

SECOND REGULAR SESSION

HOUSE BILL NO. 2353

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE GALLICK.

4062H.02I

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal sections 324.001, 324.028, 324.400, 324.402, 324.403, 324.406, 324.409, 324.412, 324.415, 324.418, 324.421, 324.424, 324.427, 324.430, 324.433, 324.436, 324.439, 327.011, 327.031, 327.041, 327.076, 327.081, 327.381, 327.401, 327.411, 327.442, 327.451, 537.033, and 621.045, RSMo, and to enact in lieu thereof twenty-three new sections relating to design professionals, with penalty provisions and a contingent effective date for certain sections.

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

Section A. Sections 324.001, 324.028, 324.400, 324.402, 324.403, 324.406, 324.409, 324.412, 324.415, 324.418, 324.421, 324.424, 324.427, 324.430, 324.433, 324.436, 324.439, 327.011, 327.031, 327.041, 327.076, 327.081, 327.381, 327.401, 327.411, 327.442, 327.451, 537.033, and 621.045, RSMo, are repealed and twenty-three new sections enacted in lieu thereof, to be known as sections 324.001, 324.028, 327.011, 327.031, 327.041, 327.076, 327.081, 327.381, 327.401, 327.411, 327.442, 327.451, 327.700, 327.705, 327.710, 327.715, 327.720, 327.725, 327.730, 327.735, 327.740, 537.033, and 621.045, to read as follows:

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

- (1) "Department", the department of commerce and insurance;
- (2) "Director", the director of the division of professional registration; and
- (3) "Division", the division of professional registration.

2. There is hereby established a "Division of Professional Registration" assigned to the department of commerce and insurance as a type III transfer, headed by a director appointed by the governor with the advice and consent of the senate. All of the general provisions, definitions and powers enumerated in section 1 of the Omnibus State

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.

9 Reorganization Act of 1974 and Executive Order 06-04 shall apply to this department and its
10 divisions, agencies, and personnel.

11 3. The director of the division of professional registration shall promulgate rules and
12 regulations which designate for each board or commission assigned to the division the
13 renewal date for licenses or certificates. After the initial establishment of renewal dates, no
14 director of the division shall promulgate a rule or regulation which would change the renewal
15 date for licenses or certificates if such change in renewal date would occur prior to the date on
16 which the renewal date in effect at the time such new renewal date is specified next occurs.
17 Each board or commission shall by rule or regulation establish licensing periods of one, two,
18 or three years. Registration fees set by a board or commission shall be effective for the entire
19 licensing period involved, and shall not be increased during any current licensing period.
20 Persons who are required to pay their first registration fees shall be allowed to pay the pro rata
21 share of such fees for the remainder of the period remaining at the time the fees are paid.
22 Each board or commission shall provide the necessary forms for initial registration, and
23 thereafter the director may prescribe standard forms for renewal of licenses and certificates.
24 Each board or commission shall by rule and regulation require each applicant to provide the
25 information which is required to keep the board's records current. Each board or commission
26 shall have the authority to collect and analyze information required to support workforce
27 planning and policy development. Such information shall not be publicly disclosed so as to
28 identify a specific health care provider, as defined in section 376.1350. Each board or
29 commission shall issue the original license or certificate.

30 4. The division shall provide clerical and other staff services relating to the issuance
31 and renewal of licenses for all the professional licensing and regulating boards and
32 commissions assigned to the division. The division shall perform the financial management
33 and clerical functions as they each relate to issuance and renewal of licenses and certificates.
34 "Issuance and renewal of licenses and certificates" means the ministerial function of
35 preparing and delivering licenses or certificates, and obtaining material and information for
36 the board or commission in connection with the renewal thereof to include verifying if the
37 applicant has submitted all required documentation and that the documentation is legible. It
38 does not include any discretionary authority with regard to the original review of an
39 applicant's qualifications for licensure or certification, or the subsequent review of licensee's
40 or certificate holder's qualifications, or any disciplinary action contemplated against the
41 licensee or certificate holder. The division may develop and implement microfilming systems
42 and automated or manual management information systems.

43 5. The director of the division shall maintain a system of accounting and budgeting, in
44 cooperation with the director of the department, the office of administration, and the state
45 auditor's office, to ensure proper charges are made to the various boards for services rendered

46 to them. The general assembly shall appropriate to the division and other state agencies from
47 each board's funds moneys sufficient to reimburse the division and other state agencies for all
48 services rendered and all facilities and supplies furnished to that board.

49 6. For accounting purposes, the appropriation to the division and to the office of
50 administration for the payment of rent for quarters provided for the division shall be made
51 from the "Professional Registration Fees Fund", which is hereby created, and is to be used
52 solely for the purpose defined in subsection 5 of this section. The fund shall consist of
53 moneys deposited into it from each board's fund. Each board shall contribute a prorated
54 amount necessary to fund the division for services rendered and rent based upon the system of
55 accounting and budgeting established by the director of the division as provided in subsection
56 5 of this section. Transfers of funds to the professional registration fees fund shall be made by
57 each board on July first of each year; provided, however, that the director of the division may
58 establish an alternative date or dates of transfers at the request of any board. Such transfers
59 shall be made until they equal the prorated amount for services rendered and rent by the
60 division. The provisions of section 33.080 to the contrary notwithstanding, money in this
61 fund shall not be transferred and placed to the credit of general revenue.

62 7. The director of the division shall be responsible for collecting and accounting for
63 all moneys received by the division or its component agencies. Any money received by a
64 board or commission shall be promptly given, identified by type and source, to the director.
65 The director shall keep a record by board and state accounting system classification of the
66 amount of revenue the director receives. The director shall promptly transmit all receipts to
67 the department of revenue for deposit in the state treasury to the credit of the appropriate
68 fund. The director shall provide each board with all relevant financial information in a timely
69 fashion. Each board shall cooperate with the director by providing necessary information.

70 8. All educational transcripts, test scores, complaints, investigatory reports, and
71 information pertaining to any person who is an applicant or licensee of any agency assigned
72 to the division of professional registration by statute or by the department are confidential and
73 may not be disclosed to the public or any member of the public, except with the written
74 consent of the person whose records are involved. The agency which possesses the records or
75 information shall disclose the records or information if the person whose records or
76 information is involved has consented to the disclosure. Each agency is entitled to the
77 attorney-client privilege and work-product privilege to the same extent as any other person.
78 Provided, however, that any board may disclose confidential information without the consent
79 of the person involved in the course of voluntary interstate exchange of information, or in the
80 course of any litigation concerning that person, or pursuant to a lawful request, or to other
81 administrative or law enforcement agencies acting within the scope of their statutory
82 authority. Information regarding identity, including names and addresses, registration, and

83 currency of the license of the persons possessing licenses to engage in a professional
84 occupation and the names and addresses of applicants for such licenses is not confidential
85 information.

86 9. Any deliberations conducted and votes taken in rendering a final decision after a
87 hearing before an agency assigned to the division shall be closed to the parties and the public.
88 Once a final decision is rendered, that decision shall be made available to the parties and the
89 public.

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

94 11. (1) The following boards and commissions are assigned by specific type transfers
95 to the division of professional registration: Missouri state board of accountancy, chapter 326;
96 board of cosmetology and barber examiners, chapters 328 and 329; Missouri board for
97 architects, professional engineers, professional land surveyors ~~and~~, **professional** landscape
98 architects, **and licensed interior designers**, chapter 327; Missouri state board of chiropractic
99 examiners, chapter 331; state board of registration for the healing arts, chapter 334; Missouri
100 dental board, chapter 332; state board of embalmers and funeral directors, chapter 333; state
101 board of optometry, chapter 336; Missouri state board of nursing, chapter 335; board of
102 pharmacy, chapter 338; state board of podiatric medicine, chapter 330; Missouri real estate
103 appraisers commission, chapter 339; and Missouri veterinary medical board, chapter 340.
104 The governor shall appoint members of these boards by and with the advice and consent of
105 the senate.

