

FIRST REGULAR SESSION

HOUSE BILL NO. 267

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE TREADWAY.

Read 1st time January 4, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

0708L.011

AN ACT

To repeal sections 327.011, 327.031, 327.041, 327.081, 327.131, 327.381, 327.600, 327.603, 327.605, 327.607, 327.609, 327.612, 327.615, 327.617, 327.621, 327.623, 327.625, 327.627, 327.629, 327.630 and 327.631, RSMo 2000, relating to licensure of design professionals, and to enact in lieu thereof seventeen new sections relating to the same subject.

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

Section A. Sections 327.011, 327.031, 327.041, 327.081, 327.131, 327.381, 327.600, 327.603, 327.605, 327.607, 327.609, 327.612, 327.615, 327.617, 327.621, 327.623, 327.625, 327.627, 327.629, 327.630 and 327.631, RSMo 2000, are repealed and seventeen new sections enacted in lieu thereof, to be known as sections 327.011, 327.031, 327.041, 327.081, 327.131, 327.381, 327.600, 327.603, 327.607, 327.612, 327.615, 327.617, 327.621, 327.623, 327.629, 327.630 and 327.631, to read as follows:

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

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

(2) "Accredited school of landscape architecture", any school or other institution which teaches landscape architecture and whose curricula on the subjects in question are or have been at the times in question certified as accredited by the Landscape Architecture

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

10 **Accreditation Board of the American Society of Landscape Architects;**

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

15 **[(3)] (4)** "Architect", any person authorized pursuant to the provisions of this chapter to
16 practice architecture in Missouri, as the practice of architecture is defined in section 327.091;

17 **[(4)] (5)** "Board", the Missouri board for architects, professional engineers, and
18 professional land surveyors;

19 **[(5)] (6)** "Corporation", any general business corporation, professional corporation or
20 limited liability company;

21 **(7) "Department", the department of economic development;**

22 **(8) "Division", the division of professional registration in the department of**
23 **economic development;**

24 **(9) "Landscape architect", any person licensed pursuant to the provisions of**
25 **sections 327.600 to 327.635 who is qualified to practice landscape architecture by reason**
26 **of special knowledge and the use of biological, physical, mathematical and social sciences**
27 **and the principles and methods of analysis and design of the land, has demonstrated**
28 **knowledge and ability in such areas, and has been duly licensed as a landscape architect**
29 **by the board on the basis of professional education, examination and experience in**
30 **landscape architecture;**

31 **[(6)] (10)** "Partnership", any partnership or limited liability partnership;

32 **[(7)] (11)** "Person", any person, corporation, firm, partnership, association or other
33 entity;

34 **[(8)] (12)** "Professional engineer", any person authorized pursuant to the provisions of
35 this chapter to practice as a professional engineer in Missouri, as the practice of engineering is
36 defined in section 327.181;

37 **[(9)] (13)** "Professional land surveyor", any person authorized pursuant to the provisions
38 of this chapter to practice as a professional land surveyor in Missouri as the practice of land
39 surveying is defined in section 327.272.

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

7 surveying division; **three landscape architects, who shall constitute its landscape**
8 **architecture division**; and a voting public member.

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

12 3. The chairperson shall be the administrative and executive officer of the board, and it
13 shall be his or her duty to supervise and expedite the work of the board and its divisions, and,
14 at his or her election, when a tie exists between the divisions of the board, to break the tie by
15 recording his or her vote for or against the action upon which the divisions are in disagreement.
16 Each member of the architectural division shall have one vote when voting on an action pending
17 before the board; each member of the professional engineering division shall have one vote when
18 voting on an action pending before the board; **the chairperson of the landscape architecture**
19 **division shall have one vote when voting on an action pending before the board**; and each
20 member of the professional land surveying division shall have one vote when voting on an action
21 pending before the board. Every motion or proposed action upon which the divisions of the
22 board are tied shall be deemed lost, and the chairperson shall so declare, unless the chairperson
23 shall elect to break the tie as provided in this section. **[Six] Seven** members of the board and two
24 members of each division shall constitute a quorum, respectively, for the transaction of business.

