

SENATE AMENDMENT NO. _____

Offered by _____ Of _____

Amend SS/Senate Bill No. 895, Page 1, Section A, Line 3,

2 by inserting after all of said line the following:

3 "324.001. 1. For the purposes of this section, the
4 following terms mean:

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

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

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

11 2. There is hereby established a "Division of
12 Professional Registration" assigned to the department of
13 commerce and insurance as a type III transfer, headed by a
14 director appointed by the governor with the advice and
15 consent of the senate. All of the general provisions,
16 definitions and powers enumerated in section 1 of the
17 Omnibus State Reorganization Act of 1974 and Executive Order
18 06-04 shall apply to this department and its divisions,
19 agencies, and personnel.

20 3. The director of the division of professional
21 registration shall promulgate rules and regulations which
22 designate for each board or commission assigned to the
23 division the renewal date for licenses or certificates.
24 After the initial establishment of renewal dates, no
25 director of the division shall promulgate a rule or

26 regulation which would change the renewal date for licenses
27 or certificates if such change in renewal date would occur
28 prior to the date on which the renewal date in effect at the
29 time such new renewal date is specified next occurs. Each
30 board or commission shall by rule or regulation establish
31 licensing periods of one, two, or three years. Registration
32 fees set by a board or commission shall be effective for the
33 entire licensing period involved, and shall not be increased
34 during any current licensing period. Persons who are
35 required to pay their first registration fees shall be
36 allowed to pay the pro rata share of such fees for the
37 remainder of the period remaining at the time the fees are
38 paid. Each board or commission shall provide the necessary
39 forms for initial registration, and thereafter the director
40 may prescribe standard forms for renewal of licenses and
41 certificates. Each board or commission shall by rule and
42 regulation require each applicant to provide the information
43 which is required to keep the board's records current. Each
44 board or commission shall have the authority to collect and
45 analyze information required to support workforce planning
46 and policy development. Such information shall not be
47 publicly disclosed so as to identify a specific health care
48 provider, as defined in section 376.1350. Each board or
49 commission shall issue the original license or certificate.

50 4. The division shall provide clerical and other staff
51 services relating to the issuance and renewal of licenses
52 for all the professional licensing and regulating boards and
53 commissions assigned to the division. The division shall
54 perform the financial management and clerical functions as
55 they each relate to issuance and renewal of licenses and
56 certificates. "Issuance and renewal of licenses and
57 certificates" means the ministerial function of preparing
58 and delivering licenses or certificates, and obtaining

59 material and information for the board or commission in
60 connection with the renewal thereof to include verifying if
61 the applicant has submitted all required documentation and
62 that the documentation is legible. It does not include any
63 discretionary authority with regard to the original review
64 of an applicant's qualifications for licensure or
65 certification, or the subsequent review of licensee's or
66 certificate holder's qualifications, or any disciplinary
67 action contemplated against the licensee or certificate
68 holder. The division may develop and implement microfilming
69 systems and automated or manual management information
70 systems.

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

81 6. For accounting purposes, the appropriation to the
82 division and to the office of administration for the payment
83 of rent for quarters provided for the division shall be made
84 from the "Professional Registration Fees Fund", which is
85 hereby created, and is to be used solely for the purpose
86 defined in subsection 5 of this section. The fund shall
87 consist of moneys deposited into it from each board's fund.
88 Each board shall contribute a prorated amount necessary to
89 fund the division for services rendered and rent based upon
90 the system of accounting and budgeting established by the
91 director of the division as provided in subsection 5 of this

92 section. Transfers of funds to the professional
93 registration fees fund shall be made by each board on July
94 first of each year; provided, however, that the director of
95 the division may establish an alternative date or dates of
96 transfers at the request of any board. Such transfers shall
97 be made until they equal the prorated amount for services
98 rendered and rent by the division. The provisions of
99 section 33.080 to the contrary notwithstanding, money in
100 this fund shall not be transferred and placed to the credit
101 of general revenue.

102 7. The director of the division shall be responsible
103 for collecting and accounting for all moneys received by the
104 division or its component agencies. Any money received by a
105 board or commission shall be promptly given, identified by
106 type and source, to the director. The director shall keep a
107 record by board and state accounting system classification
108 of the amount of revenue the director receives. The
109 director shall promptly transmit all receipts to the
110 department of revenue for deposit in the state treasury to
111 the credit of the appropriate fund. The director shall
112 provide each board with all relevant financial information
113 in a timely fashion. Each board shall cooperate with the
114 director by providing necessary information.

115 8. All educational transcripts, test scores,
116 complaints, investigatory reports, and information
117 pertaining to any person who is an applicant or licensee of
118 any agency assigned to the division of professional
119 registration by statute or by the department are
120 confidential and may not be disclosed to the public or any
121 member of the public, except with the written consent of the
122 person whose records are involved. The agency which
123 possesses the records or information shall disclose the
124 records or information if the person whose records or

125 information is involved has consented to the disclosure.
126 Each agency is entitled to the attorney-client privilege and
127 work-product privilege to the same extent as any other
128 person. Provided, however, that any board may disclose
129 confidential information without the consent of the person
130 involved in the course of voluntary interstate exchange of
131 information, or in the course of any litigation concerning
132 that person, or pursuant to a lawful request, or to other
133 administrative or law enforcement agencies acting within the
134 scope of their statutory authority. Information regarding
135 identity, including names and addresses, registration, and
136 currency of the license of the persons possessing licenses
137 to engage in a professional occupation and the names and
138 addresses of applicants for such licenses is not
139 confidential information.

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

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

153 11. (1) The following boards and commissions are
154 assigned by specific type transfers to the division of
155 professional registration: Missouri state board of
156 accountancy, chapter 326; board of cosmetology and barber
157 examiners, chapters 328 and 329; Missouri board for

158 architects, professional engineers, professional land
159 surveyors [and], professional landscape architects, and
160 licensed interior designers, chapter 327; Missouri state
161 board of chiropractic examiners, chapter 331; state board of
162 registration for the healing arts, chapter 334; Missouri
163 dental board, chapter 332; state board of embalmers and
164 funeral directors, chapter 333; state board of optometry,
165 chapter 336; Missouri state board of nursing, chapter 335;
166 board of pharmacy, chapter 338; state board of podiatric
167 medicine, chapter 330; Missouri real estate appraisers
168 commission, chapter 339; and Missouri veterinary medical
169 board, chapter 340. The governor shall appoint members of
170 these boards by and with the advice and consent of the
171 senate.

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

188 (3) Notwithstanding any other provisions of law, the
189 director of the division shall exercise only those
190 management functions of the boards and commissions

191 specifically provided in the Reorganization Act of 1974, and
192 those relating to the allocation and assignment of space,
193 personnel other than board personnel, and equipment.

194 (4) "Board personnel", as used in this section or
195 chapters 317, 326, 327, 328, 329, 330, 331, 332, 333, 334,
196 335, 336, 337, 338, 339, 340, and 345, shall mean personnel
197 whose functions and responsibilities are in areas not
198 related to the clerical duties involving the issuance and
199 renewal of licenses, to the collecting and accounting for
200 moneys, or to financial management relating to issuance and
201 renewal of licenses; specifically included are executive
202 secretaries (or comparable positions), consultants,
203 inspectors, investigators, counsel, and secretarial support
204 staff for these positions; and such other positions as are
205 established and authorized by statute for a particular board
206 or commission. Boards and commissions may employ legal
207 counsel, if authorized by law, and temporary personnel if
208 the board is unable to meet its responsibilities with the
209 employees authorized above. Any board or commission which
210 hires temporary employees shall annually provide the
211 division director and the appropriation committees of the
212 general assembly with a complete list of all persons
213 employed in the previous year, the length of their
214 employment, the amount of their remuneration, and a
215 description of their responsibilities.

