

SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 991
AN ACT

To repeal sections 324.001, 324.028, 324.400, 324.402, 324.403, 324.406, 324.409, 324.412, 324.415, 324.418, 324.421, 324.424, 324.427, 324.430, 324.433, 324.436, 324.439, 327.011, 327.031, 327.041, 327.081, 327.381, 327.411, 327.442, 327.451, 537.033, and 621.045, RSMo, and to enact in lieu thereof twenty-two 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,
2 324.403, 324.406, 324.409, 324.412, 324.415, 324.418, 324.421,
3 324.424, 324.427, 324.430, 324.433, 324.436, 324.439, 327.011,
4 327.031, 327.041, 327.081, 327.381, 327.411, 327.442, 327.451,
5 537.033, and 621.045, RSMo, are repealed and twenty-two new
6 sections enacted in lieu thereof, to be known as sections
7 324.001, 324.028, 327.011, 327.031, 327.041, 327.081, 327.381,
8 327.411, 327.442, 327.451, 327.700, 327.705, 327.710, 327.720,
9 327.725, 327.730, 327.735, 327.740, 327.745, 327.750, 537.033,
10 and 621.045, to read as follows:

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

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

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

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
103 board or commission shall be promptly given, identified by
104 type and source, to the director. The director shall keep a
105 record by board and state accounting system classification

106 of the amount of revenue the director receives. The
107 director shall promptly transmit all receipts to the
108 department of revenue for deposit in the state treasury to
109 the credit of the appropriate fund. The director shall
110 provide each board with all relevant financial information
111 in a timely fashion. Each board shall cooperate with the
112 director by providing necessary information.

113 8. All educational transcripts, test scores,
114 complaints, investigatory reports, and information
115 pertaining to any person who is an applicant or licensee of
116 any agency assigned to the division of professional
117 registration by statute or by the department are
118 confidential and may not be disclosed to the public or any
119 member of the public, except with the written consent of the
120 person whose records are involved. The agency which
121 possesses the records or information shall disclose the
122 records or information if the person whose records or
123 information is involved has consented to the disclosure.
124 Each agency is entitled to the attorney-client privilege and
125 work-product privilege to the same extent as any other
126 person. Provided, however, that any board may disclose
127 confidential information without the consent of the person
128 involved in the course of voluntary interstate exchange of
129 information, or in the course of any litigation concerning
130 that person, or pursuant to a lawful request, or to other
131 administrative or law enforcement agencies acting within the
132 scope of their statutory authority. Information regarding
133 identity, including names and addresses, registration, and
134 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
167 board, chapter 340. The governor shall appoint members of
168 these boards by and with the advice and consent of the
169 senate.

170 (2) The boards and commissions assigned to the
171 division shall exercise all their respective statutory
172 duties and powers, except those clerical and other staff
173 services involving collecting and accounting for moneys and
174 financial management relating to the issuance and renewal of
175 licenses, which services shall be provided by the division,
176 within the appropriation therefor. Nothing herein shall
177 prohibit employment of professional examining or testing
178 services from professional associations or others as
179 required by the boards or commissions on contract. Nothing
180 herein shall be construed to affect the power of a board or
181 commission to expend its funds as appropriated. However,
182 the division shall review the expense vouchers of each
183 board. The results of such review shall be submitted to the
184 board reviewed and to the house and senate appropriations
185 committees annually.

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

192 (4) "Board personnel", as used in this section or
193 chapters 317, 326, 327, 328, 329, 330, 331, 332, 333, 334,
194 335, 336, 337, 338, 339, 340, and 345, shall mean personnel
195 whose functions and responsibilities are in areas not
196 related to the clerical duties involving the issuance and
197 renewal of licenses, to the collecting and accounting for
198 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,
262 demographic, and practice or professional characteristics of
263 licensees. The state board shall not request or be
264 authorized to collect income or other financial earnings
265 data.

266 (4) Data collected under this subsection shall be
267 deemed the property of the state board requesting the data.