25 4. Each division of the board shall, at its first meeting in each even-numbered year, elect
26 one of its members as division chairperson for a term of two years. The chairpersons of the
27 architectural division [and], professional engineering division and the professional land
28 surveying division so elected shall be vice chairpersons of the board, and when the chairperson
29 of the board is an architect, the chairperson of the architectural division shall be the ranking vice
30 chairperson, and when the chairperson of the board is a professional engineer, the chairperson
31 of the professional engineering division shall be the ranking vice chairperson, and when the
32 chairperson of the board is a professional land surveyor, the chairperson of the professional land
33 surveying division shall be the ranking vice chairperson. The chairperson of each division shall
34 be the administrative and executive officer of his or her division, and it shall be his or her duty
35 to supervise and expedite the work of the division, and, in case of a tie vote on any matter, the
36 chairperson shall, at his or her election, break the tie by his or her vote. Every motion or
37 question pending before the division upon which a tie exists shall be deemed lost, and so
38 declared by the chairperson of the division, unless the chairperson shall elect to break such tie
39 by his or her vote.

40 5. Any person appointed to the board, except a public member, shall be a currently
41 licensed architect, licensed professional engineer [or], licensed professional land surveyor **or**
42 **registered or licensed landscape architect** in Missouri, as the vacancy on the board may

43 require, who has been a resident of Missouri for at least five years, who has been engaged in
44 active practice as an architect, professional engineer [or], professional land surveyor **or**
45 **landscape architect**, as the case may be, for at least ten consecutive years immediately
46 preceding such person's appointment and who is and has been a citizen of the United States for
47 at least five years immediately preceding such person's appointment. Active service as a faculty
48 member while holding the rank of assistant professor or higher in an accredited school of
49 engineering shall be regarded as active practice of engineering, for the purposes of this chapter.
50 Active service as a faculty member, after meeting the qualifications required by section 327.314,
51 while holding the rank of assistant professor or higher in an accredited school of engineering and
52 teaching land surveying courses shall be regarded an active practice of land surveying for the
53 purposes of this chapter. Active service as a faculty member while holding the rank of assistant
54 professor or higher in an accredited school of architecture shall be regarded as active practice of
55 architecture for the purposes of this chapter; provided, however, that no faculty member of an
56 accredited school of architecture shall be eligible for appointment to the board unless such
57 person has had at least three years' experience in the active practice of architecture other than in
58 teaching. The public member shall be, at the time of appointment, a citizen of the United States;
59 a resident of this state for a period of one year and a registered voter; a person who is not and
60 never was a member of any profession licensed or regulated pursuant to this chapter or the
61 spouse of such person; and a person who does not have and never has had a material, financial
62 interest in either the providing of the professional services regulated by this chapter, or an
63 activity or organization directly related to any profession licensed or regulated pursuant to this
64 chapter. All members, including public members, shall be chosen from lists submitted by the
65 director of the division of professional registration. The duties of the public member shall not
66 include the determination of the technical requirements to be met for licensure or whether any
67 person meets such technical requirements or of the technical competence or technical judgment
68 of a licensee or a candidate for licensure.

69 6. The governor shall appoint the chairperson and the other members of the board when
70 a vacancy occurs either by the expiration of a term or otherwise, and each board member shall
71 serve until such member's successor is appointed and has qualified. The position of chairperson
72 shall alternate among an architect, a professional engineer and a professional land surveyor. All
73 appointments, except to fill an unexpired term, shall be for terms of four years; but no person
74 shall serve on the board for more than two consecutive four-year terms, and each four-year term
75 shall be deemed to have begun on the date of the expiration of the term of the board member who
76 is being replaced or reappointed, as the case may be. Any appointment to the board which is
77 made when the senate is not in session shall be submitted to the senate for its advice and consent
78 at its next session following the date of the appointment.