216 (5) Board personnel for each board or commission shall
217 be employed by and serve at the pleasure of the board or
218 commission, shall be supervised as the board or commission
219 designates, and shall have their duties and compensation
220 prescribed by the board or commission, within appropriations
221 for that purpose, except that compensation for board
222 personnel shall not exceed that established for comparable
223 positions as determined by the board or commission pursuant

224 to the job and pay plan of the department of commerce and
225 insurance. Nothing herein shall be construed to permit
226 salaries for any board personnel to be lowered except by
227 board action.

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

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

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

252 (2) The boards may expend appropriated funds necessary
253 for operational expenses of the program formed under this
254 subsection. Each board is authorized to accept grants to
255 fund the collection or analysis authorized in this

256 subsection. Any such funds shall be deposited in the
257 respective board's fund.

258 (3) Data collection shall be controlled and approved
259 by the applicable state board conducting or requesting the
260 collection. Notwithstanding the provisions of sections
261 324.010 and 334.001, the boards may release identifying data
262 to the contractor to facilitate data analysis of the health
263 care workforce including, but not limited to, geographic,
264 demographic, and practice or professional characteristics of
265 licensees. The state board shall not request or be
266 authorized to collect income or other financial earnings
267 data.

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

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

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

304 Further amend said bill, page 4, section 324.004, line
 305 113, by inserting after all of said line the following:

306 "324.028. Any member authorized under the provisions
 307 of sections 256.459, 324.063, 324.177, 324.203, 324.243,
 308 [324.406,] 324.478, 326.259, 327.031, 329.015, 330.110,
 309 331.090, 332.021, 333.151, 334.120, 334.430, 334.625,
 310 334.717, 334.749, 334.830, 335.021, 336.130, 337.050,
 311 337.305, 337.535, 337.622, 337.739, 338.110, 339.120,
 312 340.202, 345.080, and 346.120 who misses three consecutive
 313 regularly scheduled meetings of the board or council on
 314 which he or she serves shall forfeit his or her membership
 315 on that board or council. A new member shall be appointed
 316 to the respective board or council by the governor with the
 317 advice and consent of the senate.

318 327.011. As used in this chapter, the following words
 319 and terms shall have the meanings indicated:

320 (1) "Accredited degree program from a school of
 321 architecture", a degree from any school or other institution

322 which teaches architecture and whose curricula for the
323 degree in question have been, at the time in question,
324 certified as accredited by the National Architectural
325 Accrediting Board;

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

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

340 [(3)] (4) "Accredited school of landscape
341 architecture", any school or other institution which teaches
342 landscape architecture and whose curricula on the subjects
343 in question are or have been at the times in question
344 certified as accredited by the Landscape Architecture
345 Accreditation Board of the American Society of Landscape
346 Architects;

347 [(4)] (5) "Architect", any person authorized pursuant
348 to the provisions of this chapter to practice architecture
349 in Missouri, as the practice of architecture is defined in
350 section 327.091;

351 [(5)] (6) "Board", the Missouri board for architects,
352 professional engineers, professional land surveyors [and],
353 professional landscape architects, and licensed interior
354 designers;

355 [(6)] (7) "Corporation", any general business
356 corporation, professional corporation or limited liability
357 company;

358 [(7)] (8) "Design coordination", the review and
359 coordination of technical submissions prepared by others
360 including, as appropriate and without limitation,
361 architects, professional engineers, professional land
362 surveyors, professional landscape architects, licensed
363 interior designers, and other consultants;

364 [(8)] (9) "Design survey", a survey which includes all
365 activities required to gather information to support the
366 sound conception, planning, design, construction,
367 maintenance, and operation of design projects, but excludes
368 the surveying of real property for the establishment of land
369 boundaries, rights-of-way, easements, and the dependent or
370 independent surveys or resurveys of the public land survey
371 system;

372 [(9)] (10) "Incidental practice", the performance of
373 other professional services licensed under this chapter that
374 are related to a licensee's professional service, but are
375 secondary and substantially less in scope and magnitude when
376 compared to the professional services usually and normally
377 performed by the licensee practicing in their licensed
378 profession. This incidental professional service shall be
379 safely and competently performed by the licensee without
380 jeopardizing the health, safety, and welfare of the public.
381 The licensee shall be qualified by education, training, and
382 experience as determined by the board and in sections
383 327.091, 327.181, 327.272, [(and)] 327.600, and 327.700 and
384 applicable board rules to perform such incidental
385 professional service;

386 (11) "Licensed interior designer", any person
387 authorized pursuant to the provisions of this chapter to

388 practice as a licensed interior designer in Missouri, as the
 389 practice of licensed interior design is defined in section
 390 327.700;

391 [(10)] (12) "Licensee", a person licensed to practice
 392 any profession regulated under this chapter or a corporation
 393 authorized to practice any such profession;

394 [(11)] (13) "Partnership", any partnership or limited
 395 liability partnership;

396 [(12)] (14) "Person", any individual, corporation,
 397 firm, partnership, association or other entity authorized to
 398 do business;

399 [(13)] (15) "Professional engineer", any person
 400 authorized pursuant to the provisions of this chapter to
 401 practice as a professional engineer in Missouri, as the
 402 practice of engineering is defined in section 327.181;

403 [(14)] (16) "Professional land surveyor", any person
 404 authorized pursuant to the provisions of this chapter to
 405 practice as a professional land surveyor in Missouri as the
 406 practice of land surveying is defined in section 327.272;

407 [(15)] (17) "Professional landscape architect", any
 408 person authorized pursuant to the provisions of this chapter
 409 to practice as a professional landscape architect in
 410 Missouri as the practice of professional landscape
 411 architecture is defined in section 327.600;

412 [(16)] (18) "Responsible charge", the independent
 413 direct control of a licensee's work and personal supervision
 414 of such work pertaining to the practice of architecture,
 415 engineering, land surveying, [or] landscape architecture, or
 416 interior design.

417 327.031. 1. The "Missouri Board for Architects,
 418 Professional Engineers, Professional Land Surveyors [and],
 419 Professional Landscape Architects, and Licensed Interior
 420 Designers" is hereby established and shall consist of

421 [fifteen] seventeen members: a chairperson, who may be
422 either an architect, a professional engineer, a professional
423 land surveyor, [or] a professional landscape architect, or a
424 licensed interior designer; three architects, who shall
425 constitute the architectural division of the board; four
426 professional engineers, who shall constitute its
427 professional engineering division; three professional land
428 surveyors, who shall constitute its professional land
429 surveying division; three professional landscape architects,
430 who shall constitute its professional landscape
431 architectural division; two licensed interior designers, who
432 shall constitute its licensed interior design division; and
433 a voting public member.

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

439 3. The chairperson shall be the administrative and
440 executive officer of the board, and it shall be his or her
441 duty to supervise and expedite the work of the board and its
442 divisions, and, at his or her election, when a tie exists
443 between the divisions of the board, to break the tie by
444 recording his or her vote for or against the action upon
445 which the divisions are in disagreement. Each member of the
446 architectural division shall have one vote when voting on an
447 action pending before the board; each member of the
448 professional engineering division shall have one vote when
449 voting on an action pending before the board; each member of
450 the professional land surveying division shall have one vote
451 when voting on an action pending before the board; [and]
452 each member of the professional landscape architectural
453 division shall have one vote when voting on an action

454 pending before the board; and each member of the licensed
455 interior design division shall have one vote when voting on
456 an action pending before the board. Every motion or
457 proposed action upon which the divisions of the board are
458 tied shall be deemed lost, and the chairperson shall so
459 declare, unless the chairperson shall elect to break the tie
460 as provided in this section. [Eight] Nine voting members of
461 the board, including at least one member of each division,
462 shall constitute a quorum, respectively, for the transaction
463 of board business.