268 Data shall be maintained by the state board in accordance
269 with chapter 610, provided that any information deemed
270 closed or confidential under subsection 8 of this section or
271 any other provision of state law shall not be disclosed
272 without consent of the applicable licensee or entity or as
273 otherwise authorized by law. Data shall only be released in
274 an aggregate form by geography, profession or professional
275 specialization, or population characteristic in a manner
276 that cannot be used to identify a specific individual or
277 entity. Data suppression standards shall be addressed and
278 established in the contractual agreement.

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

287 (6) Each board may promulgate rules subject to the
288 provisions of this subsection and chapter 536 to effectuate
289 and implement the workforce data collection and analysis
290 authorized by this subsection. Any rule or portion of a
291 rule, as that term is defined in section 536.010, that is
292 created under the authority delegated in this section shall
293 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, the following words
2 and terms shall have the meanings indicated:

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

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

16 (3) "Accredited school of engineering", any school or
17 other institution which teaches engineering and whose
18 curricula on the subjects in question are or have been, at
19 the time in question certified as accredited by the

20 engineering accreditation commission of the accreditation
21 board for engineering and technology or its successor
22 organization;

23 [(3)] (4) "Accredited school of landscape
24 architecture", any school or other institution which teaches
25 landscape architecture and whose curricula on the subjects
26 in question are or have been at the times in question
27 certified as accredited by the Landscape Architecture
28 Accreditation Board of the American Society of Landscape
29 Architects;

30 [(4)] (5) "Architect", any person authorized pursuant
31 to the provisions of this chapter to practice architecture
32 in Missouri, as the practice of architecture is defined in
33 section 327.091;

34 [(5)] (6) "Board", the Missouri board for architects,
35 professional engineers, professional land surveyors [and],
36 professional landscape architects, and licensed interior
37 designers;

38 [(6)] (7) "Corporation", any general business
39 corporation, professional corporation or limited liability
40 company;

41 [(7)] (8) "Design coordination", the review and
42 coordination of technical submissions prepared by others
43 including, as appropriate and without limitation,
44 architects, professional engineers, professional land
45 surveyors, professional landscape architects, licensed
46 interior designers, and other consultants;

47 [(8)] (9) "Design survey", a survey which includes all
48 activities required to gather information to support the
49 sound conception, planning, design, construction,
50 maintenance, and operation of design projects, but excludes
51 the surveying of real property for the establishment of land
52 boundaries, rights-of-way, easements, and the dependent or

53 independent surveys or resurveys of the public land survey
54 system;

55 [(9)] (10) "Incidental practice", the performance of
56 other professional services licensed under this chapter that
57 are related to a licensee's professional service, but are
58 secondary and substantially less in scope and magnitude when
59 compared to the professional services usually and normally
60 performed by the licensee practicing in their licensed
61 profession. This incidental professional service shall be
62 safely and competently performed by the licensee without
63 jeopardizing the health, safety, and welfare of the public.
64 The licensee shall be qualified by education, training, and
65 experience as determined by the board and in sections
66 327.091, 327.181, 327.272, [and] 327.600, and 327.700 and
67 applicable board rules to perform such incidental
68 professional service;

69 (11) "Licensed interior designer", any person
70 authorized pursuant to the provisions of this chapter to
71 practice as a licensed interior designer in Missouri, as the
72 practice of licensed interior design is defined in section
73 327.700;

74 [(10)] (12) "Licensee", a person licensed to practice
75 any profession regulated under this chapter or a corporation
76 authorized to practice any such profession;

77 [(11)] (13) "Partnership", any partnership or limited
78 liability partnership;

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

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

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

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

95 [(16)] (18) "Responsible charge", the independent
96 direct control of a licensee's work and personal supervision
97 of such work pertaining to the practice of architecture,
98 engineering, land surveying, [or] landscape architecture, or
99 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
139 profession licensed or regulated pursuant to this chapter.
140 All members, including public members, shall be chosen from
141 lists submitted by the director of the division of
142 professional registration. The duties of the public member
143 shall not include the determination of the technical
144 requirements to be met for licensure or whether any person
145 meets such technical requirements or of the technical
146 competence or technical judgment of a licensee or a
147 candidate for licensure.

