

HOUSE SUBSTITUTE AMENDMENT NO. _____

for

HOUSE _____ AMENDMENT NO. _____

Offered By

AMEND House Committee Substitute for Senate Bill No. 204, Page 6, Section 324.035, Line 4, by inserting after said section and line the following:

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

2. The board shall, within the scope and purview of the provisions of this chapter, prescribe the duties of its officers and employees and adopt, publish and enforce the rules and regulations of professional conduct which shall establish and maintain appropriate standards of competence and integrity in the professions of architecture, professional engineering, professional land surveying and professional landscape architecture, and adopt, publish and enforce procedural rules and regulations as may be considered by the board to be necessary or proper for the conduct of the board's business and the management of its affairs, and for the effective administration and interpretation of the provisions of this chapter. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this chapter shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly ~~[pursuant to]~~ under chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void.

3. Rules promulgated by the board ~~[pursuant to]~~ under sections 327.272 to 327.635 shall be consistent with and shall not supersede the rules promulgated by the department of natural resources ~~[pursuant to]~~ under chapter 60.

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

Action Taken _____ Date _____

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

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

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

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

327.076. 1. Any person who practices architecture, engineering, land surveying, or landscape architecture, as defined in sections 327.011 to 327.635, or who holds himself or herself out as able to practice such profession and who is not the holder of a currently valid license ~~[or certificate of authority]~~ in Missouri, and who is not exempt from holding such a license ~~[or certificate]~~, is guilty of a class A misdemeanor. As used in this chapter, "practice" shall not include the rendering of opinions or giving of testimony in a civil or criminal proceeding by a licensed professional.

2. The board may cause a complaint to be filed with the administrative hearing commission, as provided in chapter 621, against any unlicensed person who:

(1) Engages in or offers to render or engage in the practice of architecture, professional engineering, professional land surveying, or professional landscape architecture;

(2) Uses or employs titles defined and protected by this chapter, or implies authorization to provide or offer professional services, or otherwise uses or advertises any title, word, figure, sign, card, advertisement, or other symbol or description tending to convey the impression that the person is licensed ~~[or holds a certificate of authority]~~ to practice architecture, professional engineering, professional land surveying, or professional landscape architecture;

(3) Presents or attempts to use another person's license~~;~~ or seal~~;~~ ~~[or certificate of authority]~~ as his or her own;

(4) Attempts to use an expired, suspended, revoked, or nonexistent license ~~[or certificate of authority]~~;

(5) Affixes his or her or another architect's, professional engineer's, professional land surveyor's, or professional landscape architect's seal on any plans, drawings, specifications or reports which have not been prepared by such person or under such person's immediate personal supervision care;

(6) Gives false or forged evidence of any kind to the board or any member of the board in obtaining or attempting to obtain a certificate of licensure in this state or any other state or jurisdiction;

(7) Knowingly aids or abets an unlicensed or unauthorized person who engages in any prohibited activity identified in this subsection;

(8) Violates any provision of the code of professional conduct or other rule adopted by the board; or

(9) Violates any provision of subsection 2 of section 327.441.

3. When reviewing complaints against unlicensed persons, the board may initiate an investigation and take all measures necessary to find the facts of any potential violation, including issuing subpoenas to compel the attendance and testimony of witnesses and the disclosure of evidence, and may request the attorney general to bring an action to enforce the subpoena.

4. If the board files a complaint with the administrative hearing commission, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds provided in subsection 2 of this section for disciplinary action are met, the board may, either singularly or in combination with other provisions of this chapter, impose a civil penalty as provided for in section 327.077 against the person named in the complaint.

327.077. 1. In disciplinary actions against licensed or unlicensed persons, the board may issue an order imposing a civil penalty. Such penalty shall not be imposed until the findings of fact and conclusions of law by the administrative hearing commission have been delivered to the board in accordance with section 621.110. Further, no civil penalty shall commence until a formal meeting and vote by the board has been taken to impose such a penalty.

