

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 1238**  
**100TH GENERAL ASSEMBLY**

2459H.03C

DANA RADEMAN MILLER, Chief Clerk

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**AN ACT**

To repeal sections 327.041, 327.075, 327.076, 327.077, 327.101, 327.171, 327.191, 327.261, 327.281, 327.351, 327.401, 327.441, 327.442, 327.451, 327.465, 327.621, and 327.629, RSMo, and to enact in lieu thereof seventeen new sections relating to certificates of authority issued by the board of architects, professional engineers, professional land surveyors, and professional landscape architects, with a penalty provision.

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

Section A. Sections 327.041, 327.075, 327.076, 327.077, 327.101, 327.171, 327.191, 2 327.261, 327.281, 327.351, 327.401, 327.441, 327.442, 327.451, 327.465, 327.621, and 327.629, 3 RSMo, are repealed and seventeen new sections enacted in lieu thereof, to be known as sections 4 327.041, 327.075, 327.076, 327.077, 327.101, 327.171, 327.191, 327.261, 327.281, 327.351, 5 327.401, 327.441, 327.442, 327.451, 327.465, 327.621, and 327.629, to read as follows:

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 vote of two-thirds of the voting board members, the attendance and testimony of 4 witnesses, and the production of drawings, plans, plats, specifications, books, papers or any 5 document representing any matter under hearing or investigation, pertaining to the issuance, 6 probation, suspension or revocation of certificates of registration [~~or certificates of authority~~] 7 provided for in this chapter, or pertaining to the unlawful practice of architecture, professional 8 engineering, professional land surveying or professional landscape architecture.

9 2. The board shall, within the scope and purview of the provisions of this chapter, 10 prescribe the duties of its officers and employees and adopt, publish and enforce the rules and 11 regulations of professional conduct which shall establish and maintain appropriate standards of 12 competence and integrity in the professions of architecture, professional engineering,

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

13 professional land surveying and professional landscape architecture, and adopt, publish and  
14 enforce procedural rules and regulations as may be considered by the board to be necessary or  
15 proper for the conduct of the board's business and the management of its affairs, and for the  
16 effective administration and interpretation of the provisions of this chapter. Any rule or portion  
17 of a rule, as that term is defined in section 536.010, that is created under the authority delegated  
18 in this chapter shall become effective only if it complies with and is subject to all of the  
19 provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are  
20 nonseverable and if any of the powers vested with the general assembly ~~[pursuant to]~~ **under**  
21 chapter 536 to review, to delay the effective date or to disapprove and annul a rule are  
22 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed  
23 or adopted after August 28, 2001, shall be invalid and void.

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

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

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

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

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

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

327.076. 1. Any person who practices architecture, engineering, land surveying, or  
2 landscape architecture, as defined in sections 327.011 to 327.635, or who holds himself or  
3 herself out as able to practice such profession and who is not the holder of a currently valid  
4 license ~~[or certificate of authority]~~ in Missouri, and who is not exempt from holding such a  
5 license ~~[or certificate]~~, is guilty of a class A misdemeanor. As used in this chapter, "practice"

6 shall not include the rendering of opinions or giving of testimony in a civil or criminal  
7 proceeding by a licensed professional.

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

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

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

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

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

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

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

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

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

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

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

38         4. If the board files a complaint with the administrative hearing commission, the  
39 proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding  
40 by the administrative hearing commission that the grounds provided in subsection 2 of this  
41 section for disciplinary action are met, the board may, either singularly or in combination with

42 other provisions of this chapter, impose a civil penalty as provided for in section 327.077 against  
43 the person named in the complaint.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32           (a) A dwelling house; or

- 33 (b) A multiple family dwelling house, flat or apartment containing not more than two  
34 families; or
- 35 (c) A commercial or industrial building or structure which provides for the employment,  
36 assembly, housing, sleeping or eating of not more than nine persons; or
- 37 (d) Any one structure containing less than two thousand square feet, except as provided  
38 in (b) and (c) above, and which is not a part or a portion of a project which contains more than  
39 one structure; or
- 40 (e) A building or structure used exclusively for farm purposes;
- 41 (6) Any person who renders architectural services in connection with the remodeling or  
42 repairing of any privately owned multiple family dwelling house, flat or apartment containing  
43 three or four families, provided that the alteration, renovation, or remodeling does not affect  
44 architectural or engineering safety features of the building and who indicates on any drawings,  
45 specifications, estimates, reports or other documents furnished in connection with such services  
46 that the person is not a licensed architect;
- 47 (7) Any person or corporation who is offering, but not performing or rendering,  
48 architectural services if the person or corporation is licensed to practice architecture in the state  
49 or country of residence or principal place of business.