106 (2) The boards and commissions assigned to the division shall exercise all their
107 respective statutory duties and powers, except those clerical and other staff services involving
108 collecting and accounting for moneys and financial management relating to the issuance and
109 renewal of licenses, which services shall be provided by the division, within the appropriation
110 therefor. Nothing herein shall prohibit employment of professional examining or testing
111 services from professional associations or others as required by the boards or commissions on
112 contract. Nothing herein shall be construed to affect the power of a board or commission to
113 expend its funds as appropriated. However, the division shall review the expense vouchers of
114 each board. The results of such review shall be submitted to the board reviewed and to the
115 house and senate appropriations committees annually.

116 (3) Notwithstanding any other provisions of law, the director of the division shall
117 exercise only those management functions of the boards and commissions specifically
118 provided in the Reorganization Act of 1974, and those relating to the allocation and
119 assignment of space, personnel other than board personnel, and equipment.

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

(5) Board personnel for each board or commission shall be employed by and serve at the pleasure of the board or commission, shall be supervised as the board or commission designates, and shall have their duties and compensation prescribed by the board or commission, within appropriations for that purpose, except that compensation for board personnel shall not exceed that established for comparable positions as determined by the board or commission pursuant to the job and pay plan of the department of commerce and insurance. Nothing herein shall be construed to permit salaries for any board personnel to be lowered except by board action.

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

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

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

157 (2) The boards may expend appropriated funds necessary for operational expenses of
158 the program formed under this subsection. Each board is authorized to accept grants to fund
159 the collection or analysis authorized in this subsection. Any such funds shall be deposited in
160 the respective board's fund.

161 (3) Data collection shall be controlled and approved by the applicable state board
162 conducting or requesting the collection. Notwithstanding the provisions of sections 324.010
163 and 334.001, the boards may release identifying data to the contractor to facilitate data
164 analysis of the health care workforce including, but not limited to, geographic, demographic,
165 and practice or professional characteristics of licensees. The state board shall not request or
166 be authorized to collect income or other financial earnings data.

167 (4) Data collected under this subsection shall be deemed the property of the state
168 board requesting the data. Data shall be maintained by the state board in accordance with
169 chapter 610, provided that any information deemed closed or confidential under subsection 8
170 of this section or any other provision of state law shall not be disclosed without consent of the
171 applicable licensee or entity or as otherwise authorized by law. Data shall only be released in
172 an aggregate form by geography, profession or professional specialization, or population
173 characteristic in a manner that cannot be used to identify a specific individual or entity. Data
174 suppression standards shall be addressed and established in the contractual agreement.

175 (5) Contractors shall maintain the security and confidentiality of data received or
176 collected under this subsection and shall not use, disclose, or release any data without
177 approval of the applicable state board. The contractual agreement between the applicable
178 state board and contractor shall establish a data release and research review policy to include
179 legal and institutional review board, or agency-equivalent, approval.

180 (6) Each board may promulgate rules subject to the provisions of this subsection and
181 chapter 536 to effectuate and implement the workforce data collection and analysis authorized
182 by this subsection. Any rule or portion of a rule, as that term is defined in section 536.010,
183 that is created under the authority delegated in this section shall become effective only if it
184 complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
185 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with
186 the general assembly under chapter 536 to review, to delay the effective date, or to disapprove
187 and annul a rule are subsequently held unconstitutional, then the grant of rulemaking
188 authority and any rule proposed or adopted after August 28, 2016, shall be invalid and void.

324.028. Any member authorized under the provisions of sections 256.459, 324.063,
2 324.177, 324.203, 324.243, [324.406,] 324.478, 326.259, 327.031, 329.015, 330.110,
3 331.090, 332.021, 333.151, 334.120, 334.430, 334.625, 334.717, 334.749, 334.830,
4 335.021, 336.130, 337.050, 337.305, 337.535, 337.622, 337.739, 338.110, 339.120,
5 340.202, 345.080, and 346.120 who misses three consecutive regularly scheduled meetings

6 of the board or council on which he **or she** serves shall forfeit his **or her** membership on that
7 board or council. A new member shall be appointed to the respective board or council by the
8 governor with the advice and consent of the senate.

327.011. As used in this chapter, **unless specifically provided otherwise**, the
2 following words and terms shall have the meanings indicated:

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

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

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

16 ~~[(3)]~~ (4) "Accredited school of landscape architecture", any school or other institution
17 which teaches landscape architecture and whose curricula on the subjects in question are or
18 have been at the times in question certified as accredited by the Landscape ~~[Architecture]~~
19 **Architectural** Accreditation Board of the American Society of Landscape Architects;

20 ~~[(4)]~~ (5) "Architect", any person authorized pursuant to the provisions of this chapter
21 to practice architecture in Missouri, as the practice of architecture is defined in section
22 327.091;

23 ~~[(5)]~~ (6) "Board", the Missouri board for architects, professional engineers,
24 professional land surveyors ~~[and]~~, professional landscape architects, **and licensed interior**
25 **designers;**

26 ~~[(6)]~~ (7) "Corporation", any general business corporation, professional corporation or
27 limited liability company;

28 ~~[(7)]~~ (8) "Design coordination", the review and coordination of technical submissions
29 prepared by others including, as appropriate and without limitation, architects, professional
30 engineers, professional land surveyors, professional landscape architects, **licensed interior**
31 **designers**, and other consultants;

32 ~~[(8)]~~ (9) "Design survey", a survey which includes all activities required to gather
33 information to support the sound conception, planning, design, construction, maintenance,
34 and operation of design projects, but excludes the surveying of real property for the

35 establishment of land boundaries, rights-of-way, easements, and the dependent or
36 independent surveys or resurveys of the public land survey system;

37 ~~[(9)]~~ (10) "Incidental practice", the performance of other professional services
38 licensed under this chapter that are related to a licensee's professional service, but are
39 secondary and substantially less in scope and magnitude when compared to the professional
40 services usually and normally performed by the licensee practicing in their licensed
41 profession. This incidental professional service shall be safely and competently performed by
42 the licensee without jeopardizing the health, safety, and welfare of the public. The licensee
43 shall be qualified by education, training, and experience as determined by the board and in
44 sections 327.091, 327.181, 327.272, ~~[and]~~ 327.600, **and 327.700** and applicable board rules
45 to perform such incidental professional service;

46 ~~[(10)]~~ (11) **"Licensed interior designer", the same meaning given to such term in**
47 **section 327.700;**

48 (12) "Licensee", a person licensed to practice any profession regulated under this
49 chapter or a corporation authorized to practice any such profession;

50 ~~[(11)]~~ (13) "Partnership", any partnership or limited liability partnership;

51 ~~[(12)]~~ (14) "Person", any individual, corporation, firm, partnership, association or
52 other entity authorized to do business;

53 ~~[(13)]~~ (15) "Professional engineer", any person authorized pursuant to the provisions
54 of this chapter to practice as a professional engineer in Missouri, as the practice of
55 engineering is defined in section 327.181;

56 ~~[(14)]~~ (16) "Professional land surveyor", any person authorized pursuant to the
57 provisions of this chapter to practice as a professional land surveyor in Missouri as the
58 practice of land surveying is defined in section 327.272;

59 ~~[(15)]~~ (17) "Professional landscape architect", any person authorized pursuant to the
60 provisions of this chapter to practice as a professional landscape architect in Missouri as the
61 practice of **professional** landscape architecture is defined in section 327.600;

62 ~~[(16)]~~ (18) "Responsible charge", the independent direct control of a licensee's work
63 and personal supervision of such work pertaining to the practice of architecture, engineering,
64 land surveying, ~~[or]~~ landscape architecture, **or interior design.**

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

8 constitute its professional land surveying division; three professional landscape architects,
9 who shall constitute its professional landscape architectural division; **two licensed interior**
10 **designers, who shall constitute its licensed interior design division;** and a voting public
11 member.