2. A civil penalty imposed under this section shall not exceed five thousand dollars for each offense. Each day of a continued violation constitutes a separate offense, with a maximum penalty of twenty-five thousand dollars. In determining the amount of penalty to be imposed, the board may consider any of the following:

- (1) Whether the amount imposed will be a substantial deterrent to the violation;
- (2) The circumstances leading to the violation;
- (3) The severity of the violation and the risk of harm to the public;
- (4) The economic benefits gained by the violator as a result of noncompliance;
- (5) The interest of the public.

3. Any final order imposing a civil penalty is subject to judicial review upon the filing of a petition under section 536.100 by any person subject to the penalty.

4. Payment of a civil penalty shall be made within sixty days of filing the order, or if the order is stayed pending an appeal within ten days after the court enters a final judgment in favor of the board. If the penalty is not timely paid, the board shall notify the attorney general. The attorney general may commence an action to recover the amount of the penalty, including reasonable attorney fees and costs and a surcharge of fifteen percent of the penalty plus ten percent per annum on any amounts owed. In such action, the validity and appropriateness of the final order imposing the civil penalty shall not be subject to review.

5. An action to enforce an order under this section may be joined with an action for an injunction.

6. Any offer of settlement to resolve a civil penalty under this section shall be in writing, state that an action for imposition of a civil penalty may be initiated by the attorney general representing the board under this section, and identify any dollar amount as an offer of settlement, which shall be negotiated in good faith through conference, conciliation, and persuasion.

7. Failure to pay a civil penalty by any person licensed under this chapter shall be grounds for refusing to renew or denying reinstatement of a license ~~[or certificate of authority]~~.

8. Penalties collected under this section shall be handled in accordance with Section 7 of Article IX of the Missouri Constitution. Such penalties shall not be considered a charitable contribution for tax purposes.

327.101. No person shall practice architecture in Missouri as defined in section 327.091 unless and until there is issued to the person a license ~~[or a certificate of authority]~~ certifying that the person has been duly licensed as an architect or authorized to practice architecture, in Missouri, and unless such license has been renewed as hereinafter specified; provided, however, that nothing in this chapter shall apply to the following persons:

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

1 under this chapter;

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

7 (3) Any holder of a currently valid license ~~[or certificate of authority]~~ as a professional
8 engineer who performs only such architecture as incidental practice and necessary to the completion
9 of professional services lawfully being performed by such licensed professional engineer;

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

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

21 (a) A dwelling house; or

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

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

26 (d) Any one structure containing less than two thousand square feet, except as provided in
27 (b) and (c) above, and which is not a part or a portion of a project which contains more than one
28 structure; or

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

30 (6) Any person who renders architectural services in connection with the remodeling or
31 repairing of any privately owned multiple family dwelling house, flat or apartment containing three
32 or four families, provided that the alteration, renovation, or remodeling does not affect architectural
33 or engineering safety features of the building and who indicates on any drawings, specifications,
34 estimates, reports or other documents furnished in connection with such services that the person is
35 not a licensed architect;

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

39 327.171. 1. The professional license, issued to every architect in Missouri~~[-including~~
40 ~~certificates of authority issued to corporations as provided in section 327.401]~~, shall be renewed on
41 or before the ~~[certificate]~~ license renewal date, provided that the required fee is paid. The board
42 may establish, by rule, continuing education requirements as a condition to renewing the license of
43 an architect, provided that the board shall not require more professional development hours than that
44 which is recommended by the American Institute of Architects or its successor organization, but not
45 to exceed thirty such hours. The license of any architect ~~[or the certificate of authority issued to any~~
46 ~~corporation]~~ which is not renewed by the ~~[certificate]~~ renewal date shall expire on the renewal date
47 and be void and the holder of such expired ~~[certificate]~~ license shall have no rights or privileges
48 under such license ~~[or certificate]~~; but any person ~~[or corporation]~~ whose ~~[certificate]~~ license has
49 expired as provided in this section may within three months of the ~~[certificate]~~ license renewal date

1 or at the discretion of the board, upon payment of the required fee, be renewed, relicensed, or
 2 reauthorized under such person's ~~[or such corporation's]~~ original license number.