79 7. In the event that a vacancy is to occur on the board because of the expiration of a term,
80 then ninety days prior to the expiration, or as soon as feasible after a vacancy otherwise occurs,
81 the president of the American Institute of Architects/Missouri if the vacancy to be filled requires
82 the appointment of an architect, **the president of the Missouri Association of Landscape**
83 **Architects if the vacancy to be filled requires the appointment of a landscape architect**, the
84 president of the Missouri Society of Professional Engineers if the vacancy to be filled requires
85 the appointment of an engineer, and the president of the Missouri Association of Registered Land
86 Surveyors if the vacancy to be filled requires the appointment of a land surveyor, shall submit
87 to the director of the division of professional registration a list of five architects or five
88 professional engineers, **five landscape architects** or five professional land surveyors, as the case
89 may require, qualified and willing to fill the vacancy in question, with the recommendation that
90 the governor appoint one of the five persons so listed; and with the list of names so submitted,
91 the president of the appropriate organization shall include in a letter of transmittal a description
92 of the method by which the names were chosen. This subsection shall not apply to public
93 member vacancies.

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

100 9. **The landscape architectural council is hereby abolished and all of its powers,**
101 **duties and responsibilities are transferred to and imposed upon the Missouri board for**
102 **architects, professional engineers, professional land surveyors and landscape architects**
103 **established pursuant to this section. Every act performed by or under the authority of the**
104 **Missouri board for architects, professional engineers, professional land surveyors and**
105 **landscape architects shall be deemed to have the same force and effect as if performed by**
106 **the landscape architectural council pursuant to sections 327.600 to 327.635. All rules and**
107 **regulations of the landscape architectural council shall continue in effect and shall be**
108 **deemed to be duly adopted rules and regulations of the Missouri board of architects,**
109 **professional engineers, professional landscape architects and landscape architects until**
110 **such rules and regulations are revised, amended or repealed by the board as provided by**
111 **law, such action to be taken by the board on or before January 1, 2002.**

112 10. **Effective January 1, 2002, all moneys deposited in the landscape architectural**
113 **council fund created in section 327.625 shall be transferred to the state board for**
114 **architects, professional engineers, professional land surveyors and landscape architects**

115 **fund created in section 327.081. The landscape architectural council fund shall be**
116 **abolished upon the transfer of all moneys in it to the state board of architects, professional**
117 **engineers, land surveyors and landscape architects.**

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

10 2. The board shall, within the scope and purview of the provisions of this chapter,
11 prescribe the duties of its officers and employees and adopt, publish and enforce the rules and
12 regulations of professional conduct which shall establish and maintain appropriate standards of
13 competence and integrity in the professions of architecture, professional engineering [and],
14 professional land surveying **and landscape architecture**, and adopt, publish and enforce
15 procedural rules and regulations as may be considered by the board to be necessary or proper for
16 the conduct of the board's business and the management of its affairs, and for the effective
17 administration and interpretation of the provisions of this chapter. Any rule or portion of a rule,
18 as that term is defined in section 536.010, RSMo, that is created under the authority delegated
19 in this chapter shall become effective only if it complies with and is subject to all of the
20 provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. All rulemaking
21 authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in
22 this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior
23 to August 28, 1999, if it fully complied with all applicable provisions of law. This section and
24 chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly
25 pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul
26 a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule
27 proposed or adopted after August 28, 1999, shall be invalid and void.

28 3. Rules promulgated by the board pursuant to sections 327.272 to [327.371] **327.635**
29 shall be consistent with and shall not supersede the rules promulgated by the department of
30 natural resources pursuant to chapter 60, RSMo.

327.081. 1. All funds received pursuant to the provisions of this chapter shall be
2 deposited in the state treasury to the credit of the "State Board for Architects, Professional
3 Engineers [and], Land Surveyors **and Landscape Architects Fund**" which is hereby established.

4 All expenditures authorized by this chapter shall be paid from funds appropriated to the board
5 by the general assembly from this fund.