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

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

31 4. Each division of the board shall, at its first meeting in each even-numbered year,
32 elect one of its members as division chairperson for a term of two years. Two voting
33 members of each division of the board shall constitute a quorum for the transaction of
34 division business. The chairpersons of the architectural division, professional engineering
35 division, professional land surveying division, **licensed interior design division,** and
36 professional landscape architectural division so elected shall be vice chairpersons of the board
37 ~~[, and]~~. When the chairperson of the board is an architect, the chairperson of the architectural
38 division shall be the ranking vice chairperson~~[, and]~~; when the chairperson of the board is a
39 professional engineer, the chairperson of the professional engineering division shall be the
40 ranking vice chairperson~~[, and]~~; when the chairperson of the board is a professional land surveyor,
41 the chairperson of the professional land surveying division shall be the ranking vice
42 chairperson~~[, and]~~; when the chairperson of the board is a professional landscape architect,
43 the chairperson of the professional landscape architectural division shall be the ranking vice
44 chairperson; **and when the chairperson of the board is a licensed interior designer, the**

45 **chairperson of the licensed interior design division shall be the ranking vice**
46 **chairperson.** The chairperson of each division shall be the administrative and executive
47 officer of his or her division, and it shall be his or her duty to supervise and expedite the work
48 of the division, and, in case of a tie vote on any matter, the chairperson shall, at his or her
49 election, break the tie by his or her vote. Every motion or question pending before the
50 division upon which a tie exists shall be deemed lost, and so declared by the chairperson of
51 the division, unless the chairperson shall elect to break such tie by his or her vote.

52 5. **(1)** Any person appointed to the board, except a public member, shall be a
53 currently licensed architect, licensed professional engineer, licensed professional land
54 surveyor [or], licensed professional landscape architect, **or licensed interior designer** in
55 Missouri, as the vacancy on the board may require, who has been a resident of Missouri for at
56 least five years, who has been engaged in active practice as an architect, professional
57 engineer, professional land surveyor [or], professional landscape architect, **or licensed**
58 **interior designer**, as the case may be, for at least ten consecutive years as a Missouri licensee
59 immediately preceding such person's appointment, and who is and has been a citizen of the
60 United States for at least five years immediately preceding such person's appointment.

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

64 **(b)** Active service as a faculty member, after meeting the qualifications required by
65 section 327.314, while holding the rank of assistant professor or higher in an accredited
66 school of engineering and teaching land surveying courses shall be regarded as active practice
67 of land surveying for the purposes of this chapter.

68 **(c)** Active service as a faculty member while holding the rank of assistant professor or
69 higher in an accredited school of landscape architecture shall be regarded as active practice of
70 landscape architecture, for the purposes of this chapter.

71 **(d)** Active service as a faculty member while holding the rank of assistant professor
72 or higher in an accredited school of architecture shall be regarded as active practice of
73 architecture for the purposes of this chapter; provided, however, that no faculty member of an
74 accredited school of architecture shall be eligible for appointment to the board unless such
75 person has had at least three years' experience in the active practice of architecture other than
76 in teaching.

77 **(e)** Active service as a faculty member while holding the rank of assistant
78 professor or higher in an accredited school of interior design shall be regarded as active
79 practice of licensed interior design for the purposes of this chapter, provided that no
80 faculty member of an accredited school of interior design shall be eligible for

81 **appointment to the board unless such person has had at least three years of experience**
82 **in the active practice of licensed interior design other than in teaching.**

83 **(3) Notwithstanding subdivision (1) of this subsection to the contrary, the**
84 **appointments of the initial two members of the licensed interior design division of the**
85 **board shall be made from the existing pool of interior designers registered and in good**
86 **standing with the interior design council.**

87 **(4)** The public member shall be, at the time of appointment, a citizen of the United
88 States; a resident of this state for a period of one year and a registered voter; a person who is
89 not and never was a member of any profession licensed or regulated pursuant to this chapter
90 or the spouse of such person; and a person who does not have and never has had a material,
91 financial interest in either the providing of the professional services regulated by this chapter,
92 or an activity or organization directly related to any profession licensed or regulated pursuant
93 to this chapter. All members, including public members, shall be chosen from lists submitted
94 by the director of the division of professional registration. The duties of the public member
95 shall not include the determination of the technical requirements to be met for licensure or
96 whether any person meets such technical requirements or of the technical competence or
97 technical judgment of a licensee or a candidate for licensure.

98 6. The governor shall appoint the chairperson and the other members of the board
99 when a vacancy occurs either by the expiration of a term or otherwise, and each board
100 member shall serve until such member's successor is appointed and has qualified. The
101 position of chairperson shall rotate sequentially with an architect, then professional engineer,
102 then professional land surveyor, then professional landscape architect, **and then licensed**
103 **interior designer** and shall be a licensee who has previously served as a member of the
104 board. The appointment of the chairperson shall be for a term of four years which shall be
105 deemed to have begun on the date of his or her appointment and shall end upon the
106 appointment of the chairperson's successor. The chairperson shall not serve more than one
107 term. All other appointments, except to fill an unexpired term, shall be for terms of four
108 years; but no person shall serve on the board for more than two consecutive four-year terms,
109 and each four-year term shall be deemed to have begun on the date of the expiration of the
110 term of the board member who is being replaced or reappointed, as the case may be. Any
111 appointment to the board which is made when the senate is not in session shall be submitted
112 to the senate for its advice and consent at its next session following the date of the
113 appointment.

114 7. In the event that a vacancy is to occur on the board because of the expiration of a
115 term, then ninety days prior to the expiration, or as soon as feasible after a vacancy otherwise
116 occurs, the president of the American Institute of Architects/Missouri if the vacancy to be
117 filled requires the appointment of an architect, the president of the Missouri Society of

Professional Engineers if the vacancy to be filled requires the appointment of a professional engineer, the president of the Missouri Society of Professional Surveyors if the vacancy to be filled requires the appointment of a professional land surveyor, ~~and~~ the president of the Missouri Association of Landscape Architects if the vacancy to be filled requires the appointment of a professional landscape architect, **and the presidents or other chief executives of any Missouri chapter of an organization participating in the Consortium for Interior Design if the vacancy to be filled requires the appointment of a licensed interior designer**, shall submit to the director of the division of professional registration a list of five architects ~~or~~, five professional engineers, ~~or~~ five professional land surveyors, ~~or~~ five professional landscape architects, **or five licensed interior designers**, as the case may require, qualified and willing to fill the vacancy in question, with the recommendation that the governor appoint one of the five persons so listed; and with the list of names so submitted, the president **or other chief executive** of the appropriate organization shall include in a letter of transmittal a description of the method by which the names were chosen. This subsection shall not apply to public member vacancies.

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

9. **Upon appointment by the governor and confirmation by the senate of the initial members of the licensed interior design division, the interior design council is hereby abolished and all of its powers, duties, and responsibilities are transferred to and imposed upon the Missouri board for architects, professional engineers, professional land surveyors, professional landscape architects, and licensed interior designers established under this section. Every act performed by or under the authority of the Missouri board for architects, professional engineers, professional land surveyors, professional landscape architects, and licensed interior designers shall be deemed to have the same force and effect as if performed by the interior design council. All rules and regulations of the interior design council shall continue in effect and shall be deemed to be duly adopted rules and regulations of the Missouri board for architects, professional engineers, professional land surveyors, professional landscape architects, and licensed interior designers until such rules and regulations are revised, amended, or repealed by the board as provided by law, such action to be taken by the board on or before January 1, 2027.**

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, **or licensed interior design**.

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 licensed interior design**, 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 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 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 chapter 60.