148 6. The governor shall appoint the chairperson and the
149 other members of the board when a vacancy occurs either by
150 the expiration of a term or otherwise, and each board member
151 shall serve until such member's successor is appointed and

152 has qualified. The position of chairperson shall rotate
153 sequentially with an architect, then professional engineer,
154 then professional land surveyor, then licensed interior
155 designer, and then professional landscape architect, and
156 shall be a licensee who has previously served as a member of
157 the board. The appointment of the chairperson shall be for
158 a term of four years which shall be deemed to have begun on
159 the date of his or her appointment and shall end upon the
160 appointment of the chairperson's successor. The chairperson
161 shall not serve more than one term. All other appointments,
162 except to fill an unexpired term, shall be for terms of four
163 years; but no person shall serve on the board for more than
164 two consecutive four-year terms, and each four-year term
165 shall be deemed to have begun on the date of the expiration
166 of the term of the board member who is being replaced or
167 reappointed, as the case may be. Any appointment to the
168 board which is made when the senate is not in session shall
169 be submitted to the senate for its advice and consent at its
170 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 president or other chief executive of any Missouri chapter
186 of the International Interior Design Association if the
187 vacancy to be filled requires the appointment of a licensed
188 interior designer, shall submit to the director of the
189 division of professional registration a list of five
190 architects [or], five professional engineers, [or] five
191 professional land surveyors, [or] five professional
192 landscape architects, or five licensed interior designers,
193 as the case may require, qualified and willing to fill the
194 vacancy in question, with the recommendation that the
195 governor appoint one of the five persons so listed; and with
196 the list of names so submitted, the president or other chief
197 executive of the appropriate organization shall include in a
198 letter of transmittal a description of the method by which
199 the names were chosen. This subsection shall not apply to
200 public member vacancies.

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

211 9. Upon appointment by the governor and confirmation
212 by the senate of the two licensed interior designers to be
213 first appointed to the interior design division of the
214 board, the interior design council shall be abolished and
215 all of its powers, duties, and responsibilities shall be
216 transferred and imposed upon the board pursuant to this
217 section. Every act performed by or under the authority of

218 the board shall be deemed to have the same force and effect
219 as if performed by the interior design council pursuant to
220 the authority granted to the interior design council prior
221 to August 28, 2026. All rules of the interior design
222 council shall continue in effect and shall be deemed to be
223 duly adopted by the board until such rules are revised,
224 amended, or repealed by the board as provided by law, of
225 which such action shall be taken by the board on or before
226 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.

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

14 it considers necessary, and provided further that any such
15 application is accompanied by the 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, as such term is
28 defined in section 327.700. Licensees shall undertake to
29 perform architectural, professional engineering,
30 professional land surveying [and], professional landscape
31 architectural, and licensed interior design services only

32 when they are qualified by education, training, and
33 experience in the specific technical areas involved.

34 3. Notwithstanding any provision of this section, any
35 architect, professional engineer, professional land
36 surveyor, [or] professional landscape architect, or licensed
37 interior designer may, but is not required to, attach a
38 statement over his or her signature, authenticated by his or
39 her personal seal, specifying the particular technical
40 submissions, or portions thereof, intended to be
41 authenticated by the seal, and disclaiming any
42 responsibility for all other technical submissions relating
43 to or intended to be used for any part or parts of the
44 architectural or engineering project [or], survey [or],
45 landscape architectural project, or interior alteration or
46 construction project, as such term is defined in section
47 327.700.

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

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
10 offense [reasonably] directly related to the
11 [qualifications, functions, or] duties [of a licensee
12 pursuant to this chapter or any felony offense, an essential
13 element of which is fraud, dishonesty, or an act of
14 violence, or for any felony offense involving moral

15 turpitude,] and responsibilities of the occupation, as set
16 forth in section 324.012, regardless of whether or not
17 sentence is imposed, the board for architects, professional
18 engineers, professional land surveyors [and], professional
19 landscape architects, and licensed interior designers may
20 hold a disciplinary hearing to singly or in combination
21 censure or place the licensee named in the complaint on
22 probation on such terms and conditions as the board deems
23 appropriate for a period not to exceed five years, or may
24 suspend, for a period not to exceed three years, or revoke
25 the license or certificate.

