

Missouri Revised Statutes

Chapter 327

Architects, Professional Engineers, Land Surveyors and Landscape Architects

August 28, 2013

Definitions.

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

(1) "Accredited degree program from a school of architecture", a degree from any school or other institution which teaches architecture and whose curricula for the degree in question have been, at the time in question, certified as accredited by the National Architectural Accrediting Board; (2) "Accredited school of engineering", any school or other institution which teaches engineering and whose curricula on the subjects in question are or have been, at the time in question certified as accredited by the engineering accreditation commission of the accreditation board for engineering and technology or its successor organization;

(3) "Accredited school of landscape architecture", any school or other institution which teaches landscape architecture and whose curricula on the subjects in question are or have been at the times in question certified as accredited by the Landscape Architecture Accreditation Board of the American Society of Landscape Architects; (4) "Architect", any person authorized pursuant to the provisions of this chapter to practice architecture in Missouri, as the practice of architecture is defined in section 327.091; (5) "Board", the Missouri board for architects, professional engineers, professional land surveyors and landscape architects; (6) "Corporation", any general business corporation, professional corporation or limited liability company; (7) "Landscape architect", any person licensed pursuant to the provisions of sections 327.600 to 327.635 who is qualified to practice landscape architecture by reason of special knowledge and the use of biological, physical, mathematical and social sciences and the principles and methods of analysis and design of the land, has demonstrated knowledge and ability in such areas, and has been duly licensed as a landscape architect by the board on the basis of professional education, examination and experience in landscape architecture; (8) "Licensee", a person licensed to practice any profession regulated under this chapter or a corporation authorized to practice any such profession; (9) "Partnership", any partnership or limited liability partnership;

(10) "Person", any person, corporation, firm, partnership, association or other entity;

(11) "Professional engineer", any person authorized pursuant to the provisions of this chapter to practice as a professional engineer in Missouri, as the practice of engineering is defined in section 327.181;

(12) "Professional land surveyor", any person authorized pursuant to the provisions of this chapter to practice as a professional land surveyor in Missouri as the practice of land surveying is defined in section 327.272.

(L. 1969 S.B. 117, A.L. 1981 S.B. 16, A.L. 1986 H.B. 1163, A.L. 1999 H.B. 343, A.L. 2001 H.B. 567, A.L. 2007 H.B. 780 merged with S.B. 308)

Board established, membership, officers, qualifications of members--how appointed--terms--vacancy, how filled--may sue and be sued--abolishment of council--transfer of powers, duties and funds.

327.031. 1. The "Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects" is hereby established and shall consist of fifteen members: a chairperson, who may be either an architect, a professional engineer, a professional land surveyor, or a landscape architect; three architects, who shall constitute the architectural division of the board; four professional engineers, who shall constitute its professional engineering division; three professional land surveyors, who shall constitute its professional land surveying division; three landscape architects, who shall constitute its landscape architectural division; and a voting public member.

2. After receiving his or her commission and before entering upon the discharge of his or her official duties, each member of

the board shall take, subscribe to and file in the office of the secretary of state the official oath required by the constitution.

3. The chairperson shall be the administrative and executive officer of the board, and it shall be his or her duty to supervise and expedite the work of the board and its divisions, and, at his or her election, when a tie exists between the divisions of the board, to break the tie by recording his or her vote for or against the action upon which the divisions are in disagreement. Each member of the architectural division shall have one vote when voting on an action pending before the board; each member of the professional engineering division shall have one vote when voting on an action pending before the board; each member of the professional land surveying division shall have one vote when voting on an action pending before the board; and each member of the landscape architectural division shall have one vote when voting on an action pending before the board. Every motion or proposed action upon which the divisions of the board are tied shall be deemed lost, and the chairperson shall so declare, unless the chairperson shall elect to break the tie as provided in this section. Eight voting members of the board, including at least one member of each division, shall constitute a quorum, respectively, for the transaction of board business.

4. Each division of the board shall, at its first meeting in each even-numbered year, elect one of its members as division chairperson for a term of two years. Two voting members of each division of the board shall constitute a quorum for the transaction of division business. The chairpersons of the architectural division, professional engineering division, professional land surveying division, and landscape architectural division so elected shall be vice chairpersons of the board, and when the chairperson of the board is an architect, the chairperson of the architectural division shall be the ranking vice chairperson, and when the chairperson of the board is a professional engineer, the chairperson of the professional engineering division shall be the ranking vice chairperson, when the chairperson of the board is a professional land surveyor, the chairperson of the professional land surveying division shall be the ranking vice chairperson, and when the chairperson of the board is a landscape architect, the chairperson of the landscape architectural division shall be the ranking vice chairperson. The chairperson of each division shall be the administrative and executive officer of his or her division, and it shall be his or her duty to supervise and expedite the work of the division, and, in case of a tie vote on any matter, the chairperson shall, at his or her election, break the tie by his or her vote. Every motion or question pending before the division upon which a tie exists shall be deemed lost, and so declared by the chairperson of the division, unless the chairperson shall elect to break such tie by his or her vote.