327.076. 1. Any person who practices architecture, engineering, land surveying, ~~[or]~~ landscape architecture, **or licensed interior design**, as defined in ~~[sections 327.011 to 327.635]~~ **this chapter**, 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:

10 (1) Engages in or offers to render or engage in the practice of architecture,
11 professional engineering, professional land surveying, ~~[or]~~ professional landscape
12 architecture, **or licensed interior design**;

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

19 (3) Presents or attempts to use another person's license, seal, or certificate of authority
20 as his or her own;

21 (4) Attempts to use an expired, suspended, revoked, or nonexistent license or
22 certificate of authority;

23 (5) Affixes his or her or another architect's, professional engineer's, professional land
24 surveyor's, ~~[or]~~ professional landscape architect's, **or licensed interior designer's** seal on any
25 plans, drawings, specifications or reports which have not been prepared by such person or
26 under such person's immediate personal supervision care;

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

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

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

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

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

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

327.081. 1. All funds received pursuant to the provisions of this chapter shall be deposited in the state treasury to the credit of the "State Board for Architects, Professional Engineers, Professional Land Surveyors ~~and~~, Professional Landscape Architects, **and Licensed Interior Designers Fund**" which is hereby established. All expenditures authorized by this chapter shall be paid from funds appropriated to the board by the general assembly from this fund.

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

3. Upon appointment by the governor and confirmation by the senate of the initial members of the licensed interior design division, all moneys deposited in the interior designer council fund created in section 324.424 shall be transferred to the state board for architects, professional engineers, professional land surveyors, professional landscape architects, and licensed interior designers fund created in this section. The interior designer council fund shall be abolished upon the transfer of all moneys in it to the state board for architects, professional engineers, professional land surveyors, professional landscape architects, and licensed interior designers fund.

327.381. The board may license, in its discretion, any architect, professional engineer, professional land surveyor, ~~or~~ professional landscape architect, **or interior designer licensed, certified, or registered** in another state or territory of the United States, province of Canada, or in another country, when such applicant has qualifications which are at least equivalent to the requirements for licensure as an architect, professional engineer, professional land surveyor, ~~or~~ professional landscape architect, **or licensed interior designer** in this state, and provided further that the board may establish by rule the conditions under which it shall require any such applicant to take any examination it considers necessary, and provided further that any such application is accompanied by the required fee.

327.401. 1. The right to practice as an architect or to practice as a professional engineer or to practice as a professional land surveyor or to practice as a professional landscape architect **or to practice as a licensed interior designer** shall be deemed a personal right, based upon the qualifications of the individual, evidenced by such individual's professional license and shall not be transferable; but any architect or any professional engineer or any professional land surveyor or any professional landscape architect **or any**

7 **licensed interior designer** may practice his or her profession through the medium of, or as a
8 member or as an employee of, a partnership or corporation if the plans, specifications,
9 estimates, plats, reports, surveys or other like documents or instruments of the partnership or
10 corporation are signed and stamped with the personal seal of the architect, professional
11 engineer, professional land surveyor, ~~[or]~~ professional landscape architect, **or licensed**
12 **interior designer** by whom or under whose immediate personal supervision the same were
13 prepared and provided that the architect or professional engineer or professional land
14 surveyor or professional landscape architect **or licensed interior designer** who affixes his or
15 her signature and personal seal to any such plans, specifications, estimates, plats, reports or
16 other documents or instruments shall be personally and professionally responsible therefor.

17 2. Any domestic corporation formed under the corporation law of this state, or any
18 foreign corporation, now or hereafter organized and having as one of its purposes the
19 practicing of architecture or professional engineering or professional land surveying or
20 professional landscape architecture **or licensed interior design** and any existing corporation
21 which amends its charter to propose to practice architecture or professional engineering or
22 professional land surveying or professional landscape architecture **or licensed interior**
23 **design** shall obtain a certificate of authority for each profession named in the articles of
24 incorporation or articles of organization from the board which shall be renewed in accordance
25 with the provisions of section 327.171 or 327.261 or 327.351 **or 327.730**, as the case may be,
26 and from and after the date of such certificate of authority and while the authority or a
27 renewal thereof is in effect, may offer and render architectural or professional engineering or
28 professional land surveying or professional landscape architectural **or licensed interior**
29 **design** services in this state if:

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

44 architecture or professional engineering or professional land surveying or professional
45 landscape architecture **or licensed interior design**, as the case may be, as provided in this
46 chapter; and

47 (3) The corporation pays such fees for the certificate of authority, renewals or
48 reinstatements thereof as are required.

49

50 The provisions of this subsection requiring corporations to obtain a certificate of authority
51 shall not apply to any rural electrical cooperative organized under the provisions of chapter
52 394 or to any corporation organized on a nonprofit or a cooperative basis as described in
53 subsection 1 of section 394.200, or to any electrical corporation operating under a cooperative
54 business plan, as described in subsection 2 of section 393.110.

327.411. 1. Each architect and each professional engineer and each professional land
2 surveyor and each professional landscape architect **and each licensed interior designer** shall
3 have a personal seal in a form prescribed by the board, and he or she shall affix the seal to all
4 final technical submissions. Technical submissions shall include, but are not limited to,
5 drawings, specifications, plats, surveys, exhibits, reports, and certifications of construction
6 prepared by the licensee, or under such licensee's immediate personal supervision. Such
7 licensee shall either prepare or personally supervise the preparation of all documents sealed
8 by the licensee, and such licensee shall be held personally responsible for the contents of all
9 such documents sealed by such licensee, whether prepared or drafted by another licensee or
10 not.

11 2. The personal seal of an architect or professional engineer or professional land
12 surveyor or professional landscape architect **or licensed interior designer** shall be the legal
13 equivalent of the licensee's signature whenever and wherever used, and the owner of the seal
14 shall be responsible for the architectural, engineering, land surveying, ~~or~~ landscape
15 architectural, **or interior design** documents, as the case may be, when the licensee places his
16 or her personal seal on such technical submissions to be used in connection with, any
17 architectural or engineering project, survey, ~~or~~ landscape architectural project, **or interior**
18 **alteration or construction project**. Licensees shall undertake to perform architectural,
19 professional engineering, professional land surveying ~~and~~, professional landscape
20 architectural, **and interior design** services only when they are qualified by education,
21 training, and experience in the specific technical areas involved.

22 3. Notwithstanding any provision of this section, any architect, professional engineer,
23 professional land surveyor, ~~or~~ professional landscape architect, **or licensed interior**
24 **designer** may, but is not required to, attach a statement over his or her signature,
25 authenticated by his or her personal seal, specifying the particular technical submissions, or
26 portions thereof, intended to be authenticated by the seal, and disclaiming any responsibility

27 for all other technical submissions relating to or intended to be used for any part or parts of
28 the architectural or engineering project ~~[or]~~, survey ~~[or]~~, landscape architectural project, **or**
29 **interior alteration or construction project.**

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

327.442. 1. At such time as the final trial proceedings are concluded whereby a
2 licensee, or any person who has failed to renew or has surrendered his or her certificate of
3 licensure or authority, has been **finally** adjudicated and found guilty, or has entered a plea of
4 guilty or nolo contendere, in a ~~[felony]~~ **criminal** prosecution pursuant to the laws of ~~[this]~~
5 **any state, [the laws of any other state, territory, or the laws] of the United States [of America],**
6 **or of any country** for any offense ~~[reasonably]~~ **directly** related to the ~~[qualifications,~~
7 ~~functions, or]~~ duties ~~[of a licensee pursuant to this chapter or any felony offense, an essential~~
8 ~~element of which is fraud, dishonesty, or an act of violence, or for any felony offense~~
9 ~~involving moral turpitude,]~~ **and responsibilities of the occupation, as set forth in section**
10 **324.012, regardless of** whether or not sentence is imposed, the board for architects,
11 professional engineers, professional land surveyors ~~[and]~~, professional landscape architects,
12 **and licensed interior designers** may hold a disciplinary hearing to singly or in combination
13 censure or place the licensee named in the complaint on probation on such terms and
14 conditions as the board deems appropriate for a period not to exceed five years, or may
15 suspend, for a period not to exceed three years, or revoke the license or certificate.