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

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

15 professional land surveyor or professional landscape
16 architect or licensed interior designer should be suspended
17 or revoked or not renewed or that a license or certificate
18 of authority should not be issued to an applicant.

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

34 3. If the affidavit contains statements of fact which
35 if true would authorize pursuant to the provisions of this
36 chapter the revocation or suspension of an accused's license
37 or certificate of authority, the board shall cause an
38 investigation to be made of the charge or charges contained
39 in the affidavit and unless the investigation discloses the
40 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:

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

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

7 (3) "Registered interior designer", a design
8 professional who provides services including preparation of
9 documents and specifications relative to nonload-bearing
10 interior construction, furniture, finishes, fixtures and
11 equipment and who meets the criteria of education,

12 experience and examination as provided in sections 324.400
13 to 324.439] "Building equipment", any mechanical, plumbing,
14 electrical, or structural components, including a
15 conveyance, designed for or located in a building or
16 structure;

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

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

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

26 (b) The state of permanent fixtures or equipment;

27 (4) "Interior nonstructural element", an interior
28 design element that does not require structural bracing and
29 that is not load-bearing according to any applicable
30 building codes;

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

39 (6) "Practice of licensed interior design", the design
40 of interior spaces as a part of an interior alteration or
41 construction project in conformity with public health,
42 safety, and welfare requirements, including the preparation
43 of documents relating to building code descriptions, project
44 egress plans that require no increase in the capacity of

45 exits in the space affected, space planning, and finish
46 materials, and the preparation of documents and interior
47 technical submissions relating to an interior alteration or
48 construction project. The term "practice of licensed
49 interior design":

50 (a) Shall include:

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

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

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

60 (i) Determinations of circulation systems or patterns;

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

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

66 d. The rendering of designs, plans, drawings,
67 specifications, contract documents, or other interior
68 technical submissions; and

69 e. The administration of the construction of interior
70 nonstructural elements and contracts relating to interior
71 nonstructural elements in the interior alteration or
72 construction of a proposed or existing building or
73 structure; and

74 (b) Shall not include:

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

- 78 b. Services or work that constitute the practice of
79 professional engineering, as provided in section 327.181;
- 80 c. Services or work that constitute the practice of
81 professional land surveying, as provided in section 327.272;
- 82 d. Services or work that constitute the practice of
83 professional landscape architecture, as defined in section
84 327.600;
- 85 e. Altering or affecting the structural system and
86 seismic system of a building, including changing the
87 building's live or dead load on the structural system;
- 88 f. Changes to the building envelope, including
89 exterior walls, exterior wall coverings, exterior wall
90 openings, exterior windows or doors, architectural trim,
91 balconies and similar projections, bay or oriel windows,
92 roof assemblies and rooftop structures, and glass and
93 glazing for exterior use in both vertical, horizontal, and
94 sloped applications in buildings and structures;
- 95 g. Altering or affecting the mechanical, plumbing,
96 heating, air conditioning, ventilation, electrical, vertical
97 transportation, fire sprinkler, or fire alarm systems, and
98 any building elements, spaces, or areas that are for the
99 purpose of containing such systems;
- 100 h. Changes beyond the exit access component of a means
101 of egress system;
- 102 i. Construction that materially affects any life
103 safety systems pertaining to fire safety or fire protection
104 of structural elements, smoke evacuation and
105 compartmentalization systems, or fire-rated vertical shafts
106 in multi-story structures;
- 107 j. Changes to the existing use group for an occupancy;
- 108 k. Changes to the construction classification of the
109 building or structure according to any applicable building
110 codes;

111 1. Creating or modifying any atriums, floor openings,
112 community spaces, or vertical openings; or

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

122 (i) A dwelling house;

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

125 (iii) Any one building or structure, except for those
126 buildings or structures used exclusively for agricultural
127 purposes, which provides for the employment, assembly,
128 housing, sleeping, or eating of not more than nine persons,
129 contains less than two thousand square feet, and is not part
130 of another building or structure.

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

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

5 2. A licensed interior designer shall undertake to
6 perform services within the practice of licensed interior
7 design only when he or she is qualified by education,

8 training, and experience in the specific technical areas
9 involved.