327.171. 1. The professional license, issued to every architect in Missouri~~[-including~~  
2 ~~certificates of authority issued to corporations as provided in section 327.401]~~, shall be renewed  
3 on or before the ~~[certificate]~~ **license** renewal date, provided that the required fee is paid. The  
4 board may establish, by rule, continuing education requirements as a condition to renewing the  
5 license of an architect, provided that the board shall not require more professional development  
6 hours than that which is recommended by the American Institute of Architects or its successor  
7 organization, but not to exceed thirty such hours. The license of any architect ~~[or the certificate~~  
8 ~~of authority issued to any corporation]~~ which is not renewed by the ~~[certificate]~~ renewal date  
9 shall expire on the renewal date and be void and the holder of such expired ~~[certificate]~~ **license**  
10 shall have no rights or privileges under such license ~~[or certificate]~~; but any person ~~[or~~  
11 ~~corporation]~~ whose ~~[certificate]~~ **license** has expired as provided in this section may within three  
12 months of the ~~[certificate]~~ **license** renewal date or at the discretion of the board, upon payment  
13 of the required fee, be renewed, relicensed, or reauthorized under such person's ~~[or such~~  
14 ~~corporation's]~~ original license number.

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

327.191. No person shall practice as a professional engineer in Missouri, as defined in  
2 section 327.181 unless and until there is issued to such person a professional license ~~[or a~~

3 ~~certificate of authority]~~ certifying that such person has been duly licensed as a professional  
4 engineer ~~[or authorized]~~ to practice engineering in Missouri, and unless such license ~~[or~~  
5 ~~certificate]~~ has been renewed as provided in section 327.261; provided that section 327.181 shall  
6 not be construed to prevent the practice of engineering by the following persons:

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

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

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

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

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

327.261. 1. The professional license issued to every professional engineer in Missouri[;  
2 ~~including certificates of authority issued to corporations as hereinafter provided,]~~ shall be  
3 renewed on or before the license renewal date, provided that the required fee is paid. The board  
4 may establish, by rule, continuing education requirements as a condition to renewing the license  
5 of a professional engineer, provided that the board shall not require more professional  
6 development hours than that which is recommended by the National Council of Examiners for  
7 Engineering and Surveying or its successor organization, but not to exceed thirty such hours.  
8 The license of any professional engineer ~~[or the certificate of authority of any such corporation]~~  
9 which is not renewed by the ~~[certificate]~~ **license** renewal date shall expire on the renewal date  
10 and be void and the holder of the expired license ~~[or certificate]~~ shall have no rights or privileges

11 under such license ~~[or certificate]~~; but any person ~~[or corporation]~~ whose license ~~[or certificate]~~  
12 has expired as aforesaid may within three months of the ~~[certificate]~~ **license** renewal date or at  
13 the discretion of the board, upon payment of the required fee, be renewed, relicensed, or  
14 reauthorized under such person's ~~[or such corporation's]~~ original license number.

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

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  
3 issued to such person a license ~~[or a certificate of authority]~~ certifying that such person has been  
4 duly licensed as a professional land surveyor in Missouri, and unless such license ~~[or certificate]~~  
5 has been renewed as provided in section 327.351.

327.351. 1. The professional license issued to every professional land surveyor in  
2 Missouri~~], including certificates of authority issued to corporations as provided in section~~  
3 ~~327.401,]~~ shall be renewed on or before the license ~~[or certificate]~~ renewal date provided that the  
4 required fee is paid. The license of any professional land surveyor ~~[or the certificate of authority~~  
5 ~~of any such corporation]~~ which is not renewed by the renewal date shall expire on the renewal  
6 date and be void and the holder of such expired license ~~[or certificate]~~ shall have no rights or  
7 privileges thereunder, but any person ~~[or corporation]~~ whose license ~~[or certificate]~~ has expired  
8 may, within three months of the ~~[certificate]~~ **license** renewal date or at the discretion of the board  
9 and upon payment of the required fee, be renewed, reregistered, or relicensed under such person's  
10 ~~[or corporation's]~~ original license number.

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

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

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

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

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

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

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

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

          327.401. ~~[4-]~~ The right to practice as an architect or to practice as a professional engineer  
2 or to practice as a professional land surveyor or to practice as a professional landscape architect  
3 shall be deemed a personal right, based upon the qualifications of the individual, evidenced by  
4 such individual's professional license and shall not be transferable; but any architect or any  
5 professional engineer or any professional land surveyor or any professional landscape architect  
6 may practice his or her profession through the medium of, or as a member or as an employee of,  
7 a partnership or corporation if the plans, specifications, estimates, plats, reports, surveys or other  
8 like documents or instruments of the partnership or corporation are signed and stamped with the  
9 personal seal of the architect, professional engineer, professional land surveyor, or professional  
10 landscape architect by whom or under whose immediate personal supervision the same were

11 prepared and provided that the architect or professional engineer or professional land surveyor  
12 or professional landscape architect who affixes his or her signature and personal seal to any such  
13 plans, specifications, estimates, plats, reports or other documents or instruments shall be  
14 personally and professionally responsible therefor.