464 4. Each division of the board shall, at its first
465 meeting in each even-numbered year, elect one of its members
466 as division chairperson for a term of two years. Two voting
467 members of each division of the board shall constitute a
468 quorum for the transaction of division business. The
469 chairpersons of the architectural division, professional
470 engineering division, professional land surveying division,
471 [and] professional landscape architectural division, and
472 licensed interior design division so elected shall be vice
473 chairpersons of the board[, and]. When the chairperson of
474 the board is an architect, the chairperson of the
475 architectural division shall be the ranking vice
476 chairperson[, and]; when the chairperson of the board is a
477 professional engineer, the chairperson of the professional
478 engineering division shall be the ranking vice
479 chairperson[,]; when the chairperson of the board is a
480 professional land surveyor, the chairperson of the
481 professional land surveying division shall be the ranking
482 vice chairperson[, and]; when the chairperson of the board
483 is a professional landscape architect, the chairperson of
484 the professional landscape architectural division shall be
485 the ranking vice chairperson; and when the chairperson of
486 the board is a licensed interior designer, the chairperson

487 of the licensed interior design division shall be the
488 ranking vice chairperson. The chairperson of each division
489 shall be the administrative and executive officer of his or
490 her division, and it shall be his or her duty to supervise
491 and expedite the work of the division, and, in case of a tie
492 vote on any matter, the chairperson shall, at his or her
493 election, break the tie by his or her vote. Every motion or
494 question pending before the division upon which a tie exists
495 shall be deemed lost, and so declared by the chairperson of
496 the division, unless the chairperson shall elect to break
497 such tie by his or her vote.

498 5. (1) Any person appointed to the board, except a
499 public member, shall be a currently licensed architect,
500 licensed professional engineer, licensed professional land
501 surveyor [or], licensed professional landscape architect, or
502 licensed interior designer in Missouri, as the vacancy on
503 the board may require, who has been a resident of Missouri
504 for at least five years, who has been engaged in active
505 practice as an architect, professional engineer,
506 professional land surveyor [or], professional landscape
507 architect, or licensed interior designer, as the case may
508 be, for at least ten consecutive years as a Missouri
509 licensee immediately preceding such person's appointment,
510 and who is and has been a citizen of the United States for
511 at least five years immediately preceding such person's
512 appointment.

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

517 (b) Active service as a faculty member, after meeting
518 the qualifications required by section 327.314, while
519 holding the rank of assistant professor or higher in an

520 accredited school of engineering and teaching land surveying
521 courses shall be regarded as active practice of land
522 surveying for the purposes of this chapter.

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

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

537 (e) Active service as a faculty member while holding
538 the rank of assistant professor or higher in an accredited
539 school of interior design shall be regarded as active
540 practice of licensed interior design for the purposes of
541 this chapter, provided that no faculty member of an
542 accredited school of interior design shall be eligible for
543 appointment to the board unless such person has had at least
544 three years of experience in the active practice of licensed
545 interior design other than in teaching.

546 (3) The public member shall be, at the time of
547 appointment, a citizen of the United States; a resident of
548 this state for a period of one year and a registered voter;
549 a person who is not and never was a member of any profession
550 licensed or regulated pursuant to this chapter or the spouse
551 of such person; and a person who does not have and never has
552 had a material, financial interest in either the providing

553 of the professional services regulated by this chapter, or
554 an activity or organization directly related to any
555 profession licensed or regulated pursuant to this chapter.
556 All members, including public members, shall be chosen from
557 lists submitted by the director of the division of
558 professional registration. The duties of the public member
559 shall not include the determination of the technical
560 requirements to be met for licensure or whether any person
561 meets such technical requirements or of the technical
562 competence or technical judgment of a licensee or a
563 candidate for licensure.

564 6. The governor shall appoint the chairperson and the
565 other members of the board when a vacancy occurs either by
566 the expiration of a term or otherwise, and each board member
567 shall serve until such member's successor is appointed and
568 has qualified. The position of chairperson shall rotate
569 sequentially with an architect, then professional engineer,
570 then professional land surveyor, then licensed interior
571 designer, and then professional landscape architect, and
572 shall be a licensee who has previously served as a member of
573 the board. The appointment of the chairperson shall be for
574 a term of four years which shall be deemed to have begun on
575 the date of his or her appointment and shall end upon the
576 appointment of the chairperson's successor. The chairperson
577 shall not serve more than one term. All other appointments,
578 except to fill an unexpired term, shall be for terms of four
579 years; but no person shall serve on the board for more than
580 two consecutive four-year terms, and each four-year term
581 shall be deemed to have begun on the date of the expiration
582 of the term of the board member who is being replaced or
583 reappointed, as the case may be. Any appointment to the
584 board which is made when the senate is not in session shall

585 be submitted to the senate for its advice and consent at its
586 next session following the date of the appointment.

587 7. In the event that a vacancy is to occur on the
588 board because of the expiration of a term, then ninety days
589 prior to the expiration, or as soon as feasible after a
590 vacancy otherwise occurs, the president of the American
591 Institute of Architects/Missouri if the vacancy to be filled
592 requires the appointment of an architect, the president of
593 the Missouri Society of Professional Engineers if the
594 vacancy to be filled requires the appointment of a
595 professional engineer, the president of the Missouri Society
596 of Professional Surveyors if the vacancy to be filled
597 requires the appointment of a professional land surveyor,
598 [and] the president of the Missouri Association of Landscape
599 Architects if the vacancy to be filled requires the
600 appointment of a professional landscape architect, and the
601 president or other chief executive of any Missouri chapter
602 of the International Interior Design Association if the
603 vacancy to be filled requires the appointment of a licensed
604 interior designer, shall submit to the director of the
605 division of professional registration a list of five
606 architects [or], five professional engineers, [or] five
607 professional land surveyors, [or] five professional
608 landscape architects, or five licensed interior designers,
609 as the case may require, qualified and willing to fill the
610 vacancy in question, with the recommendation that the
611 governor appoint one of the five persons so listed; and with
612 the list of names so submitted, the president or other chief
613 executive of the appropriate organization shall include in a
614 letter of transmittal a description of the method by which
615 the names were chosen. This subsection shall not apply to
616 public member vacancies.

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

627 9. Upon appointment by the governor and confirmation
628 by the senate of the two licensed interior designers to be
629 first appointed to the interior design division of the
630 board, the interior design council shall be abolished and
631 all of its powers, duties, and responsibilities shall be
632 transferred and imposed upon the board pursuant to this
633 section. Every act performed by or under the authority of
634 the board shall be deemed to have the same force and effect
635 as if performed by the interior design council pursuant to
636 the authority granted to the interior design council prior
637 to August 28, 2026. All rules of the interior design
638 council shall continue in effect and shall be deemed to be
639 duly adopted by the board until such rules are revised,
640 amended, or repealed by the board as provided by law, of
641 which such action shall be taken by the board on or before
642 January 1, 2027.

643 327.041. 1. The board shall have the duty and the
644 power to carry out the purposes and to enforce and
645 administer the provisions of this chapter, to require, by
646 summons or subpoena, with the vote of two-thirds of the
647 voting board members, the attendance and testimony of
648 witnesses, and the production of drawings, plans, plats,
649 specifications, books, papers or any document representing

650 any matter under hearing or investigation, pertaining to the
651 issuance, probation, suspension or revocation of
652 certificates of registration or certificates of authority
653 provided for in this chapter, or pertaining to the unlawful
654 practice of architecture, professional engineering,
655 professional land surveying [or], professional landscape
656 architecture, or licensed interior design.