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

6 327.191. No person shall practice as a professional engineer in Missouri, as defined in
 7 section 327.181 unless and until there is issued to such person a professional license ~~[or a certificate~~
 8 ~~of authority]~~ certifying that such person has been duly licensed as a professional engineer ~~[or~~
 9 ~~authorized]~~ to practice engineering in Missouri, and unless such license ~~[or certificate]~~ has been
 10 renewed as provided in section 327.261; provided that section 327.181 shall not be construed to
 11 prevent the practice of engineering by the following persons:

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

17 (2) Any person who is a regular full-time employee of a person or any former employee
 18 under contract to a person, who performs professional engineering work for such employer if and
 19 only if all such work and service so performed is done solely in connection with a facility owned or
 20 wholly operated by the employer and occupied or maintained by the employer of the employee
 21 performing such work or service, and does not affect the health, safety, and welfare of the public;

22 (3) Any person engaged in engineering who is a full-time, regular employee of a person
 23 engaged in manufacturing operations and which engineering so performed by such person relates to
 24 the manufacture, sale or installation of the products of such person, and does not affect the health,
 25 safety, and welfare of the public;

26 (4) Any holder of a currently valid license ~~[or certificate of authority]~~ as an architect,
 27 professional land surveyor, or professional landscape architect who performs only such engineering
 28 as incidental practice and necessary to the completion of professional services lawfully being
 29 performed by such architect, professional land surveyor, or professional landscape architect;

30 (5) Any person or corporation who is offering, but not performing or rendering, professional
 31 engineering services if the person or corporation is licensed to practice professional engineering in
 32 the state or country of residence or principal place of business.

33 327.261. 1. The professional license issued to every professional engineer in Missouri~~;~~
 34 ~~including certificates of authority issued to corporations as hereinafter provided.]~~ shall be renewed
 35 on or before the license renewal date, provided that the required fee is paid. The board may
 36 establish, by rule, continuing education requirements as a condition to renewing the license of a
 37 professional engineer, provided that the board shall not require more professional development
 38 hours than that which is recommended by the National Council of Examiners for Engineering and
 39 Surveying or its successor organization, but not to exceed thirty such hours. The license of any
 40 professional engineer ~~[or the certificate of authority of any such corporation]~~ which is not renewed
 41 by the ~~[certificate]~~ license renewal date shall expire on the renewal date and be void and the holder
 42 of the expired license ~~[or certificate]~~ shall have no rights or privileges under such license ~~[or~~
 43 ~~certificate]~~; but any person ~~[or corporation]~~ whose license ~~[or certificate]~~ has expired as aforesaid
 44 may within three months of the ~~[certificate]~~ license renewal date or at the discretion of the board,
 45 upon payment of the required fee, be renewed, relicensed, or reauthorized under such person's ~~[or~~
 46 ~~such corporation's]~~ original license number.

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

1 327.281. No person, including any duly elected county surveyor, shall practice as a
2 professional land surveyor in Missouri as defined in section 327.272 unless and until there is issued
3 to such person a license ~~[or a certificate of authority]~~ certifying that such person has been duly
4 licensed as a professional land surveyor in Missouri, and unless such license ~~[or certificate]~~ has been
5 renewed as provided in section 327.351.

6 327.351. 1. The professional license issued to every professional land surveyor in
7 Missouri~~[, including certificates of authority issued to corporations as provided in section 327.401,]~~
8 shall be renewed on or before the license ~~[or certificate]~~ renewal date provided that the required fee
9 is paid. The license of any professional land surveyor ~~[or the certificate of authority of any such~~
10 ~~corporation]~~ which is not renewed by the renewal date shall expire on the renewal date and be void
11 and the holder of such expired license ~~[or certificate]~~ shall have no rights or privileges thereunder,
12 but any person ~~[or corporation]~~ whose license ~~[or certificate]~~ has expired may, within three months
13 of the ~~[certificate]~~ license renewal date or at the discretion of the board and upon payment of the
14 required fee, be renewed, reregistered, or relicensed under such person's ~~[or corporation's]~~ original
15 license number.