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

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

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

40 ~~(3) The corporation pays such fees for the certificate of authority, renewals or~~  
41 ~~reinstatements thereof as are required;]~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

49 3. After the filing of such complaint, the proceedings shall be conducted in accordance  
50 with the provisions of chapter 621. Upon a finding by the administrative hearing commission  
51 that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the  
52 board may, singly or in combination, censure or place the person named in the complaint on  
53 probation on such terms and conditions as the board deems appropriate for a period not to exceed  
54 five years, or may suspend, for a period not to exceed three years, or order a civil penalty under  
55 section 327.077, or revoke the license ~~[or certificate of authority]~~ of the person named in the  
56 complaint.

327.442. 1. At such time as the final trial proceedings are concluded whereby a licensee,  
2 or any person who has failed to renew or has surrendered his or her certificate of licensure ~~[or~~  
3 ~~authority]~~, has been adjudicated and found guilty, or has entered a plea of guilty or nolo  
4 contendere, in a felony prosecution ~~[pursuant to]~~ **under** the laws of this state, the laws of any  
5 other state, territory, or the laws of the United States of America for any offense reasonably  
6 related to the qualifications, functions, or duties of a licensee ~~[pursuant to]~~ **under** this chapter  
7 or any felony offense, an essential element of which is fraud, dishonesty, or an act of violence,  
8 or for any felony offense involving moral turpitude, whether or not sentence is imposed, the  
9 board for architects, professional engineers, professional land surveyors and professional  
10 landscape architects may hold a disciplinary hearing to singly or in combination censure or place  
11 the licensee named in the complaint on probation on such terms and conditions as the board  
12 deems appropriate for a period not to exceed five years, or may suspend, for a period not to  
13 exceed three years, or revoke the license ~~[or certificate]~~.

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

327.451. 1. Any person who believes that an architect or a professional engineer or a  
2 professional land surveyor or a professional landscape architect has acted or failed to act so that  
3 his or her license ~~[or certificate of authority]~~ should, ~~[pursuant to]~~ **under** the provisions of this

4 chapter, be suspended or revoked, or who believes that any applicant for a license ~~[or certificate~~  
5 ~~of authority pursuant to]~~ **under** the provisions of this chapter is not entitled to a license ~~[or a~~  
6 ~~certificate of authority]~~, may file a written affidavit with the executive director of the board  
7 which the affiant shall sign and swear to and in which the affiant shall clearly set forth the  
8 reasons for the affiant's charge or charges that the license ~~[or certificate]~~ of an architect or  
9 professional engineer or professional land surveyor or professional landscape architect should  
10 be suspended or revoked or not renewed or that a license ~~[or certificate]~~ should not be issued to  
11 an applicant.

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

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

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

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

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

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

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

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

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

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

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

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

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

327.621. 1. The professional license issued to every professional landscape architect in  
2 Missouri~~], and certificates of authority issued to corporations under section 327.401,]~~ shall be  
3 renewed on or before the license renewal date, provided that the required fee is paid. The board  
4 may establish, by rule, continuing education requirements as a condition to renewing the license  
5 of a professional landscape architect, provided that the board shall not require more than thirty  
6 such hours. The license of a professional landscape architect ~~[or the certificate of authority~~  
7 ~~issued to any corporation]~~ which is not renewed by the renewal date shall expire on the renewal  
8 date and be void and the holder thereof shall have no rights or privileges thereunder; provided,

9 however, any person ~~[or corporation]~~ whose license has expired under this section may within  
10 three months of the ~~[certificate]~~ **license** renewal date or at the discretion of the board, upon  
11 payment of the fee, be renewed, relicensed, or reauthorized under such person's ~~[or such~~  
12 ~~corporation's]~~ original license number.

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

327.629. No person shall practice as a professional landscape architect in Missouri as  
2 defined in section 327.600 unless and until the board has issued to him or her a license ~~[or~~  
3 ~~certificate of authority]~~ certifying that he or she has been duly licensed as a professional  
4 landscape architect in Missouri, and unless such licensure has been renewed as provided in  
5 section 327.621; provided, however, that nothing in sections 327.600 to 327.635 shall be  
6 construed to require licensing of a person ~~[or corporation]~~ who is offering, but not performing  
7 or rendering, landscape architectural services if the person ~~[or corporation]~~ is licensed to practice  
8 landscape architecture in the state or country of residence or principal place of business. No  
9 person shall hold themselves out to be a professional landscape architect unless licensed  
10 ~~[pursuant to]~~ **under** the provisions of sections 327.600 to 327.635.

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