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

327.131. 1. Any person may apply to the board for examination and license as an
2 architect who is over the age of twenty-one, is of good moral character, and is a graduate of and
3 holds [a degree in architecture from an accredited] **an accredited degree from an accredited**
4 **degree program from a** school of architecture and has acquired at least three years of
5 satisfactory architectural experience [after acquiring the degree aforesaid, or]. **Prior to January**
6 **1, 2012, any applicant** who possesses the age and character qualifications as provided in this
7 subsection and who has acquired a combined total of twelve years of education, above the high
8 school level, and satisfactory architectural experience **may apply to the board for examination**
9 **and license as an architect. Beginning January 1, 2012, all new applicants shall hold an**
10 **accredited degree from an accredited degree program from a school of architecture.**

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

13 **3. Beginning January 1, 2002, each applicant who has graduated with an accredited**
14 **degree from an accredited degree program from a school of architecture shall complete the**
15 **intern development program (IDP) as defined in the IDP Guidelines: Intern Development**
16 **Program, 1194-95, as published by the National Council of Architectural Registration**
17 **Boards in 1994, as amended. Completion of the intern development program shall be**
18 **deemed to be satisfactory architectural experience.**

327.381. The board shall issue a license to any architect, professional engineer [or],
2 professional land surveyor **or landscape architect** who has been licensed in another state,
3 territory or possession of the United States, or in another country, provided that the board is
4 satisfied by proof adduced by such applicant that the applicant's qualifications meet or exceed
5 the requirements for initial licensure in Missouri at the time of the applicant's initial license, and
6 provided further that the board may establish by rule the conditions under which it shall require
7 any such applicant to take any examination it considers necessary, and provided further that the
8 board is satisfied by proof adduced by such applicant that the applicant is of good moral

9 character, and provided further that any such application is accompanied by the required fee
10 which shall be equal to the examination fee.

327.600. As used in sections 327.600 to 327.635, the following terms mean:

2 (1) ["Accredited school of landscape architecture", any school or other institution which
3 teaches landscape architecture and whose curricula on the subjects in question are or have been
4 at the times in question certified as accredited by the Landscape Architecture Accreditation
5 Board of the American Society of Landscape Architects;

6 (2) "Council", the landscape architecture council;

7 (3) "Department", the department of economic development;

8 (4) "Division", the division of professional registration of the department of economic
9 development;

10 (5) "Landscape architect", any person registered under the provisions of sections 327.600
11 to 327.635 who performs work consisting only of consultations concerning and preparation of
12 master plans for parks, land areas or the preparation of plans for and the supervision of the
13 planting and grading or the construction of walks and paving for parks or land areas and such
14 other minor structural features as fences, steps, walls, small decorative pools and other
15 construction not involving structural design or stability and which is usually and customarily
16 included within the area or work of a landscape architect;

17 (6) "Person", any person, firm, corporation, partnership, association, or other entity]
18 **"Landscape architecture", the performance of professional services, including but not**
19 **limited to consultations, research, planning, design or responsible supervision in**
20 **connection with the development of land, in which the dominant purpose of such**
21 **professional services is the preservation, enhancement or determination of land uses,**
22 **natural land features, ground cover and planting, naturalistic and esthetic value, settings**
23 **and approaches to structures or other improvements, natural drainage and the**
24 **consideration and determination of inherent problems of the land relating to erosion, wear**
25 **and tear, blight or other hazard;**

26 (2) **"Practice of landscape architecture", the location and arrangement of such**
27 **tangible objects and features as are incidental and necessary to the purposes specified in**
28 **the definition of landscape architecture, but shall not include the design of structures or**
29 **facilities with separate and self-contained purposes such as are ordinarily included in the**
30 **practice of engineering or architecture, and shall not include the making of final land plats**
31 **for official approval or recording.**

327.603. **Effective July 1, 2001**, no person shall [use the name or title landscape
2 architect, landscape architecture, landscape architectural, or L.A. in this state unless he is
3 registered as required by sections 327.600 to 327.635 provided, however, that nothing in sections