16 2. Anyone who has been revoked or denied a license or certificate to practice in
17 another state may automatically be denied a license or certificate to practice in this state.
18 However, the board for architects, professional engineers, professional land surveyors ~~[and]~~,
19 professional landscape architects, **and licensed interior designers** may establish other
20 qualifications by which a person may ultimately be qualified and licensed to practice in
21 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 **or a licensed interior**
3 **designer** has acted or failed to act so that his or her license or certificate of authority should,
4 pursuant to the provisions of this chapter, be suspended or revoked, or who believes that any
5 applicant for a license or certificate of authority pursuant to the provisions of this chapter is
6 not entitled to a license or a certificate of authority, may file a written affidavit with the
7 executive director of the board which the affiant shall sign and swear to and in which the
8 affiant shall clearly set forth the reasons for the affiant's charge or charges that the license or
9 certificate **of authority** of an architect or professional engineer or professional land surveyor
10 or professional landscape architect **or licensed interior designer** should be suspended or

11 revoked or not renewed or that a license or certificate **of authority** should not be issued to an
12 applicant.

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

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

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

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

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

~~[324.400.]~~ **327.700.** As used in sections ~~[324.400 to 324.439]~~ **327.700 to 327.740**, the
2 following terms mean:

- 3 (1) [~~"Council", the interior design council created in section 324.406;~~
4 (~~2) "Division", the division of professional registration]~~ **"Building equipment", any**
5 **mechanical, plumbing, electrical, or structural components, including a conveyance,**
6 **designed for or located in a building or structure;**
- 7 [~~3)~~] (2) **"Conveyance", an elevator, dumbwaiter, vertical reciprocating**
8 **conveyor, escalator, or other motorized vertical transportation system;**
- 9 (3) **"Interior alteration or construction project", a project, including**
10 **construction, modification, renovation, rehabilitation, or historic preservation, for an**
11 **interior space or area within a proposed or existing building or structure that involves**
12 **changing or altering:**
- 13 (a) **The design function or layout of a room; or**
14 (b) **The state of permanent fixtures or equipment;**
- 15 (4) **"Interior nonstructural element", an interior design element that does not**
16 **require structural bracing and that is not load-bearing according to any applicable**
17 **building codes;**
- 18 (5) **"Interior technical submission", the designs, drawings, and specifications**
19 **that establish the scope of the interior alteration or construction project; the standard of**
20 **quality for any materials, workmanship, equipment, and construction systems of an**
21 **interior alteration or construction project; and the studies and other technical reports**
22 **and calculations prepared in the course of the practice of licensed interior design;**
- 23 (6) **"[Registered] Licensed interior designer", [a design professional who provides**
24 **services including preparation of documents and specifications relative to nonload-bearing**
25 **interior construction, furniture, finishes, fixtures and equipment and who meets the criteria of**
26 **education, experience and examination as provided in sections 324.400 to 324.439] any**
27 **person authorized under this chapter to represent himself or herself as licensed to**
28 **engage in the practice of licensed interior design;**
- 29 (7) **"Practice of licensed interior design", the design of interior spaces as a part**
30 **of an interior alteration or construction project in conformity with public health, safety,**
31 **and welfare requirements, including the preparation of documents relating to building**
32 **code descriptions, project egress plans that require no increase in the capacity of exits in**
33 **the building affected, space planning, and finish materials, and the preparation of**
34 **documents and interior technical submissions relating to an interior alteration or**
35 **construction project. The term "practice of licensed interior design":**
- 36 (a) **Shall include:**
- 37 a. **The programming, planning, pre-design analysis, and conceptual design of**
38 **any interior nonstructural elements including, but not limited to, the selection of**
39 **materials, except for building equipment;**

- 40 **b. The alteration or construction of any interior nonstructural elements and any**
41 **interior technical submissions related to such alteration or construction;**
- 42 **c. The preparation of a physical plan of space within a proposed or existing**
43 **building or structure, including:**
- 44 **(i) Determinations of circulation systems or patterns;**
45 **(ii) Determinations of the location of exit requirements based on occupancy**
46 **loads; and**
- 47 **(iii) Assessments and analyses of any interior safety factors to comply with**
48 **applicable building codes related to interior nonstructural elements;**
- 49 **d. The rendering of designs, plans, drawings, specifications, contract documents,**
50 **or other interior technical submissions; and**
- 51 **e. The administration of the construction of interior nonstructural elements and**
52 **contracts relating to interior nonstructural elements in the interior alteration or**
53 **construction of a proposed or existing building or structure; and**
- 54 **(b) Shall not include:**
- 55 **a. Services or work that constitute the practice of architecture, as provided in**
56 **section 327.091, except as otherwise provided for in this chapter;**
- 57 **b. Services or work that constitute the practice of professional engineering, as**
58 **provided in section 327.181;**
- 59 **c. Services or work that constitute the practice of professional land surveying, as**
60 **provided in section 327.272;**
- 61 **d. Services or work that constitute the practice of professional landscape**
62 **architecture, as defined in section 327.600;**
- 63 **e. Altering or affecting the structural system or seismic system of a building,**
64 **including changing the building's live or dead load on the structural system;**
- 65 **f. Changes to the building envelope, including exterior walls, exterior wall**
66 **coverings, exterior wall openings, exterior windows or doors, architectural trim,**
67 **balconies and similar projections, bay or oriel windows, roof assemblies and rooftop**
68 **structures, and glass and glazing for exterior use in vertical, horizontal, and sloped**
69 **applications in buildings and structures;**
- 70 **g. Altering or affecting the mechanical, plumbing, heating, air conditioning,**
71 **ventilation, electrical, vertical transportation, fire sprinkler, or fire alarm systems;**
- 72 **h. Changes to the exit access component of a means of egress system;**
- 73 **i. Construction that materially affects any life safety systems pertaining to fire**
74 **safety or fire protection of structural elements, smoke evacuation and**
75 **compartmentalization systems, or fire-rated vertical shafts in multistory structures;**
- 76 **j. Changes to the existing use group for an occupancy;**

77 **k. Changes to the construction classification of the building or structure**
78 **according to any applicable building codes; or**

79 **l. Creating or modifying the structure of any atriums, floor openings,**
80 **community spaces, or vertical openings.**

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

~~[324.403.]~~ **327.710. 1.** No person may use the name or title, ~~[registered]~~ **licensed**
2 interior designer, in this state unless that person is ~~[registered]~~ **licensed** as required by
3 sections ~~[324.400 to 324.439]~~ **327.700 to 327.740.**

4 **2. A licensed interior designer shall undertake to perform interior design**
5 **services only when he or she is qualified by education, training, and experience in the**
6 **specific technical areas involved.**

7 **3.** Nothing in ~~[sections 324.400 to 324.439]~~ **this chapter** shall be construed as
8 limiting or preventing the practice of a person's **interior design** profession or restricting a
9 person from providing interior design services, provided such person does not indicate to the
10 public that such person is ~~[registered]~~ **licensed** as an interior designer pursuant to the
11 provisions of sections ~~[324.400 to 324.439]~~ **327.700 to 327.740.**

12 **4. Nothing in this chapter shall under any circumstances be construed as in any**
13 **way precluding an architect from performing any of the services included within the**
14 **definition of the practice of licensed interior design.**

15 **5. The following persons may engage in actions defined as the practice of**
16 **licensed interior design in section 327.700, provided that such persons shall not use the**
17 **title "interior designer" together with any words that indicate or imply that such person**
18 **is or holds himself or herself out to be a licensed interior designer:**

19 **(1) Any person who is an employee of a person holding a currently valid license**
20 **as an interior designer or who is an employee of any person holding a currently valid**
21 **certificate of authority under this chapter, and who performs interior design work**
22 **under the direction and continuing supervision of and is checked by one holding a**
23 **currently valid license as an interior designer under this chapter;**

24 **(2) Any person who is a regular full-time employee who performs interior design**
25 **work for the person's employer only if all such work and service so performed is in**
26 **connection with a facility owned or wholly operated by the employer and that is**
27 **occupied by the employer of the employee performing such work or service, and only if**
28 **such work and service so performed do not endanger the public health or safety;**

29 (3) Any holder of a currently valid license or certificate of authority as a
30 professional engineer who performs only such interior design as incidental practice and
31 necessary to the completion of professional services lawfully being performed by such
32 licensed professional engineer;