657 2. The board shall, within the scope and purview of
658 the provisions of this chapter, prescribe the duties of its
659 officers and employees and adopt, publish and enforce the
660 rules and regulations of professional conduct which shall
661 establish and maintain appropriate standards of competence
662 and integrity in the professions of architecture,
663 professional engineering, professional land surveying [and],
664 professional landscape architecture, and licensed interior
665 design, and adopt, publish and enforce procedural rules and
666 regulations as may be considered by the board to be
667 necessary or proper for the conduct of the board's business
668 and the management of its affairs, and for the effective
669 administration and interpretation of the provisions of this
670 chapter. Any rule or portion of a rule, as that term is
671 defined in section 536.010, that is created under the
672 authority delegated in this chapter shall become effective
673 only if it complies with and is subject to all of the
674 provisions of chapter 536 and, if applicable, section
675 536.028. This section and chapter 536 are nonseverable and
676 if any of the powers vested with the general assembly
677 pursuant to chapter 536 to review, to delay the effective
678 date or to disapprove and annul a rule are subsequently held
679 unconstitutional, then the grant of rulemaking authority and
680 any rule proposed or adopted after August 28, 2001, shall be
681 invalid and void.

682 3. Rules promulgated by the board pursuant to sections
683 327.272 to 327.635 shall be consistent with and shall not
684 supersede the rules promulgated by the department of natural
685 resources pursuant to chapter 60.

686 327.081. 1. All funds received pursuant to the
687 provisions of this chapter shall be deposited in the state
688 treasury to the credit of the "State Board for Architects,
689 Professional Engineers, Professional Land Surveyors [and],
690 Professional Landscape Architects, and Licensed Interior
691 Designers Fund" which is hereby established. All
692 expenditures authorized by this chapter shall be paid from
693 funds appropriated to the board by the general assembly from
694 this fund.

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

707 3. Upon appointment by the governor and confirmation
708 by the senate of the two licensed interior designers to be
709 first appointed to the interior design division of the
710 board, all moneys in the interior designer council fund
711 shall be transferred to the state board for architects,
712 professional engineers, professional land surveyors,
713 professional landscape architects, and licensed interior
714 designers fund. The interior designer council fund shall be

715 abolished upon the transfer of all moneys in the fund to the
716 state board for architects, professional engineers,
717 professional land surveyors, professional landscape
718 architects, and licensed interior designers fund.

719 327.381. The board may license, in its discretion, any
720 architect, professional engineer, professional land
721 surveyor, or professional landscape architect who is
722 licensed, or any interior designer who is licensed,
723 certified, or registered, in another state or territory of
724 the United States, province of Canada, or in another
725 country, when such applicant has qualifications which are at
726 least equivalent to the requirements for licensure as an
727 architect, professional engineer, professional land
728 surveyor, [or] professional landscape architect, or licensed
729 interior designer in this state, and provided further that
730 the board may establish by rule the conditions under which
731 it shall require any such applicant to take any examination
732 it considers necessary, and provided further that any such
733 application is accompanied by the required fee.

734 327.411. 1. Each architect and each professional
735 engineer and each professional land surveyor and each
736 professional landscape architect and each licensed interior
737 designer shall have a personal seal in a form prescribed by
738 the board, and he or she shall affix the seal to all final
739 technical submissions. Technical submissions shall include,
740 but are not limited to, drawings, specifications, plats,
741 surveys, exhibits, reports, and certifications of
742 construction prepared by the licensee, or under such
743 licensee's immediate personal supervision. Such licensee
744 shall either prepare or personally supervise the preparation
745 of all documents sealed by the licensee, and such licensee
746 shall be held personally responsible for the contents of all

747 such documents sealed by such licensee, whether prepared or
748 drafted by another licensee or not.

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

767 3. Notwithstanding any provision of this section, any
768 architect, professional engineer, professional land
769 surveyor, [or] professional landscape architect, or licensed
770 interior designer may, but is not required to, attach a
771 statement over his or her signature, authenticated by his or
772 her personal seal, specifying the particular technical
773 submissions, or portions thereof, intended to be
774 authenticated by the seal, and disclaiming any
775 responsibility for all other technical submissions relating
776 to or intended to be used for any part or parts of the
777 architectural or engineering project [or], survey [or],
778 landscape architectural project, or interior alteration or

779 construction project, as such term is defined in section
780 327.700.

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

784 327.442. 1. At such time as the final trial
785 proceedings are concluded whereby a licensee, or any person
786 who has failed to renew or has surrendered his or her
787 certificate of licensure or authority, has been finally
788 adjudicated and found guilty, or has entered a plea of
789 guilty or nolo contendere, in a [felony] criminal
790 prosecution pursuant to the laws of [this] any state, [the
791 laws of any other state, territory, or the laws] of the
792 United States [of America], or of any country for any
793 offense [reasonably] directly related to the
794 [qualifications, functions, or] duties [of a licensee
795 pursuant to this chapter or any felony offense, an essential
796 element of which is fraud, dishonesty, or an act of
797 violence, or for any felony offense involving moral
798 turpitude,] and responsibilities of the occupation, as set
799 forth in section 324.012, regardless of whether or not
800 sentence is imposed, the board for architects, professional
801 engineers, professional land surveyors [and], professional
802 landscape architects, and licensed interior designers may
803 hold a disciplinary hearing to singly or in combination
804 censure or place the licensee named in the complaint on
805 probation on such terms and conditions as the board deems
806 appropriate for a period not to exceed five years, or may
807 suspend, for a period not to exceed three years, or revoke
808 the license or certificate.

809 2. Anyone who has been revoked or denied a license or
810 certificate to practice in another state may automatically
811 be denied a license or certificate to practice in this

812 state. However, the board for architects, professional
813 engineers, professional land surveyors [and], professional
814 landscape architects, and licensed interior designers may
815 establish other qualifications by which a person may
816 ultimately be qualified and licensed to practice in Missouri.

817 327.451. 1. Any person who believes that an architect
818 or a professional engineer or a professional land surveyor
819 or a professional landscape architect or a licensed interior
820 designer has acted or failed to act so that his or her
821 license or certificate of authority should, pursuant to the
822 provisions of this chapter, be suspended or revoked, or who
823 believes that any applicant for a license or certificate of
824 authority pursuant to the provisions of this chapter is not
825 entitled to a license or a certificate of authority, may
826 file a written affidavit with the executive director of the
827 board which the affiant shall sign and swear to and in which
828 the affiant shall clearly set forth the reasons for the
829 affiant's charge or charges that the license or certificate
830 of authority of an architect or professional engineer or
831 professional land surveyor or professional landscape
832 architect or licensed interior designer should be suspended
833 or revoked or not renewed or that a license or certificate
834 of authority should not be issued to an applicant.

835 2. If the affidavit so filed does not contain
836 statements of fact which if true would authorize, pursuant
837 to the provisions of this chapter, suspension or revocation
838 of the accused's license or certificate of authority, or
839 does not contain statements of fact which if true would
840 authorize, pursuant to the provisions of this chapter, the
841 refusal of the renewal of an existing license or certificate
842 of authority or the refusal of a license or certificate of
843 authority to an applicant, the board shall either dismiss
844 the charge or charges or, within its discretion, cause an

845 investigation to be made of the charges contained in the
846 affidavit, after which investigation the board shall either
847 dismiss the charge or charges or proceed against the accused
848 by written complaint as provided in subsection 3 of this
849 section.