4 327.600 to 327.635 shall be construed as limiting or preventing the practice of a person's
5 profession or restricting a person from providing landscape architectural services so long as such
6 person does not hold himself out to the public by title as being registered under sections 327.600
7 to 327.635] **practice or offer to practice, or hold himself or herself out as a landscape**
8 **architect or as being able to practice landscape architecture in this state or to use in**
9 **connection with his or her name or otherwise assume, or advertise unless he or she is**
10 **licensed as required by this chapter. Sections 327.600 to 327.635 shall not be construed to**
11 **prohibit those persons engaged in nursery occupations, gardeners, landscape contractors,**
12 **home builders or residential developers from preparing planting plans and items incidental**
13 **thereto, provided the project scope does not jeopardize the public health, safety and**
14 **welfare; nor shall sections 327.600 to 327.635 be construed to prevent the practice of any**
15 **other legally recognized profession as governed by applicable law. Nothing contained in**
16 **this section shall under any circumstances be construed as in any way affecting the laws**
17 **relating to the practice, licensing, certification or registration of architects, engineers and**
18 **land surveyors. An architect, engineer or land surveyor licensed, certified or registered**
19 **to practice his or her profession or occupation pursuant to the provisions of any law to**
20 **regulate the practice of such profession or occupation is exempt from licensing as a**
21 **landscape architect, and nothing contained in this section shall under any circumstances**
22 **be construed as in any way precluding an architect or engineer from performing any of the**
23 **services included within the definition of the term landscape architecture in section**
24 **327.600.**

25 **2. The licensure requirement shall be waived for those persons who hold a current**
26 **registration by the division as a landscape architect on or before August 28, 2000, provided**
27 **that application is made of a form prescribed by the council on or before July 1, 2002. The**
28 **licensure requirement shall be waived for those persons whose certificates of registration**
29 **have expired on or before August 28, 2002, by being approved by the council for**
30 **reinstatement of expired registration and then making application for licensure on a form**
31 **prescribed by the council on or before July 1, 2002.**

2 [327.605. 1. There is hereby created within the division of professional
3 registration a council to be known as the "Landscape Architectural Council". The
4 council shall consist of four landscape architects and one public member appointed
5 by the director of the division. Council members shall serve for a term of four years,
6 except that the first council appointed shall consist of one member whose initial term
7 shall be four years, one member whose initial term shall be for three years, one
8 member whose initial term shall be for two years and one member whose initial term
9 shall be for one year. No member of the council shall serve more than two
10 consecutive four-year terms.

2. Each council member, other than the public member, shall be a citizen of

the United States, a resident of the state of Missouri for at least one year, no younger than thirty years of age, have at least ten years of active experience in the professional practice of landscape architecture as his or her principal livelihood and, except for the first council appointed, be registered as a landscape architect. The president of the Missouri Association of Landscape Architects in office at the time shall, at least ninety days prior to the expiration of the term of a board member, other than the public member, or as soon as feasible after a vacancy on the board otherwise occurs, submit to the director of the division of professional registration a list of five landscape architects qualified and willing to fill the vacancy in question, with the request and recommendation that the director appoint one of the five persons so listed, and with the list so submitted, the president of the Missouri Association of Landscape Architects shall include in his or her letter of transmittal a description of the method by which the names were chosen by that association.

3. The public member shall be, at the time of his or her appointment, a citizen of the United States, a resident of this state for a period of one year, a registered voter, a person who is not and never was a member of the profession regulated pursuant to sections 327.600 to 327.635 or the spouse of such person, and a person who does not have and never has had a material financial interest in either the providing of the professional services regulated by sections 327.600 to 327.635 or an activity or organization directly related to the profession regulated pursuant to sections 327.600 to 327.635. The duties of the public member shall not include the determination of the technical requirements to be met for certification. The public member is subject to the provisions of section 620.132, RSMo.

4. Members of the council may be removed from office for cause. Upon the death, resignation or removal from office of any member of the council, the appointment to fill the vacancy shall be for the unexpired portion of the term so vacated and shall be made within sixty days after the vacancy occurs. Any such vacancy shall be filled by the director of the division of professional registration.

5. Each member of the council may receive as compensation an amount set by the division not to exceed fifty dollars per day for each day devoted to council affairs and shall be reimbursed for their reasonable and necessary expenses incurred in the performance of their duties.

6. The council shall meet with the division at least twice each year and advise the division on matters within the scope of sections 327.600 to 327.635. The organization of the council shall be established by the members of the council.

7. The council may sue and be sued as the landscape architecture council, and its members need not be named as parties. Members of the council shall not be personally liable either jointly or severally for any act committed in the performance of their official duties as council members, nor shall any council member be personally liable for any costs which accrue in any action by or against the council.]