33 (4) Any person who is a professional landscape architect, city planner, or
34 regional planner who performs work consisting only of consultations concerning and
35 preparation of master plans for parks, land areas, or communities, or the preparation of
36 plans for and the supervision of the planting and grading or the construction of walks
37 and paving for parks or land areas and such other minor structural features as fences,
38 steps, walls, small decorative pools and other construction not involving structural
39 design or stability and that is usually and customarily included within the area of work
40 of a professional landscape architect or planner;

41 (5) Any person who renders interior design services in connection with the
42 construction, remodeling, or repairing of any privately owned building described in
43 paragraph (a), (b), or (c) of this subdivision, and who indicates on any drawings,
44 specifications, estimates, reports, or other documents furnished in connection with such
45 services that the person is not a licensed interior designer:

46 (a) A dwelling house;

47 (b) A multiple-family dwelling house, flat, or apartment containing not more
48 than two families; or

49 (c) Any one building or structure, except for those buildings or structures
50 referenced in subdivision (8) of this subsection, that provides for the employment,
51 assembly, housing, sleeping, or eating of not more than nine persons, contains less than
52 two thousand square feet, and is not part of another building or structure;

53 (6) Any person who renders interior design services in connection with the
54 remodeling or repairing of any privately owned multiple-family dwelling house, flat, or
55 apartment containing three or four families, provided that the alteration, renovation, or
56 remodeling does not affect architectural or engineering safety features of the building
57 and who indicates on any drawings, specifications, estimates, reports, or other
58 documents furnished in connection with such services that the person is not a
59 licensed interior designer;

60 (7) Any person or corporation that is offering, but not performing or rendering,
61 interior design services if the person or corporation is licensed to practice interior
62 design in the state or country of residence or principal place of business; or

63 (8) Any person who renders interior design services in connection with the
64 construction, remodeling, or repairing of any building or structure used exclusively for
65 agricultural purposes.

327.715. 1. Licensed interior designers shall be in responsible charge of all interior design of buildings that can affect the health, safety, and welfare of the public within their scope of practice.

2. Licensed interior designers shall not take responsible charge over interior technical submissions prepared by another person unless the licensed interior designer reviewing such interior technical submissions actually exercises personal supervision and direct control over the interior technical submissions.

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

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

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

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

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

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

(3) May qualify who was registered with the interior design council immediately before August 28, 2026.

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

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

~~[324.415.]~~ **327.725.** Applications for ~~[registration]~~ **licensure** as a ~~[registered]~~
2 **licensed** interior designer shall be typewritten on forms prescribed by the ~~[division]~~ **board**
3 and furnished to the applicant. The application shall contain the applicant's statements
4 showing the applicant's education, experience, results of previous interior design certification,
5 registration, or licensing examinations, if any, and such other pertinent information as the
6 ~~[division]~~ **board** may require, or architect's **license or** registration number and such other
7 pertinent information as the ~~[division]~~ **board** may require. Each application shall contain a
8 statement that is made under oath or affirmation and that the representations are true and
9 correct to the best knowledge and belief of the person signing the application. The person
10 shall be subject to the penalties for making a false affidavit or declaration and shall be
11 accompanied by the required fee.

327.730. 1. The professional license issued to a licensed interior designer,
2 **including certificates of authority issued to corporations as provided in section 327.401,**
3 **shall be renewed on or before the license or certificate renewal date, provided that the**
4 **required fee is paid. The board may establish, by rule, continuing education**
5 **requirements as a condition to renewing the license of a licensed interior designer,**
6 **provided that the board shall not require more professional development hours than the**
7 **hours recommended by the American Society of Interior Designers or its successor**
8 **organization, but not to exceed thirty such hours.**

9 **2. (1) The license of any licensed interior designer or the certificate of authority**
10 **issued to any corporation that is not renewed by the license or certificate renewal date**
11 **shall expire on the renewal date and be void, and the holder of such expired license or**
12 **certificate shall have no rights or privileges under such license or certificate.**

13 **(2) Any person or corporation whose license or certificate has expired as**
14 **provided in this section may, within three months of the license or certificate renewal**
15 **date or at the discretion of the board, upon payment of the required fee, be renewed,**
16 **relicensed, or reauthorized under such person's or such corporation's original license or**
17 **certificate number.**

18 **3. Each application for the renewal of a license or of a certificate of authority**
19 **shall be on a form furnished to the applicant and shall be accompanied by the required**
20 **fee.**

21 **4. Notwithstanding any provision of this section to the contrary, a licensed**
22 **interior designer seventy-five years of age or older shall not be required to pay a**
23 **renewal fee.**

~~[324.427.]~~ **327.735.** It is unlawful for any person to advertise or indicate to the public
2 that the person is a ~~[registered]~~ **licensed** interior designer in this state, unless such person is

3 ~~[registered]~~ **licensed** as a ~~[registered]~~ **licensed** interior designer by the ~~[division]~~ **board** and is
4 in good standing pursuant to sections ~~[324.400 to 324.439]~~ **327.700 to 327.740**.

~~[324.430-]~~ **327.740**. No person may use the designation ~~[registered]~~ **licensed** interior
2 designer in Missouri, unless the ~~[division]~~ **board** has issued a current ~~[certificate of~~
3 ~~registration]~~ **license** certifying that the person has been duly ~~[registered]~~ **licensed** as a
4 ~~[registered]~~ **licensed** interior designer in Missouri and unless such ~~[registration]~~ **license** has
5 been renewed or reinstated as provided in section ~~[324.418]~~ **327.730**.

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

3 (1) "Design professional", an architect, landscape architect, professional land
4 surveyor, ~~[or]~~ professional engineer, **or licensed interior designer** licensed under the
5 provisions of chapter 327 or any corporation authorized to practice architecture, landscape
6 architecture, land surveying, ~~[or]~~ engineering, **or interior design** under section 327.401 while
7 acting within their scope of practice;

8 (2) "Lessons learned", internal meetings, classes, publications in any medium,
9 presentations, lectures, or other means of teaching and communicating after substantial
10 completion of the project which are conducted solely and exclusively by and with the
11 employees, partners, and coworkers of the design professional who prepared the project's
12 design for the purpose of learning best practices and reducing errors and omissions in design
13 documents and procedures. Lessons learned shall not include presentations, lectures,
14 teaching, or communication made to or by third parties who are not employees, partners, and
15 coworkers of the design professional whose work is being evaluated and discussed;

16 (3) "Peer review process", a process through which design professionals evaluate,
17 maintain, or monitor the quality and utilization of architectural, landscape architectural, land
18 surveying, ~~[or]~~ engineering services, **or interior design services**, prepare internal lessons
19 learned, or exercise any combination of such responsibilities;

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

23 2. A peer review process shall only be performed by a design professional licensed in
24 any jurisdiction in the United States in the same profession as would be required under
25 chapter 327 to prepare the design documents being reviewed, or in a case requiring multiple
26 professions, by a person or persons holding the proper licenses. A peer review process may
27 be performed by one or more design professionals appointed by the partners, shareholders,
28 board of directors, chief executive officer, quality control director, or employed design
29 professionals of a partnership or of a corporation authorized under section 327.401 to practice
30 architecture, landscape architecture, land surveying, ~~[or]~~ engineering, **or interior design**, or

31 by the owner of a sole proprietorship engaged in one or more of such professions. Any
32 individual identified in this subsection and performing a peer review shall be deemed a peer
33 reviewer.