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

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

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

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

886 [324.400.] 327.700. As used in sections [324.400 to
 887 324.439] 327.700 to 327.750, the following terms mean:

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

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

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

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

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

- 910 (a) The design function or layout of a room; or
911 (b) The state of permanent fixtures or equipment;
912 (4) "Interior nonstructural element", an interior
913 design element that does not require structural bracing and
914 that is not load-bearing according to any applicable
915 building codes;
- 916 (5) "Interior technical submission", the designs,
917 drawings, and specifications that establish the scope of the
918 interior alteration or construction project, the standard of
919 quality for any materials, workmanship, equipment, and
920 construction systems of an interior alteration or
921 construction project, and the studies and other technical
922 reports and calculations prepared in the course of the
923 practice of licensed interior design;
- 924 (6) "Practice of licensed interior design", the design
925 of interior spaces as a part of an interior alteration or
926 construction project in conformity with public health,
927 safety, and welfare requirements, including the preparation
928 of documents relating to building code descriptions, project
929 egress plans that require no increase in the capacity of
930 exits in the space affected, space planning, and finish
931 materials, and the preparation of documents and interior
932 technical submissions relating to an interior alteration or
933 construction project. The term "practice of licensed
934 interior design":
- 935 (a) Shall include:
- 936 a. The programming, planning, pre-design analysis, and
937 conceptual design of any interior nonstructural elements
938 including, but not limited to, the selection of materials,
939 except for building equipment;
- 940 b. The alteration or construction of any interior
941 nonstructural elements and any interior technical
942 submissions related to such alteration or construction;

943 c. The preparation of a physical plan of space within
944 a proposed or existing building or structure, including:
945 (i) Determinations of circulation systems or patterns;
946 (ii) Determinations of the location of exit
947 requirements based on occupancy loads; and
948 (iii) Assessments and analyses of any interior safety
949 factors to comply with applicable building codes related to
950 interior nonstructural elements;
951 d. The rendering of designs, plans, drawings,
952 specifications, contract documents, or other interior
953 technical submissions; and
954 e. The administration of the construction of interior
955 nonstructural elements and contracts relating to interior
956 nonstructural elements in the interior alteration or
957 construction of a proposed or existing building or
958 structure; and
959 (b) Shall not include:
960 a. Services or work that constitute the practice of
961 architecture, as provided in section 327.091, except as
962 otherwise provided for in this chapter;
963 b. Services or work that constitute the practice of
964 professional engineering, as provided in section 327.181;
965 c. Services or work that constitute the practice of
966 professional land surveying, as provided in section 327.272;
967 d. Services or work that constitute the practice of
968 professional landscape architecture, as defined in section
969 327.600;
970 e. Altering or affecting the structural system and
971 seismic system of a building, including changing the
972 building's live or dead load on the structural system;
973 f. Changes to the building envelope, including
974 exterior walls, exterior wall coverings, exterior wall
975 openings, exterior windows or doors, architectural trim,

976 balconies and similar projections, bay or oriel windows,
977 roof assemblies and rooftop structures, and glass and
978 glazing for exterior use in both vertical, horizontal, and
979 sloped applications in buildings and structures;

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

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

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

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

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

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

998 m. Any person who renders services within the practice
999 of licensed interior design in connection with the
1000 construction, remodeling, or repairing of any privately
1001 owned building described in item (i), (ii), or (iii) of this
1002 subparagraph, and who indicates on any drawings,
1003 specifications, estimates, reports, or other documents
1004 furnished in connection with the services within the
1005 practice of licensed interior design that the person is not
1006 a licensed interior designer:

1007 (i) A dwelling house;

1008 (ii) A multiple family dwelling house, flat, or
1009 apartment containing not more than two families; or
1010 (iii) Any one building or structure, except for those
1011 buildings or structures used exclusively for agricultural
1012 purposes, which provides for the employment, assembly,
1013 housing, sleeping, or eating of not more than nine persons,
1014 contains less than two thousand square feet, and is not part
1015 of another building or structure.

1016 [324.402.] 327.705. The state or any county,
1017 municipality, or other political subdivision shall not
1018 require the use of a [registered] licensed interior designer
1019 for any residential building, residential remodeling,
1020 residential rehabilitation, or residential construction
1021 purposes.

1022 [324.403.] 327.710. 1. No person may use the name or
1023 title, [registered] licensed interior designer, in this
1024 state unless that person is [registered] licensed as
1025 required by sections [324.400 to 324.439] 327.700 to 327.750.

1026 2. A licensed interior designer shall undertake to
1027 perform services within the practice of licensed interior
1028 design only when he or she is qualified by education,
1029 training, and experience in the specific technical areas
1030 involved.

1031 3. Licensed interior designers shall be in responsible
1032 charge of interior design technical submissions that can
1033 affect the health, safety, and welfare of the public within
1034 their scope of practice. Licensed interior designers shall
1035 not take responsible charge over interior technical
1036 submissions prepared by another person unless the licensed
1037 interior designer reviewing such interior technical
1038 submissions actually exercises personal supervision and
1039 direct control over the interior technical submissions.

1040 Nothing in [sections 324.400 to 324.439] this chapter shall

1041 be construed as limiting or preventing the practice of a
1042 person's interior design profession or restricting a person
1043 from providing [interior design] services within the
1044 practice of licensed interior design, provided such person
1045 does not indicate to the public that such person is
1046 [registered] licensed as an interior designer pursuant to
1047 the provisions of sections [324.400 to 324.439] 327.700 to
1048 327.750.

1049 4. Nothing in this chapter shall be construed as in
1050 any way precluding an architect from performing any of the
1051 services included within the practice of licensed interior
1052 design.

1053 [324.409.] 327.720. 1. To be a [registered] licensed
1054 interior designer, a person:

1055 (1) Shall take and pass or have passed the examination
1056 administered by the [National] Council for Interior Design
1057 Qualification or an equivalent examination approved by the
1058 [division] board. In addition to proof of passage of the
1059 examination, the application shall provide substantial
1060 evidence to the [division] board that the applicant:

1061 (a) Is a graduate of a five-year or four-year
1062 accredited degree program from a school of interior design
1063 [program from an accredited institution] and has completed
1064 at least two years of diversified and appropriate interior
1065 design experience; or

1066 (b) [Has completed at least three years of an interior
1067 design curriculum from an accredited institution and has
1068 completed at least three years of diversified and
1069 appropriate interior design experience; or

1070 (c) Is a graduate of a two-year accredited degree
1071 program from a school of interior design [program from an
1072 accredited institution] and has completed at least four

1073 years of diversified and appropriate interior design
1074 experience; or

1075 (2) May qualify who is currently [registered] licensed
1076 pursuant to sections 327.091 to 327.171, and section 327.401
1077 pertaining to the practice of architecture [and registered
1078 with the division. Such applicant shall give authorization
1079 to the division in order to verify current registration with
1080 sections 327.091 to 327.171 and section 327.401 pertaining
1081 to the practice of architecture].

1082 2. An applicant whose curriculum or transcript has
1083 been approved by the board shall be exempt from the
1084 requirement to provide substantial evidence that the
1085 applicant meets the requirements of paragraph (a) or (b) of
1086 subdivision (1) of subsection 1 of this section.

1087 3. The [division] board shall verify if an applicant
1088 has complied with the provisions of this section and has
1089 paid the required fees, then the [division] board shall
1090 recommend such applicant be [registered] licensed as a
1091 [registered] licensed interior designer by the [division]
1092 board.

1093 [324.415.] 327.725. Applications for [registration]
1094 licensure as a [registered] licensed interior designer shall
1095 be typewritten on forms prescribed by the [division] board
1096 and furnished to the applicant. The application shall
1097 contain the applicant's statements showing the applicant's
1098 education, experience, results of previous interior design
1099 certification, registration, or licensing examinations, if
1100 any, and such other pertinent information as the [division]
1101 board may require, or architect's license or registration
1102 number and such other pertinent information as the
1103 [division] board may require. Each application shall
1104 contain a statement that is made under oath or affirmation
1105 and that the representations are true and correct to the

1106 best knowledge and belief of the person signing the
1107 application. The person shall be subject to the penalties
1108 for making a false affidavit or declaration and shall be
1109 accompanied by the required fee.

