once in each calendar year.

2. The written examination or examinations shall be of such form, content and duration as shall be determined by the board to thoroughly test the qualifications of each applicant to become enrolled as a land surveyor-in-training or to become [registered] **licensed** as a **professional** land surveyor in Missouri.

3. Any applicant to be eligible for enrollment or for [registration must] **license shall** make a grade on the applicable examination of at least seventy percent.

4. Any person who passes the examination [hereinabove specified] **as provided in this section** shall be entitled to be enrolled as a land surveyor-in-training or [registered] **licensed** as a **professional** land surveyor, as the case may be, in Missouri and shall receive a certificate of enrollment or [of registration] **a license**, as the case may be.

327.341. If an applicant fails to make the required grade specified in section 327.331, [he] **such applicant** may apply for reexamination on a form to be furnished by the board, and if such application is approved, [he] **the applicant** may take another examination or examinations at such time and place as is specified by the board. The reexamination shall be governed by the provisions of section 327.331.

327.351. 1. [The certificate of registration issued to every registered land surveyor in Missouri, including certificates of authority issued to corporations as hereinafter provided, shall be renewed on or before the certificate renewal date provided that the required fee is paid. The certificate of any registered land surveyor or the certificate of authority of any such corporation which is not renewed within three months of the renewal date shall be suspended automatically, subject to the right of the holder of such suspended certificate to have it reinstated within nine months of the date of suspension, if the reinstatement fee is paid. Any certificate of registration or certificate of authority suspended and not reinstated within nine months of the suspension date as above provided shall expire and be void and the holder of such expired certificate shall have no rights or privileges thereunder, but any person or corporation whose certificate has expired may, within the discretion of the board and upon payment of the required fee, be reregistered or reauthorized under his or its original registration number.] **The professional license issued to every professional land surveyor in Missouri, including certificates of authority issued to corporations as provided in section 327.401, shall be renewed on or before the license or certificate renewal date provided that the required fee is paid. The license of any professional land surveyor or the certificate of authority of any such corporation which is not renewed within three months of the renewal date shall be suspended automatically, subject to the right of the holder of such suspended license or certificate to have it reinstated within nine months of the date of suspension, if the reinstatement fee is paid. Any license or certificate of authority suspended and not reinstated within nine months of the suspension date shall expire and be void and the holder of such expired license or certificate shall have no rights or privileges thereunder, but any person or corporation whose license or certificate has expired may, within the discretion of the board and upon payment of the required fee, be reregistered or relicensed under such person's or corporation's original license number.**

2. Each application for the renewal of a [registration] **license** or of a certificate of authority shall be on a form furnished to the applicant and shall be accompanied by the required fee; but no renewal fee need be paid by any [registered] **professional** land surveyor over the age of seventy-five.

3. Beginning January 1, 1996, as a condition for renewal of a [certificate of registration] **license** issued pursuant to section 327.314, a [certificate] **license** holder shall be required to successfully complete twenty units of professional development that meet the standards established by the board regulations within the preceding two calendar years. Any [certificate] **license** holder who completes more than twenty units of professional development within the preceding two calendar years may have the excess, not to exceed ten units, applied to the requirement for the next two-year period.

4. The board shall not renew the [certificate of registration] **license** of any [certificate]

license holder who has failed to complete the professional development requirements pursuant to subsection 3 of this section, unless [he] **such license holder** can show good cause why he **or she** was unable to comply with such requirements. If the board determines that good cause was shown, the board shall permit the [registered surveyor] **license holder** to make up all outstanding required units of professional development.

5. A [certificate] **license** holder may at any time prior to the termination of [his registration] **the person's license** request to be classified as inactive. Inactive [registrations] **licenses** may be maintained by payment of an annual fee determined by the board. Holders of inactive [certificates of registration] **licenses** shall not be required to complete professional development as required in subsection 3 of this section. Holders of inactive [certificates] **licenses** shall not practice as **professional** land surveyors. If the board determines that good cause was shown, the board shall permit the [registered] **professional land** surveyor to make up all outstanding required units of professional development.