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

19 3. As a condition for renewal of a license issued ~~[pursuant to]~~ under section 327.314, a
20 license holder shall be required to successfully complete twenty units of professional development
21 that meet the standards established by the board regulations within the preceding two calendar years.
22 Any license holder who completes more than twenty units of professional development within the
23 preceding two calendar years may have the excess, not to exceed ten units, applied to the
24 requirement for the next two-year period.

25 4. The board shall not renew the license of any license holder who has failed to complete the
26 professional development requirements ~~[pursuant to]~~ under subsection 3 of this section, unless such
27 license holder can show good cause why he or she was unable to comply with such requirements. If
28 the board determines that good cause was shown, the board shall permit the license holder to make
29 up all outstanding required units of professional development.

30 5. A license holder may at any time prior to the termination of his or her license request to
31 be classified as inactive. Inactive licenses may be maintained by payment of an annual fee
32 determined by the board. Holders of inactive licenses shall not be required to complete professional
33 development as required in subsection 3 of this section. Holders of inactive licenses shall not
34 practice as professional land surveyors within this state, but may continue to use the title
35 "professional land surveyor" or the initials "PLS" after such person's name. If the board determines
36 that good cause was shown, the board shall permit the professional land surveyor to make up all
37 outstanding required units of professional development.

38 6. If a licensee is granted inactive status, the licensee may return to active status by
39 notifying the board in advance of such intention by paying appropriate fees as determined by the
40 board, and by meeting all established requirements of the board including the demonstration of
41 current knowledge, competency, and skill in the practice of land surveying as a condition of
42 reactivation.

43 7. In the event an inactive licensee does not maintain a current license in any state for a five-
44 year period immediately prior to requesting reactivation, that person may be required to take such
45 examination as the board deems necessary to determine such person's qualifications. Such
46 examination shall cover areas designed to demonstrate the applicant's proficiency in current
47 methods of land surveying practice.

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

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

7 327.401. ~~[1-]~~ The right to practice as an architect or to practice as a professional engineer or
8 to practice as a professional land surveyor or to practice as a professional landscape architect shall
9 be deemed a personal right, based upon the qualifications of the individual, evidenced by such
10 individual's professional license and shall not be transferable; but any architect or any professional
11 engineer or any professional land surveyor or any professional landscape architect may practice his
12 or her profession through the medium of, or as a member or as an employee of, a partnership or
13 corporation if the plans, specifications, estimates, plats, reports, surveys or other like documents or
14 instruments of the partnership or corporation are signed and stamped with the personal seal of the
15 architect, professional engineer, professional land surveyor, or professional landscape architect by
16 whom or under whose immediate personal supervision the same were prepared and provided that the
17 architect or professional engineer or professional land surveyor or professional landscape architect
18 who affixes his or her signature and personal seal to any such plans, specifications, estimates, plats,
19 reports or other documents or instruments shall be personally and professionally responsible
20 therefor.

21 ~~[2- Any domestic corporation formed under the corporation law of this state, or any foreign~~
22 ~~corporation, now or hereafter organized and having as one of its purposes the practicing of~~
23 ~~architecture or professional engineering or professional land surveying or professional landscape~~
24 ~~architecture and any existing corporation which amends its charter to propose to practice~~
25 ~~architecture or professional engineering or professional land surveying or professional landscape~~
26 ~~architecture shall obtain a certificate of authority for each profession named in the articles of~~
27 ~~incorporation or articles of organization from the board which shall be renewed in accordance with~~
28 ~~the provisions of section 327.171 or 327.261 or 327.351, as the case may be, and from and after the~~
29 ~~date of such certificate of authority and while the authority or a renewal thereof is in effect, may~~
30 ~~offer and render architectural or professional engineering or professional land surveying or~~
31 ~~professional landscape architectural services in this state if:~~

32 ~~(1) At all times during the authorization or any renewal thereof the directors of the~~
33 ~~corporation shall have assigned responsibility for the proper conduct of all its architectural or~~
34 ~~professional engineering or professional land surveying or professional landscape architectural~~
35 ~~activities in this state to an architect licensed and authorized to practice architecture in this state or~~
36 ~~to a professional engineer licensed and authorized to practice engineering in this state or to a~~
37 ~~professional land surveyor licensed and authorized to practice professional land surveying in this~~
38 ~~state, or to a professional landscape architect licensed and authorized to practice professional~~
39 ~~landscape architecture in this state, as the case may be; and~~