1110 [324.418.] 327.730. 1. The [certificate of
1111 registration] license issued biennially to a [registered]
1112 licensed interior designer pursuant to sections [324.400 to
1113 324.439] 327.700 to 327.750 shall be renewed on or before
1114 the [certificate] license renewal date accompanied by the
1115 required fee. The [certificate of registration] license of
1116 a [registered] licensed interior designer which is not
1117 renewed within three months after the [certificate] license
1118 renewal date shall be suspended automatically, subject to
1119 the right of the holder to have the suspended [certificate
1120 of registration] license reinstated within nine months of
1121 the date of suspension if the person pays the required
1122 reinstatement fee. Any [certificate of registration]
1123 license suspended and not reinstated within nine months of
1124 the suspension date shall expire and be void and the holder
1125 of such [certificate] license shall have no rights or
1126 privileges provided to holders of valid [certificates]
1127 licenses. Any person whose [certificate of registration]
1128 license has expired may, upon demonstration of current
1129 qualifications and payment of required fees, be
1130 [reregistered] relicensed or reauthorized under the person's
1131 original [certificate of registration] license number.

1132 2. Each application for the renewal or reinstatement
1133 of a [registration] license shall be on a form furnished to
1134 the applicant and shall be accompanied by the required fees
1135 [and proof of current completion of at least one unit every
1136 two years of approved or verifiable continuing education in
1137 interior design or architecture, immediately prior to such
1138 renewal or reinstatement. Ten contact hours constitutes one

1139 continuing education unit. Five contact hours of teaching
1140 in interior design or architecture constitutes one
1141 continuing education unit. One college course credit in
1142 interior design or architecture constitutes one continuing
1143 education unit].

1144 3. The board shall establish, by rule, continuing
1145 education requirements as a condition to renewing or
1146 reinstating the license of an interior designer that are
1147 substantially equivalent to the continuing education
1148 requirements for architects.

1149 [324.427.] 327.735. It is unlawful for any person to
1150 advertise or indicate to the public that the person is a
1151 [registered] licensed interior designer in this state,
1152 unless such person is [registered] licensed as a
1153 [registered] licensed interior designer by the [division]
1154 board and is in good standing pursuant to sections [324.400
1155 to 324.439] 327.700 to 327.750.

1156 [324.430.] 327.740. No person may use the designation
1157 [registered] licensed interior designer in Missouri, unless
1158 the [division] board has issued a current [certificate of
1159 registration] license certifying that the person has been
1160 duly [registered] licensed as a [registered] licensed
1161 interior designer in Missouri and unless such [registration]
1162 license has been renewed or reinstated as provided in
1163 section [324.418] 327.730.

1164 [324.433.] 327.745. The right to use the title of
1165 [registered] licensed interior designer shall be deemed a
1166 personal right, based upon the qualifications of the
1167 individual, evidenced by the person's current [certificate
1168 of registration] license and such [certificate] license is
1169 not transferable; except that, a [registered] licensed
1170 interior designer may perform the [interior designer's
1171 profession] practice of licensed interior design through, or

1172 as a member of, or as an employee of, a partnership or
1173 corporation.

1174 [324.439.] 327.750. [After twenty-four months after
1175 August 28, 1998,] Any person who violates any provision of
1176 sections [324.400 to 324.439] 327.700 to 327.750 shall be
1177 guilty of a class A misdemeanor.

1178 537.033. 1. As used in this section, unless the
1179 context clearly indicates otherwise, the following words and
1180 terms shall have the meanings indicated:

1181 (1) "Design professional", an architect, landscape
1182 architect, professional land surveyor, [or] professional
1183 engineer, or licensed interior designer licensed under the
1184 provisions of chapter 327 or any corporation authorized to
1185 practice architecture, landscape architecture, land
1186 surveying, or engineering under section 327.401 while acting
1187 within their scope of practice;

1188 (2) "Lessons learned", internal meetings, classes,
1189 publications in any medium, presentations, lectures, or
1190 other means of teaching and communicating after substantial
1191 completion of the project which are conducted solely and
1192 exclusively by and with the employees, partners, and
1193 coworkers of the design professional who prepared the
1194 project's design for the purpose of learning best practices
1195 and reducing errors and omissions in design documents and
1196 procedures. Lessons learned shall not include
1197 presentations, lectures, teaching, or communication made to
1198 or by third parties who are not employees, partners, and
1199 coworkers of the design professional whose work is being
1200 evaluated and discussed;

1201 (3) "Peer review process", a process through which
1202 design professionals evaluate, maintain, or monitor the
1203 quality and utilization of architectural, landscape
1204 architectural, land surveying, [or] engineering, or interior

1205 design services, prepare internal lessons learned, or
1206 exercise any combination of such responsibilities;

1207 (4) "Substantial completion", the construction of the
1208 project covered by the design professional's design
1209 documents has reached substantial completion, as that term
1210 is defined in section 436.327.

1211 2. A peer review process shall only be performed by a
1212 design professional licensed in any jurisdiction in the
1213 United States in the same profession as would be required
1214 under chapter 327 to prepare the design documents being
1215 reviewed, or in a case requiring multiple professions, by a
1216 person or persons holding the proper licenses. A peer
1217 review process may be performed by one or more design
1218 professionals appointed by the partners, shareholders, board
1219 of directors, chief executive officer, quality control
1220 director, or employed design professionals of a partnership
1221 or of a corporation authorized under section 327.401 to
1222 practice architecture, landscape architecture, land
1223 surveying, or engineering, or by the owner of a sole
1224 proprietorship engaged in one or more of such professions.
1225 Any individual identified in this subsection and performing
1226 a peer review shall be deemed a peer reviewer.

1227 3. Each peer reviewer described in this subsection
1228 shall be immune from civil liability for such acts so long
1229 as the acts are performed in good faith, without malice, and
1230 are reasonably related to the scope of inquiry of the peer
1231 review process. The immunity in this subsection is intended
1232 to cover only outside peer reviews by a third-party design
1233 professional who is not an employee, coworker, or partner of
1234 the design professional whose design is being peer reviewed
1235 before substantial completion of the project and who has no
1236 other role in the project besides performing the peer review.

1237 4. This section does not provide immunity to any in-
1238 house peer reviewer when performed by employees, coworkers,
1239 or partners of the design professional who prepares the
1240 design, nor are any such documents or peer review comments,
1241 other than lessons learned, inadmissible into evidence in
1242 any judicial or administrative action.

1243 5. Except for documents related to lessons learned,
1244 the interviews, memoranda, proceedings, findings,
1245 deliberations, reports, and minutes of the peer review
1246 process, or the existence of the same, concerning the
1247 professional services provided to a client or member of the
1248 public are subject to discovery, subpoena, or other means of
1249 legal compulsion for their release to any person or entity
1250 and shall be admissible into evidence in any judicial or
1251 administrative action for failure to provide appropriate
1252 architectural, landscape architectural, land surveying, [or]
1253 engineering, or interior design services, subject to
1254 applicable rules of the court or tribunal. Except as
1255 otherwise provided in this section, no person who was in
1256 attendance at, or participated in, any lessons learned
1257 process or proceedings shall be permitted or required to
1258 disclose any information acquired in connection with or in
1259 the course of such proceeding, or to disclose any opinion,
1260 recommendation, or evaluation made in a lessons learned
1261 process or proceeding; provided, however, that information
1262 otherwise discoverable or admissible from original sources
1263 is not to be construed as immune from discovery or use in
1264 any proceeding merely because it was presented during a
1265 lessons learned process or proceeding nor is a member,
1266 employee, or agent involved in any such process or
1267 proceeding, or other person appearing before a peer
1268 reviewer, to be prevented from testifying as to matters
1269 within his or her personal knowledge and in accordance with

1270 the other provisions of this section, but such witness
1271 cannot be questioned about a lessons learned process or
1272 proceeding or about opinions formed as a result of such
1273 process or proceeding. The disclosure of any memoranda,
1274 proceedings, reports, or minutes of a lessons learned
1275 proceeding to any person or entity, including but not
1276 limited to governmental agencies, professional accrediting
1277 agencies, or other design professionals, whether proper or
1278 improper, shall not waive or have any effect upon its
1279 confidentiality, nondiscoverability, or nonadmissibility.