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

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

45 5. Except for documents related to lessons learned, the interviews, memoranda,
46 proceedings, findings, deliberations, reports, and minutes of the peer review process, or the
47 existence of the same, concerning the professional services provided to a client or member of
48 the public are subject to discovery, subpoena, or other means of legal compulsion for their
49 release to any person or entity and shall be admissible into evidence in any judicial or
50 administrative action for failure to provide appropriate architectural, landscape architectural,
51 land surveying, ~~or~~ engineering, **or interior design** services, subject to applicable rules of
52 the court or tribunal. Except as otherwise provided in this section, no person who was in
53 attendance at, or participated in, any lessons learned process or proceedings shall be permitted
54 or required to disclose any information acquired in connection with or in the course of such
55 proceeding, or to disclose any opinion, recommendation, or evaluation made in a lessons
56 learned process or proceeding; provided, however, that information otherwise discoverable or
57 admissible from original sources is not to be construed as immune from discovery or use in
58 any proceeding merely because it was presented during a lessons learned process or
59 proceeding nor is a member, employee, or agent involved in any such process or proceeding,
60 or other person appearing before a peer reviewer, to be prevented from testifying as to matters
61 within his or her personal knowledge and in accordance with the other provisions of this
62 section, but such witness cannot be questioned about a lessons learned process or proceeding
63 or about opinions formed as a result of such process or proceeding. The disclosure of any
64 memoranda, proceedings, reports, or minutes of a lessons learned proceeding to any person or
65 entity, including but not limited to governmental agencies, professional accrediting agencies,
66 or other design professionals, whether proper or improper, shall not waive or have any effect
67 upon its confidentiality, nondiscoverability, or nonadmissibility.

68 6. Nothing in this section shall limit authority otherwise provided by law of the
69 Missouri board for architects, professional engineers, professional land surveyors, ~~and~~
70 **professional landscape architects, and licensed interior designers** to obtain information by
71 subpoena or other authorized process from a peer reviewer or to require disclosure of
72 otherwise confidential information relating to matters and investigations within the
73 jurisdiction of such licensing board.

 621.045. 1. The administrative hearing commission shall conduct hearings and make
2 findings of fact and conclusions of law in those cases when, under the law, a license issued by
3 any of the following agencies may be revoked or suspended or when the licensee may be
4 placed on probation or when an agency refuses to permit an applicant to be examined upon
5 his or her qualifications or refuses to issue or renew a license of an applicant who has passed
6 an examination for licensure or who possesses the qualifications for licensure without
7 examination:

8 Missouri State Board of Accountancy
9 Missouri State Board for Architects, Professional Engineers, Professional Land
10 Surveyors ~~and~~, **Professional Landscape Architects, and Licensed Interior Designers**
11 Board of Barber Examiners
12 Board of Cosmetology
13 Board of Chiropody and Podiatry
14 Board of Chiropractic Examiners
15 Missouri Dental Board
16 Board of Embalmers and Funeral Directors
17 Board of Registration for the Healing Arts
18 Board of Nursing
19 Board of Optometry
20 Board of Pharmacy
21 Missouri Real Estate Commission
22 Missouri Veterinary Medical Board
23 Supervisor of Liquor Control
24 Department of Health and Senior Services
25 Department of Commerce and Insurance
26 Department of Mental Health
27 Board of Private Investigator Examiners.

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

31 3. The administrative hearing commission is authorized to conduct hearings and make
32 findings of fact and conclusions of law in those cases brought by the Missouri state board for
33 architects, professional engineers, professional land surveyors ~~[and]~~, **professional** landscape
34 architects, **and licensed interior designers** against unlicensed persons under section 327.076.

35 4. Notwithstanding any other provision of this section to the contrary, after August
36 28, 1995, in order to encourage settlement of disputes between any agency described in
37 subsection 1 or 2 of this section and its licensees, any such agency shall:

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

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

45 (3) If no contested case has been filed against the licensee, advise the licensee that the
46 licensee may, either at the time the settlement agreement is signed by all parties, or within
47 fifteen days thereafter, submit the agreement to the administrative hearing commission for
48 determination that the facts agreed to by the parties to the settlement constitute grounds for
49 denying or disciplining the license of the licensee; and

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

53 5. If the licensee desires review by the administrative hearing commission under
54 subdivision (3) of subsection 4 of this section at any time prior to the settlement becoming
55 final, the licensee may rescind and withdraw from the settlement and any admissions of fact
56 or law in the agreement shall be deemed withdrawn and not admissible for any purposes
57 under the law against the licensee. Any settlement submitted to the administrative hearing
58 commission shall not be effective and final unless and until findings of fact and conclusions
59 of law are entered by the administrative hearing commission that the facts agreed to by the
60 parties to the settlement constitute grounds for denying or disciplining the license of the
61 licensee.

62 6. When a holder of a license, registration, permit, or certificate of authority issued by
63 the division of professional registration or a board, commission, or committee of the division
64 of professional registration against whom an affirmative decision is sought has failed to plead
65 or otherwise respond in the contested case and adequate notice has been given under sections
66 536.067 and 621.100 upon a properly pled writing filed to initiate the contested case under
67 this chapter or chapter 536, a default decision shall be entered against the licensee without

68 further proceedings. The default decision shall grant such relief as requested by the division
69 of professional registration, board, committee, commission, or office in the writing initiating
70 the contested case as allowed by law. Upon motion stating facts constituting a meritorious
71 defense and for good cause shown, a default decision may be set aside. The motion shall be
72 made within a reasonable time, not to exceed thirty days after entry of the default decision.
73 "Good cause" includes a mistake or conduct that is not intentionally or recklessly designed to
74 impede the administrative process.

2 ~~[324.406. 1. There is hereby created within the division of~~
3 ~~professional registration a council to be known as the "Interior Design~~
4 ~~Council". The council shall consist of four interior designers and one public~~
5 ~~member appointed by the director of the division. The director shall give due~~
6 ~~consideration to the recommendations by state organizations of the interior~~
7 ~~design profession for the appointment of the interior design members to the~~
8 ~~council. Council members shall be appointed to serve a term of four years;~~
9 ~~except that of the members first appointed, one interior design member and the~~
10 ~~public member shall be appointed for terms of four years, one member shall be~~
11 ~~appointed for a term of three years, one member shall be appointed for a term~~
12 ~~of two years and one member shall be appointed for a term of one year. No~~
13 ~~member of the council shall serve more than two terms.~~

14 ~~2. Each council member, other than the public member, shall be a~~
15 ~~citizen of the United States, a resident of the state of Missouri for at least one~~
16 ~~year, meet the qualifications for professional registration, practice interior~~
17 ~~design as the person's principal livelihood and, except for the first members~~
18 ~~appointed, be registered pursuant to sections 324.400 to 324.439 as an interior~~
19 ~~designer.~~

20 ~~3. The public member shall be, at the time of such person's~~
21 ~~appointment, a citizen of the United States, a registered voter, a person who is~~
22 ~~not and never was a member of the profession regulated by sections 324.400 to~~
23 ~~324.439 or the spouse of such a person and a person who does not have and~~
24 ~~never has had a material financial interest in the providing of the professional~~
25 ~~services regulated by sections 324.400 to 324.439. The duties of the public~~
26 ~~member shall not include the determination of the technical requirements for~~
27 ~~the registration of persons as interior designers.~~

28 ~~4. The provisions of section 324.028 pertaining to members of certain~~
29 ~~state boards and commissions shall apply to all members of the council.~~

30 ~~5. Members of the council may be removed from office for cause.~~
31 ~~Upon the death, resignation or removal from office of any member of the~~
32 ~~council, the appointment to fill the vacancy shall be for the unexpired portion~~
33 ~~of the term so vacated and shall be filled in the same manner as the first~~
34 ~~appointment and due notice be given to the state organizations of the interior~~
35 ~~design profession prior to the appointment.~~

36 ~~6. Each member of the council may receive as compensation an~~
37 ~~amount set by the division not to exceed fifty dollars per day and shall be~~
~~reimbursed for the member's reasonable and necessary expenses incurred in~~

38 the official performance of the member's duties as a member of the council.
39 ~~The director shall establish by rule guidelines for payment.~~

40 7. ~~The council shall meet at least twice each year and guide, advise,~~
41 ~~and make recommendations to the division on matters within the scope of~~
42 ~~sections 324.400 to 324.439. The organization of the council shall be~~
43 ~~established by the members of the council.]~~

~~[324.412. The division shall:~~

2 (1) ~~Employ, within the limits of the appropriations for that purpose,~~
3 ~~such employees as are necessary to carry out the provisions of sections~~
4 ~~324.400 to 324.439;~~