6. A holder of an inactive [certificate of registration may return his certificate to an active registration to practice land surveying by paying the annual registration] **license may return such license to an active license to practice professional land surveying by paying the required** fee, and either:

(1) Completing one-half of the two-year requirement for professional development multiplied by the number of years of lapsed or inactive status. The maximum requirement for professional development units shall be two and one-half times the two-year requirement. The minimum requirement for professional development units shall be no less than the two-year requirement. Such requirement shall be satisfied within the two years prior to the date of reinstatement; or

(2) Taking such examination as the board deems necessary to determine [his] **such person's** qualifications. Such examination shall cover areas designed to demonstrate the applicant's proficiency in current methods of land surveying practice.

7. Exemption to the required professional development units shall be granted to registrants during periods of serving honorably on full-time active duty in the military service.

8. At the time of application for [certificate renewal, each registrant] **license renewal, each licensee** shall report, on a form provided by the board, the professional development activities undertaken during the preceding [year] **renewal period** to satisfy the requirements pursuant to subsection 3 of this section. The [registrant] **licensee** shall maintain a file in which records of activities are kept, including dates, subjects, duration of program, and any other appropriate documentation, for a period of four years after the program date.

327.361. 1. It shall be unlawful for the recorder of deeds of any county, or the clerk of any city or town, or the clerk or other proper officer of any school, road, drainage, or levee district or other [civil] **political** subdivision of this state, to file or record any map, plat[,] or survey which

has been prepared by a person other than a [registered] **professional** land surveyor and which does not have impressed thereon, and affixed thereto, the personal seal and signature of the [registered] **professional** land surveyor by whom or under whose authority and supervision the map, plat or survey was prepared.

2. Any person who violates the provisions of this section is guilty of a class C misdemeanor.

327.371. A [land surveyor registered under] **professional land surveyor licensed pursuant to** the provisions of this chapter, together with [his] **such professional land surveyor's** survey party, who in the course of a land survey finds it necessary to go upon the land of a party or parties other than the one for whom [he] **such professional land surveyor** is making the survey shall not be guilty of trespass but shall be liable for any damage done to [said] **such** lands or property.

327.381. [The board shall issue a certificate of registration to any architect or professional engineer or land surveyor who has been registered in another state, territory or possession of the United States, or in another country, provided that the board is satisfied by proof adduced by such applicant that his qualifications for registration are at least equivalent to the requirements for initial registration in Missouri at the time of applicant's initial registration] **The board shall issue a license to any architect, professional engineer or professional land surveyor who has been licensed in another state, territory or possession of the United States, or in another country, provided that the board is satisfied by proof adduced by such applicant that the applicant's qualifications meet or exceed the requirements for initial licensure in Missouri at the time of the applicant's initial license**, and provided further that the board may establish by rule the conditions under which it shall require any such applicant to take any examination it considers necessary, and provided further that the board is satisfied by proof adduced by such applicant that [he] **the applicant** is of good moral character, and provided further that any such application is accompanied by the required fee which shall be equal to the examination fee.

327.391. The board shall upon application issue a [certificate of registration] **license** to any **professional** engineer or **professional** land surveyor who is at least fifty years of age, who has at least twenty years of satisfactory experience, and who passes a written examination or holds a degree at the bachelor's level or higher in engineering or science and passes an oral examination, provided that any such application is accompanied by the required fee.

327.401. 1. [The right to engage in the practice of architecture or to practice as a professional engineer or to practice as a land surveyor shall be deemed a personal right, based upon the qualifications of the individual, evidenced by his or her certificate of registration and shall not be transferable; but any registered architect or any registered professional engineer or any registered land surveyor may practice his or her profession through the medium of, or as a