327.607. The [council] **board** shall conduct all examinations, determine which

applicants have successfully passed the examinations and recommend each such applicant to the division for [registration] **licensure** as a landscape architect. The [council] **board** may obtain

4 the services of specially trained and qualified persons or organizations to assist in conducting
5 examinations of applicants for [registration] **licensure**. Certification of an applicant's technical
6 qualifications by the council of landscape architectural registration boards may be accepted by
7 this state's [council] **board** as establishing such qualifications and the applicant shall not be
8 required to pass any further examination.

[327.609. The division shall:

- 2 (1) Recommend prosecution for violations of the provisions of sections
3 327.600 to 327.635 to the appropriate prosecuting or circuit attorney;
- 4 (2) Employ, within limits of the funds appropriated, such employees as are
5 necessary to carry out the provisions of sections 327.600 to 327.635;
- 6 (3) Exercise all budgeting, purchasing, reporting and other related
7 management functions;
- 8 (4) Promulgate, in collaboration with the council, such rules and regulations
9 as are necessary to administer the provisions of sections 327.600 to 327.635. These
10 rules and regulations shall be filed in the office of the secretary of state in accordance
11 with chapter 536, RSMo. No rule or portion of a rule promulgated under the authority
12 of this chapter shall become effective unless it has been promulgated pursuant to the
13 provisions of section 536.024, RSMo.]

327.612. Any person who is of good moral character, has attained the age of twenty-one
2 years, and has [either] a degree in landscape architecture from an accredited school of landscape
3 architecture and has acquired at least three years satisfactory landscape architectural experience
4 after acquiring such a degree[, or has eight years or more of satisfactory training and experience,
5 as defined by rule, in the practice of landscape architecture,] may apply to the [council] **board**
6 for examination and [registration] **licensure** as a landscape architect.

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

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

7 2. The written examination shall be of such form, content and duration as determined
8 by the [council] **board** to thoroughly test the qualifications of each applicant.

9 3. Any person who passes the examination prescribed by the [council] **board** shall be
10 entitled to be [registered] **licensed** as a landscape architect in Missouri, subject to the other
11 provisions of sections 327.600 to 327.635.

327.621. 1. The [certificate of registration] **license** issued to every [registered] landscape
2 architect in Missouri shall be renewed on or before the [certificate] **license** renewal date,
3 provided that the required fee is paid. The [certificate of registration] **license** of a landscape
4 architect which is not renewed within three months of the [certificate] renewal date shall be
5 suspended automatically, subject to the right of the holder thereof to have such suspended
6 [certificate of registration] **license** reinstated within nine months of the date of suspension, if the
7 reinstatement fee is paid. Any [certificate of registration] **license** suspended and not reinstated
8 within nine months of the suspension date shall expire and be void and the holder thereof shall
9 have no rights or privileges thereunder; provided, however, any person whose [certificate of
10 registration] **license** has expired may within the discretion of the [council] **board**, upon payment
11 of the fee [specified hereinafter] **provided pursuant to section 327.625**, be [reregistered]
12 **relicensed** or reauthorized under his or its original [certificate of registration] **license** number.

13 2. Each application for the renewal of a [registration] **licensure** shall be on a form
14 furnished to the applicant and shall be accompanied by the required fee.

327.623. The [council] **board** may [register] **license**, in its discretion and without
2 examination, any landscape architect certified, licensed or registered in another state or territory
3 of the United States when such applicant has qualifications which are at least equivalent to the
4 requirements for [registration] **licensure** as a landscape architect in this state.

[327.625. 1. The division shall set the amount of the fees which sections
2 327.600 to 327.635 authorize and require by rules and regulations promulgated
3 pursuant to section 536.021, RSMo. The fees shall be set at a level to produce
4 revenue which shall not substantially exceed the cost and expense of administering
5 sections 327.600 to 327.635. All fees provided for in this section shall be paid to and
6 collected by the division of professional registration and transmitted to the
7 department of revenue for deposit in the state treasury to the credit of the fund to be
8 known as the "Landscape Architectural Council Fund" which is hereby created.

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

2 [327.627. One year after August 28, 1989, it shall be unlawful for any person
3 to advertise or indicate to the public that he is a landscape architect in this state,
4 unless he has been registered as a landscape architect by the division and is in good
standing on its records.]