10 3. Licensed interior designers shall be in responsible
11 charge of interior design technical submissions that can
12 affect the health, safety, and welfare of the public within
13 their scope of practice. Licensed interior designers shall
14 not take responsible charge over interior technical
15 submissions prepared by another person unless the licensed
16 interior designer reviewing such interior technical
17 submissions actually exercises personal supervision and
18 direct control over the interior technical submissions.

19 Nothing in [sections 324.400 to 324.439] this chapter shall
20 be construed as limiting or preventing the practice of a
21 person's interior design profession or restricting a person
22 from providing [interior design] services within the
23 practice of licensed interior design, provided such person
24 does not indicate to the public that such person is
25 [registered] licensed as an interior designer pursuant to
26 the provisions of sections [324.400 to 324.439] 327.700 to
27 327.750.

28 4. Nothing in this chapter shall be construed as in
29 any way precluding an architect from performing any of the
30 services included within the practice of licensed interior
31 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] license as a [registered] licensed interior designer shall be typewritten on forms prescribed by the [division] board and furnished to the applicant. The application shall contain the applicant's statements showing the applicant's education, experience, results of previous interior design certification, registration, or licensing examinations, if any, and such other pertinent information as the [division] board may require, or architect's license or registration number and such other pertinent information as the [division] board may require. Each application shall contain a statement that is made under oath or affirmation and that the representations are true and correct to the best knowledge and belief of the person signing the application. The person shall be subject to the penalties for making a false affidavit or declaration and shall be accompanied by the required fee.

[324.418.] 327.730. 1. The [certificate of registration] license issued biennially to a [registered] licensed interior designer pursuant to sections [324.400 to 324.439] 327.700 to 327.750 shall be renewed on or before the [certificate] license renewal date accompanied by the required fee. The [certificate of registration] license of a [registered] licensed interior designer which is not renewed within three months after the [certificate] license renewal date shall be suspended automatically, subject to the right of the holder to have the suspended [certificate of registration] license reinstated within nine months of the date of suspension if the person pays the required reinstatement fee. Any [certificate of registration] license suspended and not reinstated within nine months of the suspension date shall expire and be void and the holder of such [certificate] license shall have no rights or

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.

1 [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.

1 [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 corporation authorized to
8 practice architecture, landscape architecture, land
9 surveying, or engineering under section 327.401 while acting
10 within their scope of practice;

11 (2) "Lessons learned", internal meetings, classes,
12 publications in any medium, presentations, lectures, or
13 other means of teaching and communicating after substantial
14 completion of the project which are conducted solely and

15 exclusively by and with the employees, partners, and
16 coworkers of the design professional who prepared the
17 project's design for the purpose of learning best practices
18 and reducing errors and omissions in design documents and
19 procedures. Lessons learned shall not include
20 presentations, lectures, teaching, or communication made to
21 or by third parties who are not employees, partners, and
22 coworkers of the design professional whose work is being
23 evaluated and discussed;

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

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

34 2. A peer review process shall only be performed by a
35 design professional licensed in any jurisdiction in the
36 United States in the same profession as would be required
37 under chapter 327 to prepare the design documents being
38 reviewed, or in a case requiring multiple professions, by a
39 person or persons holding the proper licenses. A peer
40 review process may be performed by one or more design
41 professionals appointed by the partners, shareholders, board
42 of directors, chief executive officer, quality control
43 director, or employed design professionals of a partnership
44 or of a corporation authorized under section 327.401 to
45 practice architecture, landscape architecture, land
46 surveying, or engineering, or by the owner of a sole
47 proprietorship engaged in one or more of such professions.