40 ~~(2) The person or persons who is or are personally in charge and supervises or supervise the~~
41 ~~architectural or professional engineering or professional land surveying or professional landscape~~
42 ~~architectural activities, as the case may be, of any such corporation in this state shall be licensed and~~
43 ~~authorized to practice architecture or professional engineering or professional land surveying or~~
44 ~~professional landscape architecture, as the case may be, as provided in this chapter; and~~

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

47 327.441. 1. The board may refuse to issue any license ~~[or certificate of authority]~~ required
48 ~~[pursuant to]~~ under this chapter for one or any combination of causes stated in subsection 2 of this
49 section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise

1 the applicant of the applicant's right to file a complaint with the administrative hearing commission
2 as provided by chapter 621.

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

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

10 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or
11 nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for
12 any offense reasonably related to the qualifications, functions or duties of any profession licensed or
13 regulated under this chapter, for any offense an essential element of which is fraud, dishonesty or an
14 act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

15 (3) Use of fraud, deception, misrepresentation or bribery in securing any license ~~[or~~
16 ~~certificate of authority]~~ issued ~~[pursuant to]~~ under this chapter or in obtaining permission to take any
17 examination given or required ~~[pursuant to]~~ under this chapter;

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

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

22 (6) Violation of, or assisting or enabling any person to violate, any provision of this chapter,
23 or of any lawful rule or regulation adopted ~~[pursuant to]~~ under this chapter;

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

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

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

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

34 (11) Issuance of a professional license ~~[or a certificate of authority]~~ based upon a material
35 mistake of fact;

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

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

39 (14) Use of any advertisement or solicitation which is false, misleading or deceptive to the
40 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 with
42 the provisions of chapter 621. Upon a finding by the administrative hearing commission that the
43 grounds, provided in subsection 2 of this section, for disciplinary action are met, the board may,
44 singly or in combination, censure or place the person named in the complaint on probation on such
45 terms and conditions as the board deems appropriate for a period not to exceed five years, or may
46 suspend, for a period not to exceed three years, or order a civil penalty under section 327.077, or
47 revoke the license ~~[or certificate of authority]~~ of the person named in the complaint.

48 327.442. 1. At such time as the final trial proceedings are concluded whereby a licensee, or
49 any person who has failed to renew or has surrendered his or her certificate of licensure ~~[or~~

authority], has been adjudicated and found guilty, or has entered a plea of guilty or nolo contendere, in a felony prosecution ~~[pursuant to]~~ under the laws of this state, the laws of any other state, territory, or the laws of the United States of America for any offense reasonably related to the qualifications, functions, or duties of a licensee ~~[pursuant to]~~ under this chapter or any felony offense, an essential element of which is fraud, dishonesty, or an act of violence, or for any felony offense involving moral turpitude, whether or not sentence is imposed, the board for architects, professional engineers, professional land surveyors and professional landscape architects may hold a disciplinary hearing to singly or in combination censure or place the licensee named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke the license ~~[or certificate]~~.

2. Anyone who has been revoked or denied a license or certificate to practice in another state may automatically be denied a license or certificate to practice in this state. However, the board for architects, professional engineers, professional land surveyors and professional landscape architects may establish other qualifications by which a person may ultimately be qualified and licensed to practice in Missouri.

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

2. If the affidavit so filed does not contain statements of fact which if true would authorize, ~~[pursuant to]~~ under the provisions of this chapter, suspension or revocation of the accused's license ~~[or certificate]~~, or does not contain statements of fact which if true would authorize, ~~[pursuant to]~~ under the provisions of this chapter, the refusal of the renewal of an existing license ~~[or certificate]~~ or the refusal of a license ~~[or certificate]~~ to an applicant, the board shall either dismiss the charge or charges or, within its discretion, cause an investigation to be made of the charges contained in the affidavit, after which investigation the board shall either dismiss the charge or charges or proceed against the accused by written complaint as provided in subsection 3 of this section.