5 (2) ~~Exercise all budgeting, purchasing, reporting and other related~~
6 ~~management functions;~~

7 (3) ~~Recommend prosecution for violations of sections 324.400 to~~
8 ~~324.439 to the appropriate prosecuting or circuit attorney;~~

9 (4) ~~Promulgate such rules and regulations as are necessary to~~
10 ~~administer the provisions of sections 324.400 to 324.439. Any rule or portion~~
11 ~~of a rule, as that term is defined in section 536.010, that is promulgated to~~
12 ~~administer and enforce sections 324.400 to 324.439, shall become effective~~
13 ~~only if the agency has fully complied with all of the requirements of chapter~~
14 ~~536, including but not limited to, section 536.028, if applicable, after August~~
15 ~~28, 1998. If the provisions of section 536.028 apply, the provisions of this~~
16 ~~section are nonseverable and if any of the powers vested with the general~~
17 ~~assembly pursuant to section 536.028 to review, to delay the effective date, or~~
18 ~~to disapprove and annul a rule or portion of a rule are held unconstitutional or~~
19 ~~invalid, the purported grant of rulemaking authority and any rule so proposed~~
20 ~~and contained in the order of rulemaking shall be invalid and void, except that~~
21 ~~nothing in this section shall affect the validity of any rule adopted and~~
22 ~~promulgated prior to August 28, 1998.]~~

~~[324.418. 1. The certificate of registration issued biennially to a~~
2 ~~registered interior designer pursuant to sections 324.400 to 324.439 shall be~~
3 ~~renewed on or before the certificate renewal date accompanied by the required~~
4 ~~fee. The certificate of registration of a registered interior designer which is not~~
5 ~~renewed within three months after the certificate renewal date shall be~~
6 ~~suspended automatically, subject to the right of the holder to have the~~
7 ~~suspended certificate of registration reinstated within nine months of the date~~
8 ~~of suspension if the person pays the required reinstatement fee. Any certificate~~
9 ~~of registration suspended and not reinstated within nine months of the~~
10 ~~suspension date shall expire and be void and the holder of such certificate shall~~
11 ~~have no rights or privileges provided to holders of valid certificates. Any~~
12 ~~person whose certificate of registration has expired may, upon demonstration~~
13 ~~of current qualifications and payment of required fees, be reregistered or~~
14 ~~reauthorized under the person's original certificate of registration number.~~

15 2. ~~Each application for the renewal or reinstatement of a registration~~
16 ~~shall be on a form furnished to the applicant and shall be accompanied by the~~
17 ~~required fees and proof of current completion of at least one unit every two~~
18 ~~years of approved or verifiable continuing education in interior design or~~

19 architecture, immediately prior to such renewal or reinstatement. Ten contact
20 hours constitutes one continuing education unit. Five contact hours of
21 teaching in interior design or architecture constitutes one continuing education
22 unit. One college course credit in interior design or architecture constitutes
23 one continuing education unit.]

2 [324.421. The division shall register without examination any interior
3 designer certified, licensed or registered in a foreign country if the applicant
4 has qualifications which are at least equivalent to the requirements for
5 registration as a registered interior designer in this state and such applicant
pays the required fees.]

2 [324.424. 1. The division shall set the amount of the fees authorized
3 by sections 324.400 to 324.439 by rules and regulations. The fees shall be set
4 at a level to produce revenue which shall not substantially exceed the cost and
5 expense of administering sections 324.400 to 324.439. All fees required
6 pursuant to sections 324.400 to 324.439 shall be paid to and collected by the
7 division of professional registration and transmitted to the department of
8 revenue for deposit in the state treasury to the credit of the "Interior Designer
Council Fund", which is hereby created.

9 2. Notwithstanding the provisions of section 33.080 to the contrary,
10 money in the fund shall not be transferred and placed to the credit of general
11 revenue until the amount in the fund at the end of the biennium exceeds three
12 times the amount of the appropriation to the council for the preceding fiscal
13 year. The amount, if any, in the fund which shall lapse is the amount in the
14 fund which exceeds the appropriate multiple of the appropriations to the
15 council for the preceding fiscal year.]

2 [324.433. The right to use the title of registered interior designer shall
3 be deemed a personal right, based upon the qualifications of the individual,
4 evidenced by the person's current certificate of registration and such certificate
5 is not transferable; except that, a registered interior designer may perform the
6 interior designer's profession through, or as a member of, or as an employee
of, a partnership or corporation.]

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

8 2. The division may cause a complaint to be filed with the
9 administrative hearing commission as provided by chapter 621 against any
10 holder of a certificate of registration required by sections 324.400 to 324.439
11 or any person who has failed to renew or has surrendered the person's
12 certificate of registration for any one or combination of the following reasons:

13 ~~(1) The person has been finally adjudicated and found guilty, or~~
14 ~~entered a plea of guilty or nolo contendere, in a criminal prosecution under the~~
15 ~~laws of any state or of the United States, or of any country, for any offense~~
16 ~~directly related to the duties and responsibilities of the occupation, as set forth~~
17 ~~in section 324.012, regardless of whether or not sentence is imposed;~~

18 ~~(2) Use of fraud, deception, misrepresentation or bribery in securing~~
19 ~~any certificate of registration issued pursuant to sections 324.400 to 324.439 or~~
20 ~~in obtaining permission to take any examination given or required pursuant to~~
21 ~~sections 324.400 to 324.439;~~

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

24 ~~(4) Incompetency, misconduct, gross negligence, fraud,~~
25 ~~misrepresentation or dishonesty in the performance of the functions or~~
26 ~~duties of the profession regulated by sections 324.400 to 324.439;~~

27 ~~(5) Violation of, or assisting or enabling any person to violate, any~~
28 ~~provision of sections 324.400 to 324.439, or of any lawful rule or regulation~~
29 ~~adopted pursuant to such sections;~~

30 ~~(6) Impersonation of any person holding a certificate of registration or~~
31 ~~authority, permit or license or allowing any person to use the person's~~
32 ~~certificate or diploma from any school;~~

33 ~~(7) Disciplinary action against the holder of a certificate of registration~~
34 ~~or other right to perform the profession regulated by sections 324.400 to~~
35 ~~324.439 granted by another state, territory, federal agency or country upon~~
36 ~~grounds for which revocation or suspension is authorized in this state;~~

37 ~~(8) A person is finally adjudged insane or incompetent by a court of~~
38 ~~competent jurisdiction;~~

39 ~~(9) Issuance of a certificate of registration based upon a material~~
40 ~~mistake of fact;~~

41 ~~(10) Use of any advertisement or solicitation which is false,~~
42 ~~misleading or deceptive to the general public or persons to whom the~~
43 ~~advertisement or solicitation is primarily directed, as it relates to the interior~~
44 ~~design profession.~~

45 ~~3. After the filing of a complaint pursuant to subsection 2 of this~~
46 ~~section, the proceedings shall be conducted in accordance with the provisions~~
47 ~~of chapter 536 and chapter 621. Upon a finding by the administrative hearing~~
48 ~~commission that the grounds, provided in subsection 2 of this section, for~~
49 ~~disciplinary action are met, the division shall censure or place the person~~
50 ~~named in the complaint on probation for a period not to exceed five years or~~
51 ~~may suspend the person's certificate for a period not to exceed three years or~~
52 ~~may revoke the person's certificate of registration.]~~

2 ~~[324.439. After twenty four months after August 28, 1998, any person~~
3 ~~who violates any provision of sections 324.400 to 324.439 shall be guilty of a~~
4 ~~class A misdemeanor.]~~

Section B. The repeal of sections 324.406 and 324.424 shall become effective upon
2 notification to the revisor from the director of the division of professional registration of the

3 department of commerce and insurance of the appointment and confirmation of the initial two
4 members of the licensed interior design division of the Missouri board for architects,
5 professional engineers, professional land surveyors, professional landscape architects, and
6 licensed interior designers.

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