1280 6. Nothing in this section shall limit authority
1281 otherwise provided by law of the Missouri board for
1282 architects, professional engineers, professional land
1283 surveyors, [and] professional landscape architects, and
1284 licensed interior designers to obtain information by
1285 subpoena or other authorized process from a peer reviewer or
1286 to require disclosure of otherwise confidential information
1287 relating to matters and investigations within the
1288 jurisdiction of such licensing board.

1289 621.045. 1. The administrative hearing commission
1290 shall conduct hearings and make findings of fact and
1291 conclusions of law in those cases when, under the law, a
1292 license issued by any of the following agencies may be
1293 revoked or suspended or when the licensee may be placed on
1294 probation or when an agency refuses to permit an applicant
1295 to be examined upon his or her qualifications or refuses to
1296 issue or renew a license of an applicant who has passed an
1297 examination for licensure or who possesses the
1298 qualifications for licensure without examination:

1299 Missouri State Board of Accountancy
1300 Missouri State Board for Architects, Professional
1301 Engineers, Professional Land Surveyors [and], Professional
1302 Landscape Architects, and Licensed Interior Designers

1303 Board of Barber Examiners
1304 Board of Cosmetology
1305 Board of Chiropody and Podiatry
1306 Board of Chiropractic Examiners
1307 Missouri Dental Board
1308 Board of Embalmers and Funeral Directors
1309 Board of Registration for the Healing Arts
1310 Board of Nursing
1311 Board of Optometry
1312 Board of Pharmacy
1313 Missouri Real Estate Commission
1314 Missouri Veterinary Medical Board
1315 Supervisor of Liquor Control
1316 Department of Health and Senior Services
1317 Department of Commerce and Insurance
1318 Department of Mental Health
1319 Board of Private Investigator Examiners.

1320 2. If in the future there are created by law any new
1321 or additional administrative agencies which have the power
1322 to issue, revoke, suspend, or place on probation any
1323 license, then those agencies are under the provisions of
1324 this law.

1325 3. The administrative hearing commission is authorized
1326 to conduct hearings and make findings of fact and
1327 conclusions of law in those cases brought by the Missouri
1328 state board for architects, professional engineers,
1329 professional land surveyors [and], professional landscape
1330 architects, and licensed interior designers against
1331 unlicensed persons under section 327.076.

1332 4. Notwithstanding any other provision of this section
1333 to the contrary, after August 28, 1995, in order to
1334 encourage settlement of disputes between any agency

1335 described in subsection 1 or 2 of this section and its
1336 licensees, any such agency shall:

1337 (1) Provide the licensee with a written description of
1338 the specific conduct for which discipline is sought and a
1339 citation to the law and rules allegedly violated, together
1340 with copies of any documents which are the basis thereof and
1341 the agency's initial settlement offer, or file a contested
1342 case against the licensee;

1343 (2) If no contested case has been filed against the
1344 licensee, allow the licensee at least sixty days, from the
1345 date of mailing, to consider the agency's initial settlement
1346 offer and to contact the agency to discuss the terms of such
1347 settlement offer;

1348 (3) If no contested case has been filed against the
1349 licensee, advise the licensee that the licensee may, either
1350 at the time the settlement agreement is signed by all
1351 parties, or within fifteen days thereafter, submit the
1352 agreement to the administrative hearing commission for
1353 determination that the facts agreed to by the parties to the
1354 settlement constitute grounds for denying or disciplining
1355 the license of the licensee; and

1356 (4) In any contact under this subsection by the agency
1357 or its counsel with a licensee who is not represented by
1358 counsel, advise the licensee that the licensee has the right
1359 to consult an attorney at the licensee's own expense.

1360 5. If the licensee desires review by the
1361 administrative hearing commission under subdivision (3) of
1362 subsection 4 of this section at any time prior to the
1363 settlement becoming final, the licensee may rescind and
1364 withdraw from the settlement and any admissions of fact or
1365 law in the agreement shall be deemed withdrawn and not
1366 admissible for any purposes under the law against the
1367 licensee. Any settlement submitted to the administrative

1368 hearing commission shall not be effective and final unless
1369 and until findings of fact and conclusions of law are
1370 entered by the administrative hearing commission that the
1371 facts agreed to by the parties to the settlement constitute
1372 grounds for denying or disciplining the license of the
1373 licensee.

1374 6. When a holder of a license, registration, permit,
1375 or certificate of authority issued by the division of
1376 professional registration or a board, commission, or
1377 committee of the division of professional registration
1378 against whom an affirmative decision is sought has failed to
1379 plead or otherwise respond in the contested case and
1380 adequate notice has been given under sections 536.067 and
1381 621.100 upon a properly pled writing filed to initiate the
1382 contested case under this chapter or chapter 536, a default
1383 decision shall be entered against the licensee without
1384 further proceedings. The default decision shall grant such
1385 relief as requested by the division of professional
1386 registration, board, committee, commission, or office in the
1387 writing initiating the contested case as allowed by law.
1388 Upon motion stating facts constituting a meritorious defense
1389 and for good cause shown, a default decision may be set
1390 aside. The motion shall be made within a reasonable time,
1391 not to exceed thirty days after entry of the default
1392 decision. "Good cause" includes a mistake or conduct that
1393 is not intentionally or recklessly designed to impede the
1394 administrative process.

1395 [324.406. 1. There is hereby created
1396 within the division of professional registration
1397 a council to be known as the "Interior Design
1398 Council". The council shall consist of four
1399 interior designers and one public member
1400 appointed by the director of the division. The
1401 director shall give due consideration to the
1402 recommendations by state organizations of the

1403 interior design profession for the appointment
1404 of the interior design members to the council.
1405 Council members shall be appointed to serve a
1406 term of four years; except that of the members
1407 first appointed, one interior design member and
1408 the public member shall be appointed for terms
1409 of four years, one member shall be appointed for
1410 a term of three years, one member shall be
1411 appointed for a term of two years and one member
1412 shall be appointed for a term of one year. No
1413 member of the council shall serve more than two
1414 terms.

1415 2. Each council member, other than the
1416 public member, shall be a citizen of the United
1417 States, a resident of the state of Missouri for
1418 at least one year, meet the qualifications for
1419 professional registration, practice interior
1420 design as the person's principal livelihood and,
1421 except for the first members appointed, be
1422 registered pursuant to sections 324.400 to
1423 324.439 as an interior designer.

1424 3. The public member shall be, at the time
1425 of such person's appointment, a citizen of the
1426 United States, a registered voter, a person who
1427 is not and never was a member of the profession
1428 regulated by sections 324.400 to 324.439 or the
1429 spouse of such a person and a person who does
1430 not have and never has had a material financial
1431 interest in the providing of the professional
1432 services regulated by sections 324.400 to
1433 324.439. The duties of the public member shall
1434 not include the determination of the technical
1435 requirements for the registration of persons as
1436 interior designers.