48 Any individual identified in this subsection and performing
49 a peer review shall be deemed a peer reviewer.

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

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

66 5. Except for documents related to lessons learned,
67 the interviews, memoranda, proceedings, findings,
68 deliberations, reports, and minutes of the peer review
69 process, or the existence of the same, concerning the
70 professional services provided to a client or member of the
71 public are subject to discovery, subpoena, or other means of
72 legal compulsion for their release to any person or entity
73 and shall be admissible into evidence in any judicial or
74 administrative action for failure to provide appropriate
75 architectural, landscape architectural, land surveying, [or]
76 engineering, or interior design services, subject to
77 applicable rules of the court or tribunal. Except as
78 otherwise provided in this section, no person who was in
79 attendance at, or participated in, any lessons learned
80 process or proceedings shall be permitted or required to

81 disclose any information acquired in connection with or in
82 the course of such proceeding, or to disclose any opinion,
83 recommendation, or evaluation made in a lessons learned
84 process or proceeding; provided, however, that information
85 otherwise discoverable or admissible from original sources
86 is not to be construed as immune from discovery or use in
87 any proceeding merely because it was presented during a
88 lessons learned process or proceeding nor is a member,
89 employee, or agent involved in any such process or
90 proceeding, or other person appearing before a peer
91 reviewer, to be prevented from testifying as to matters
92 within his or her personal knowledge and in accordance with
93 the other provisions of this section, but such witness
94 cannot be questioned about a lessons learned process or
95 proceeding or about opinions formed as a result of such
96 process or proceeding. The disclosure of any memoranda,
97 proceedings, reports, or minutes of a lessons learned
98 proceeding to any person or entity, including but not
99 limited to governmental agencies, professional accrediting
100 agencies, or other design professionals, whether proper or
101 improper, shall not waive or have any effect upon its
102 confidentiality, nondiscoverability, or nonadmissibility.

103 6. Nothing in this section shall limit authority
104 otherwise provided by law of the Missouri board for
105 architects, professional engineers, professional land
106 surveyors, [and] professional landscape architects, and
107 licensed interior designers to obtain information by
108 subpoena or other authorized process from a peer reviewer or
109 to require disclosure of otherwise confidential information
110 relating to matters and investigations within the
111 jurisdiction of such licensing board.

621.045. 1. The administrative hearing commission
2 shall conduct hearings and make findings of fact and

3 conclusions of law in those cases when, under the law, a
4 license issued by any of the following agencies may be
5 revoked or suspended or when the licensee may be placed on
6 probation or when an agency refuses to permit an applicant
7 to be examined upon his or her qualifications or refuses to
8 issue or renew a license of an applicant who has passed an
9 examination for licensure or who possesses the
10 qualifications for licensure without examination:

11 Missouri State Board of Accountancy

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

15 Board of Barber Examiners

16 Board of Cosmetology

17 Board of Chiropody and Podiatry

18 Board of Chiropractic Examiners

19 Missouri Dental Board

20 Board of Embalmers and Funeral Directors

21 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
53 the agency's initial settlement offer, or file a contested
54 case against the licensee;

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

60 (3) If no contested case has been filed against the
61 licensee, advise the licensee that the licensee may, either
62 at the time the settlement agreement is signed by all
63 parties, or within fifteen days thereafter, submit the
64 agreement to the administrative hearing commission for
65 determination that the facts agreed to by the parties to the
66 settlement constitute grounds for denying or disciplining
67 the license of the licensee; and

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

72 5. If the licensee desires review by the
73 administrative hearing commission under subdivision (3) of
74 subsection 4 of this section at any time prior to the
75 settlement becoming final, the licensee may rescind and
76 withdraw from the settlement and any admissions of fact or
77 law in the agreement shall be deemed withdrawn and not
78 admissible for any purposes under the law against the
79 licensee. Any settlement submitted to the administrative
80 hearing commission shall not be effective and final unless
81 and until findings of fact and conclusions of law are
82 entered by the administrative hearing commission that the
83 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.

14 2. Notwithstanding the provisions of
15 section 33.080 to the contrary, money in the

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

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

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

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

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

36 (3) Obtaining or attempting to obtain any
37 fee, charge, tuition or other compensation by
38 fraud, deception or misrepresentation;
39 (4) Incompetency, misconduct, gross
40 negligence, fraud, misrepresentation or
41 dishonesty in the performance of the functions
42 or duties of the profession regulated by
43 sections 324.400 to 324.439;
44 (5) Violation of, or assisting or enabling
45 any person to violate, any provision of sections
46 324.400 to 324.439, or of any lawful rule or
47 regulation adopted pursuant to such sections;
48 (6) Impersonation of any person holding a
49 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.