2 327.629. No person shall [use the designation] **practice as a** landscape architect in
3 Missouri as defined in section 327.600 unless and until the [division] **board** has issued to him
4 **or her** a [certificate of registration] **license** certifying that he **or she** has been duly [registered]
5 **licensed** as a landscape architect in Missouri, and unless such [registration] **licensure** has been
6 renewed as provided in section 327.621; provided, however, that nothing in sections 327.600 to
7 327.635 shall be construed as authorizing a landscape architect to engage in the practice of
8 architecture, engineering, land surveying or to affect or prevent the practice of architecture by
9 an architect licensed [under] **pursuant to** the laws of this state, or to affect or prevent the
10 practice of engineering by a professional engineer licensed [under] **pursuant to** the laws of this
11 state, or to affect or prevent the practice of land surveying by a land surveyor licensed [under]
12 **pursuant to** the laws of this state; or to apply to any person licensed as an architect, professional
13 engineer or land surveyor in this state except that no person shall [use the designation landscape
14 architect, landscape architectural or landscape architecture or L.A. unless registered under] **hold**
15 **themselves out to be a landscape architect unless licensed pursuant to** the provisions of
sections 327.600 to 327.635.

2 327.630. The right to [use the designation of] **practice as a** landscape architect shall be
3 deemed a personal right, based upon the qualifications of the individual, evidenced by his
4 [certificate of registration] **or her license** and shall not be transferable; provided, however, that
5 any [registered] **licensed** landscape architect may practice his **or her** profession through the
medium of, or as a member or as an employee of, a partnership or corporation.

2 327.631. 1. The [council] **board** may refuse to issue any [certificate] **license** required
3 pursuant to section 327.629, or renewal or reinstatement thereof, for one or any combination of
4 causes stated in subsection 2 of this section. The [council] **board** shall notify the applicant in
5 writing of the reasons for the refusal and shall advise the applicant of his **or her** right to file a
complaint with the administrative hearing commission as provided by chapter 621, RSMo.

2 2. The [council] **board** may cause a complaint to be filed with the administrative hearing
3 commission as provided by chapter 621, RSMo, against any holder of any [certificate of
4 registration] **license** required by section 327.629 or any person who has failed to renew or has
5 surrendered his [certificate of registration] **or her license** for any one or any combination of the
6 following causes:

2 (1) The person has been finally adjudicated and found guilty, or entered a plea of guilty
3 or nolo contendere, in a criminal prosecution [under] **pursuant to** the laws of any state or of the
4 United States, for any offense reasonably related to the qualifications, functions or duties of the

14 profession regulated [under] **pursuant to** sections 327.600 to 327.635, for any offense an
15 essential element of which is fraud, dishonesty or an act of violence, or for any offense involving
16 moral turpitude, whether or not sentence is imposed;

17 (2) Use of fraud, deception, misrepresentation or bribery in securing any [certificate of
18 registration] **license** or authority, permit or license issued pursuant to sections 327.600 to
19 327.635 or in obtaining permission to take any examination given or required pursuant to
20 sections 327.600 to 327.635;

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

23 (4) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty
24 in the performance of the functions or duties of the profession regulated by sections 327.600 to
25 327.635;

26 (5) Violation of, or assisting or enabling any person to violate, any provision of sections
27 327.600 to 327.635, or of any lawful rule or regulation adopted pursuant to such sections;

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

31 (7) Disciplinary action against the holder of a [certificate of registration] **license** or other
32 right to practice the profession regulated by sections 327.600 to 327.635 granted by another state,
33 territory, federal agency, or country upon grounds for which revocation or suspension is
34 authorized in this state;

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

37 (9) Issuance of a [certificate of registration] **license** based upon a material mistake of
38 fact;

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

41 3. After the filing of such complaint, the proceedings shall be conducted in accordance
42 with the provisions of chapters 536 and 621, RSMo. Upon a finding by the administrative
43 hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary
44 action are met, the [council] **board** may censure or place the person named in the complaint on
45 probation on such terms and conditions as the [council] **board** deems appropriate for a period
46 not to exceed five years, or may suspend, for a period not to exceed three years, or revoke the
47 [certificate of registration] **license**.