member or as an employee of, a partnership or corporation if the plans, specifications, estimates, plats, reports, surveys or other like documents or instruments of the partnership or corporation are signed and stamped with the personal seal of the registered architect or registered professional engineer or registered land surveyor by whom or under whose personal direction the same were prepared and that the registered architect or registered engineer or registered land surveyor who affixes his or her signature and personal seal to any such plans, specifications, estimates, plats, reports or other documents or instruments shall be personally and professionally responsible therefor.] **The right to practice as an architect or to practice as a professional engineer or to practice as a professional land surveyor shall be deemed a personal right, based upon the qualifications of the individual, evidenced by such individual's professional license and shall not be transferable; but any architect or any professional engineer or any professional land surveyor may practice his or her profession through the medium of, or as a member or as an employee of, a partnership or corporation if the plans, specifications, estimates, plats, reports, surveys or other like documents or instruments of the partnership or corporation are signed and stamped with the personal seal of the architect, professional engineer or professional land surveyor by whom or under whose immediate personal supervision the same were prepared and provided that the architect or professional engineer or professional land surveyor who affixes his or her signature and personal seal to any such plans, specifications, estimates, plats, reports or other documents or instruments shall be personally and professionally responsible therefor.**

2. Any domestic corporation formed under the corporation law of this state, or any foreign corporation, now or hereafter organized and having as one of its purposes the practicing of architecture or professional engineering or **professional** land surveying and any existing corporation which amends its charter to propose to practice architecture or professional engineering or **professional** land surveying shall obtain a certificate of authority for each profession named in the articles of incorporation or articles of organization from the board which shall be renewed in accordance with the provisions of section 327.171 or 327.261 or 327.351, as the case may be, and from and after the date of such certificate of authority and while the authority or a renewal thereof is in effect, may offer and render architectural or professional engineering or **professional** land surveying services in this state if:

(1) At all times during the authorization or any renewal thereof the directors of the corporation shall have assigned responsibility for the proper conduct of all its architectural or professional engineering or **professional** land surveying activities in this state to an architect [registered] **licensed** and authorized to practice architecture in this state or to a professional engineer [registered] **licensed** and authorized to practice engineering in this state or to a **professional** land surveyor [registered] **licensed** and authorized to practice **professional** land

surveying in this state, as the case may be; and

(2) The person or persons who is or are personally in charge and supervises or supervise the architectural or professional engineering or **professional** land surveying activities, as the case may be, of any such corporation in this state shall be [registered] **licensed** and authorized to practice architecture or professional engineering or **professional** land surveying, as the case may be, as provided in this chapter; and

(3) The corporation pays such fees for the certificate of authority, renewals or reinstatements thereof as are required.

[3. As used in this section, the term "corporation" means any general business corporation, or limited liability company.]

327.411. 1. [Each registered architect and each registered professional engineer and each registered land surveyor shall have a personal seal in a form prescribed by the board, and he shall affix the seal to all plans, specifications, estimates, plats, reports, surveys and other documents or instruments prepared by him, or under his direction, and he shall be held personally responsible for the contents of all such documents.

2. The personal seal of a registered architect or professional engineer or land surveyor shall be the legal equivalent of his signature whenever and wherever used, and the owner of the seal shall be responsible for the whole architectural or engineering project or for the entire survey, as the case may be, when he places his personal seal on any plans, specifications, estimates, plats, reports, surveys or other documents or instruments for or to be used in connection with any architectural or engineering project or survey, unless he shall] **Each architect and each professional engineer and each professional land surveyor shall have a personal seal in a form prescribed by the board, and he or she shall affix the seal to all final documents including, but not limited to, plans, specifications, estimates, plats, reports, surveys, proposals and other documents or instruments prepared by the licensee, or under such licensee's immediate personal supervision, and such licensee shall be held personally responsible for the contents of all such documents sealed by such licensee.**

2. The personal seal of an architect or professional engineer or professional land surveyor shall be the legal equivalent of the licensee's signature whenever and wherever used, and the owner of the seal shall be responsible for the architectural, engineering or surveying documents, as the case may be, when the licensee places his or her personal seal on such plans, specifications, estimates, plats, reports, surveys or other documents or instruments for, or to be used in connection with, any architectural or engineering project or survey.