3. If the affidavit contains statements of fact which if true would authorize ~~[pursuant to]~~ under the provisions of this chapter the revocation or suspension of an accused's license ~~[or certificate]~~, the board shall cause an investigation to be made of the charge or charges contained in the affidavit and unless the investigation discloses the falsity of the facts upon which the charge or charges in the affidavit are based, the board shall file with and in the administrative hearing commission a written complaint against the accused setting forth the cause or causes for which the accused's license ~~[or certificate of authority]~~ should be suspended or revoked. Thereafter, the board shall be governed by and shall proceed in accordance with the provisions of chapter 621.

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

1 refuse to issue or renew a license ~~[or certificate of authority]~~, as the case may require.

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

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

8 327.465. 1. As used in this section, the following terms shall mean:

9 (1) "Design-build", a project for which the design and construction services are furnished
10 under one contract;

11 (2) "Design-build contract", a contract between the owner, owner's agent, tenant, or other
12 party and a design-build contractor to furnish the architecture, engineering, and related design
13 services, and the labor, materials, and other construction services required for a specific public or
14 private construction project;

15 (3) "Design-build contractor", any individual, partnership, joint venture, corporation, or
16 other legal entity that furnishes architecture or engineering services and construction services either
17 directly or through subcontracts.

18 2. Any design-build contractor that enters into a design-build contract for public or private
19 construction shall be exempt from the requirement that such person or entity hold a certificate of
20 registration ~~[or such corporation hold a certificate of authority]~~ if the architectural, engineering, or
21 land surveying services to be performed under the contract are performed through subcontracts
22 with[;

23 ~~——(1)] persons who hold a certificate of registration for the appropriate profession[; or~~

24 ~~——(2) Corporations that hold current certificates of authority from the board for the appropriate~~
25 ~~profession].~~

26 3. Nothing in this chapter shall prohibit the enforcement of a design-build contract by a
27 design-build contractor who only furnishes, but does not directly or through its employees perform
28 the architectural, engineering, or surveying required by the contract and who does not hold itself out
29 as able to perform such services.

30 327.621. 1. The professional license issued to every professional landscape architect in
31 Missouri~~[, and certificates of authority issued to corporations under section 327.401,]~~ shall be
32 renewed on or before the license renewal date, provided that the required fee is paid. The board
33 may establish, by rule, continuing education requirements as a condition to renewing the license of a
34 professional landscape architect, provided that the board shall not require more than thirty such
35 hours. The license of a professional landscape architect ~~[or the certificate of authority issued to any~~
36 ~~corporation]~~ which is not renewed by the renewal date shall expire on the renewal date and be void
37 and the holder thereof shall have no rights or privileges thereunder; provided, however, any person
38 ~~[or corporation]~~ whose license has expired under this section may within three months of the
39 ~~[certificate]~~ license renewal date or at the discretion of the board, upon payment of the fee, be
40 renewed, relicensed, or reauthorized under such person's ~~[or such corporation's]~~ original license
41 number.

42 2. Each application for the renewal of a license shall be on a form furnished to the applicant
43 and shall be accompanied by the required fee, but no renewal fee need be paid by any professional
44 landscape architect over the age of seventy-five.

45 327.629. No person shall practice as a professional landscape architect in Missouri as
46 defined in section 327.600 unless and until the board has issued to him or her a license ~~[or certificate~~
47 ~~of authority]~~ certifying that he or she has been duly licensed as a professional landscape architect in
48 Missouri, and unless such licensure has been renewed as provided in section 327.621; provided,
49 however, that nothing in sections 327.600 to 327.635 shall be construed to require licensing of a

1 person ~~[or corporation]~~ who is offering, but not performing or rendering, landscape architectural
2 services if the person ~~[or corporation]~~ is licensed to practice landscape architecture in the state or
3 country of residence or principal place of business. No person shall hold themselves out to be a
4 professional landscape architect unless licensed ~~[pursuant to]~~ under the provisions of sections
5 327.600 to 327.635."; and

6
7 Further amend said bill by amending the title, enacting clause, and intersectional references
8 accordingly.

9
10 THIS AMENDMENT SUBSTITUTES 0840H02.09H.