1437 4. The provisions of section 324.028
1438 pertaining to members of certain state boards
1439 and commissions shall apply to all members of
1440 the council.

1441 5. Members of the council may be removed
1442 from office for cause. Upon the death,
1443 resignation or removal from office of any member
1444 of the council, the appointment to fill the
1445 vacancy shall be for the unexpired portion of
1446 the term so vacated and shall be filled in the

1447 same manner as the first appointment and due
1448 notice be given to the state organizations of
1449 the interior design profession prior to the
1450 appointment.

1451 6. Each member of the council may receive
1452 as compensation an amount set by the division
1453 not to exceed fifty dollars per day and shall be
1454 reimbursed for the member's reasonable and
1455 necessary expenses incurred in the official
1456 performance of the member's duties as a member
1457 of the council. The director shall establish by
1458 rule guidelines for payment.

1459 7. The council shall meet at least twice
1460 each year and guide, advise, and make
1461 recommendations to the division on matters
1462 within the scope of sections 324.400 to
1463 324.439. The organization of the council shall
1464 be established by the members of the council.]

1465 [324.412. The division shall:

1466 (1) Employ, within the limits of the
1467 appropriations for that purpose, such employees
1468 as are necessary to carry out the provisions of
1469 sections 324.400 to 324.439;

1470 (2) Exercise all budgeting, purchasing,
1471 reporting and other related management functions;

1472 (3) Recommend prosecution for violations
1473 of sections 324.400 to 324.439 to the
1474 appropriate prosecuting or circuit attorney;

1475 (4) Promulgate such rules and regulations
1476 as are necessary to administer the provisions of
1477 sections 324.400 to 324.439. Any rule or
1478 portion of a rule, as that term is defined in
1479 section 536.010, that is promulgated to
1480 administer and enforce sections 324.400 to
1481 324.439, shall become effective only if the
1482 agency has fully complied with all of the
1483 requirements of chapter 536, including but not
1484 limited to, section 536.028, if applicable,
1485 after August 28, 1998. If the provisions of
1486 section 536.028 apply, the provisions of this
1487 section are nonseverable and if any of the
1488 powers vested with the general assembly pursuant
1489 to section 536.028 to review, to delay the

1490 effective date, or to disapprove and annul a
1491 rule or portion of a rule are held
1492 unconstitutional or invalid, the purported grant
1493 of rulemaking authority and any rule so proposed
1494 and contained in the order of rulemaking shall
1495 be invalid and void, except that nothing in this
1496 section shall affect the validity of any rule
1497 adopted and promulgated prior to August 28,
1498 1998.]

1499 [324.421. The division shall register
1500 without examination any interior designer
1501 certified, licensed or registered in a foreign
1502 country if the applicant has qualifications
1503 which are at least equivalent to the
1504 requirements for registration as a registered
1505 interior designer in this state and such
1506 applicant pays the required fees.]

1507 [324.424. 1. The division shall set the
1508 amount of the fees authorized by sections
1509 324.400 to 324.439 by rules and regulations.
1510 The fees shall be set at a level to produce
1511 revenue which shall not substantially exceed the
1512 cost and expense of administering sections
1513 324.400 to 324.439. All fees required pursuant
1514 to sections 324.400 to 324.439 shall be paid to
1515 and collected by the division of professional
1516 registration and transmitted to the department
1517 of revenue for deposit in the state treasury to
1518 the credit of the "Interior Designer Council
1519 Fund", which is hereby created.

1520 2. Notwithstanding the provisions of
1521 section 33.080 to the contrary, money in the
1522 fund shall not be transferred and placed to the
1523 credit of general revenue until the amount in
1524 the fund at the end of the biennium exceeds
1525 three times the amount of the appropriation to
1526 the council for the preceding fiscal year. The
1527 amount, if any, in the fund which shall lapse is
1528 the amount in the fund which exceeds the
1529 appropriate multiple of the appropriations to
1530 the council for the preceding fiscal year.]

1531 [324.436. 1. The division may refuse to
1532 issue any certificate required pursuant to
1533 sections 324.400 to 324.439, or renew or

1534 reinstate any such certificate, for any one or
1535 any combination of the reasons stated in
1536 subsection 2 of this section. The division
1537 shall notify the applicant in writing of the
1538 reasons for the refusal and shall advise the
1539 applicant of the person's right to file a
1540 complaint with the administrative hearing
1541 commission as provided in chapter 621.

1542 2. The division may cause a complaint to
1543 be filed with the administrative hearing
1544 commission as provided by chapter 621 against
1545 any holder of a certificate of registration
1546 required by sections 324.400 to 324.439 or any
1547 person who has failed to renew or has
1548 surrendered the person's certificate of
1549 registration for any one or combination of the
1550 following reasons:

1551 (1) The person has been finally
1552 adjudicated and found guilty, or entered a plea
1553 of guilty or nolo contendere, in a criminal
1554 prosecution under the laws of any state or of
1555 the United States, or of any country, for any
1556 offense directly related to the duties and
1557 responsibilities of the occupation, as set forth
1558 in section 324.012, regardless of whether or not
1559 sentence is imposed;

1560 (2) Use of fraud, deception,
1561 misrepresentation or bribery in securing any
1562 certificate of registration issued pursuant to
1563 sections 324.400 to 324.439 or in obtaining
1564 permission to take any examination given or
1565 required pursuant to sections 324.400 to 324.439;

1566 (3) Obtaining or attempting to obtain any
1567 fee, charge, tuition or other compensation by
1568 fraud, deception or misrepresentation;

1569 (4) Incompetency, misconduct, gross
1570 negligence, fraud, misrepresentation or
1571 dishonesty in the performance of the functions
1572 or duties of the profession regulated by
1573 sections 324.400 to 324.439;

1574 (5) Violation of, or assisting or enabling
1575 any person to violate, any provision of sections

1576 324.400 to 324.439, or of any lawful rule or
1577 regulation adopted pursuant to such sections;

1578 (6) Impersonation of any person holding a
1579 certificate of registration or authority, permit
1580 or license or allowing any person to use the
1581 person's certificate or diploma from any school;

1582 (7) Disciplinary action against the holder
1583 of a certificate of registration or other right
1584 to perform the profession regulated by sections
1585 324.400 to 324.439 granted by another state,
1586 territory, federal agency or country upon
1587 grounds for which revocation or suspension is
1588 authorized in this state;

1589 (8) A person is finally adjudged insane or
1590 incompetent by a court of competent jurisdiction;

1591 (9) Issuance of a certificate of
1592 registration based upon a material mistake of
1593 fact;

1594 (10) Use of any advertisement or
1595 solicitation which is false, misleading or
1596 deceptive to the general public or persons to
1597 whom the advertisement or solicitation is
1598 primarily directed, as it relates to the
1599 interior design profession.

1600 3. After the filing of a complaint
1601 pursuant to subsection 2 of this section, the
1602 proceedings shall be conducted in accordance
1603 with the provisions of chapter 536 and chapter
1604 621. Upon a finding by the administrative
1605 hearing commission that the grounds, provided in
1606 subsection 2 of this section, for disciplinary
1607 action are met, the division shall censure or
1608 place the person named in the complaint on
1609 probation for a period not to exceed five years
1610 or may suspend the person's certificate for a
1611 period not to exceed three years or may revoke
1612 the person's certificate of registration.]

1613 Section B. The repeal of sections 324.406 and 324.424
1614 shall become effective upon notification to the revisor from
1615 the director of the division of professional registration of
1616 the department of commerce and insurance of the appointment

1617 and confirmation of two members to the interior design
1618 division of the Missouri board for architects, professional
1619 engineers, professional land surveyors, professional
1620 landscape architects, and licensed interior designers."; and
1621 Further amend the title and enacting clause accordingly.