3. Any architect, professional engineer or professional land surveyor may, but is not required to, attach a statement over his or her signature, authenticated by his or her personal seal, specifying the particular plans, specifications, plats, reports, surveys or other

documents or instruments, **or portions thereof**, intended to be authenticated by the seal, and disclaiming any responsibility for all other plans, specifications, estimates, reports, or other documents or instruments relating to or intended to be used for any part or parts of the architectural or engineering project or survey. **If the information contained in any one page, sheet or document involves more than one of the professions regulated by this chapter, the licensees preparing or supervising the preparation of such document shall attach a disclaimer described in this subsection. The effect of such disclaimer shall be to relieve such individual from personal and professional responsibility for the documents or portions so disclaimed.**

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

327.421. This state and its political subdivisions including counties, cities and towns, or legally constituted boards, agencies, districts, commissions and authorities of this state shall not engage in the construction of public works involving the practice of architecture, engineering or land surveying, unless the architectural and engineering drawings, specifications and estimates and the plats and surveys have been prepared by [a currently registered] **an** architect, professional engineer or **professional** land surveyor **whose license is current and in good standing**, as the case may require.

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

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

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

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated [under] **pursuant to** this chapter, for any offense an essential element of

which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

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

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

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

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

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

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

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

(10) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by this chapter who is not [registered] **licensed** and currently eligible to practice [under] **pursuant to** this chapter;

(11) Issuance of a [certificate of registration or authority, permit or license] **professional license or a certificate of authority** based upon a material mistake of fact;

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

(13) Violation of any professional trust or confidence;

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

3. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 **of this section**, for disciplinary action are met, the

board may, singly or in combination, censure or place the person named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke the license[, certificate, or permit] **or certificate of authority of the person named in the complaint.**

327.451. 1. [Any person who believes that a registered architect or a registered professional engineer or a registered land surveyor has so acted or failed to act that his certificate of registration or authority should, under the provisions of this chapter, be suspended or revoked, or who believes that any applicant for a certificate of registration or certificate of authority under the provisions of this chapter is not entitled thereto or to a renewal thereof, may file a written affidavit with the executive director of the board which he shall sign and swear to and in which he shall clearly set forth the reasons for his charge or charges that the certificate of a registered architect or registered professional engineer or registered land surveyor should be suspended or revoked or not renewed or that a certificate should not be issued to an applicant.] **Any person who believes that an architect or a professional engineer or a professional land surveyor 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 or to a renewal of 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 an architect or professional engineer or professional land surveyor should be suspended or revoked or not renewed or that a license or certificate should not be issued to an applicant.**

2. If the affidavit so filed does not contain statements of fact which if true would authorize, [under] **pursuant to** the provisions of this chapter, suspension or revocation of the accused's **license or** certificate, or does not contain statements of fact which if true would authorize, [under] **pursuant to** the provisions of this chapter, the refusal of the renewal of an existing **license or** certificate or the refusal of a **license or** certificate to an applicant, the board shall either [forthwith] 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 [hereinafter] provided **in subsection 3 of this section.**

3. If the affidavit contains statements of fact which if true would authorize [under] **pursuant to** the provisions of this chapter the revocation or suspension of an accused's **license or** certificate, the board shall cause an investigation to be made of the charge or charges contained in the affidavit and unless the investigation discloses the falsity of the facts upon which the charge

or charges in the affidavit are based, the board shall file with and in the administrative hearing commission a written complaint against the accused setting forth the cause or causes for which [his certificate of registration or authority should be suspended or revoked] **the accused's license or certificate of authority should be suspended or revoked.** Thereafter, the board shall be governed by and shall proceed in accordance with the provisions of chapter [161] **621**, RSMo.

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

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

6. If for any reason the provisions of chapter [161] **621**, RSMo, become inapplicable to the board, then, and in that event, the board shall proceed to charge, adjudicate and otherwise act in accordance with the provisions of chapter 536, RSMo.

327.461. [Every contract for architectural or engineering or land surveying services entered into by any person who is not a registered or authorized architect or registered or authorized professional engineer or registered or authorized land surveyor, as the case may be, and who is not exempt from the provisions of this chapter, shall be unenforceable by the unregistered or unauthorized architect or professional engineer or land surveyor.] **Every contract for architectural or engineering or land surveying services entered into by any person who is not an architect or professional engineer or professional land surveyor, as the case may be, and who is not exempt from the provisions of this chapter, shall be unenforceable by the unlicensed or unauthorized person, whether in contract, quantum meruit or other legal theory, regardless of whether a benefit has been conferred.**

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