5. Any person appointed to the board, except a public member, shall be a currently licensed architect, licensed professional engineer, licensed professional land surveyor or registered or licensed landscape architect in Missouri, as the vacancy on the board may require, who has been a resident of Missouri for at least five years, who has been engaged in active practice as an architect, professional engineer, professional land surveyor or landscape architect, as the case may be, for at least ten consecutive years immediately preceding such person's appointment and who is and has been a citizen of the United States for at least five years immediately preceding such person's appointment. Active service as a faculty member while holding the rank of assistant professor or higher in an accredited school of engineering shall be regarded as active practice of engineering, for the purposes of this chapter. Active service as a faculty member, after meeting the qualifications required by section 327.314, while holding the rank of assistant professor or higher in an accredited school of engineering and teaching land surveying courses shall be regarded as active practice of land surveying for the purposes of this chapter. Active service as a faculty member while holding the rank of assistant professor or higher in an accredited school of landscape architecture shall be regarded as active practice of landscape architecture, for the purposes of this chapter. Active service as a faculty member while holding the rank of assistant professor or higher in an accredited school of architecture shall be regarded as active practice of architecture for the purposes of this chapter; provided, however, that no faculty member of an accredited school of architecture shall be eligible for appointment to the board unless such person has had at least three years' experience in the active practice of architecture other than in teaching. The public member shall be, at the time of appointment, a citizen of the United States; a resident of this state for a period of one year and a registered voter; a person who is not and never was a member of any profession licensed or regulated pursuant to this chapter or the spouse of such person; and a person who does not have and never has had a material, financial interest in either the providing of the professional services regulated by this chapter, or an activity or organization directly related to any profession licensed or regulated pursuant to this chapter. All members, including public members, shall be chosen from lists submitted by the director of the division of professional registration. The duties of the public member shall not include the determination of the technical requirements to be met for licensure or whether any person meets such technical requirements or of the technical competence or technical judgment of a licensee or a candidate for licensure.

6. The governor shall appoint the chairperson and the other members of the board when a vacancy occurs either by the expiration of a term or otherwise, and each board member shall serve until such member's successor is appointed and has qualified. Beginning August 28, 2010, the position of chairperson shall rotate sequentially with an architect, then professional engineer, then professional land surveyor, then landscape architect, and shall be a licensee who has previously served as a member of the board. The appointment of the chairperson shall be for a term of four years which shall be deemed to have begun on the date of his or her appointment and shall end upon the appointment of the chairperson's successor. The chairperson shall not serve more than one term. All other appointments, except to fill an unexpired term, shall be for terms of four years; but no person shall serve on the board for more than two consecutive four-year terms, and each four-year term shall be deemed to have begun on the date of the expiration of the term of the board member who is being replaced or reappointed, as the case

may be. Any appointment to the board which is made when the senate is not in session shall be submitted to the senate for its advice and consent at its next session following the date of the appointment.

7. In the event that a vacancy is to occur on the board because of the expiration of a term, then ninety days prior to the expiration, or as soon as feasible after a vacancy otherwise occurs, the president of the Missouri Society of Professional Engineers if the vacancy to be filled requires the appointment of an engineer, the president of the Missouri Society of Professional Surveyors if the vacancy to be filled requires the appointment of a land surveyor, and the president of the Missouri Association of Landscape Architects if the vacancy to be filled requires the appointment of a landscape architect, 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 landscape architects 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 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 landscape architects, 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 landscape architectural division, the landscape architectural 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 and landscape architects established pursuant to this section. Every act performed by or under the authority of the Missouri board for architects, professional engineers, professional land surveyors and landscape architects shall be deemed to have the same force and effect as if performed by the landscape architectural council pursuant to sections 327.600 to 327.635. All rules and regulations of the landscape architectural 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 and landscape architects 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, 2002.

10. Upon appointment by the governor and confirmation by the senate of the landscape architectural division, all moneys deposited in the landscape architectural council fund created in section 327.625* shall be transferred to the state board for architects, professional engineers, professional land surveyors and landscape architects fund created in section 327.081. The landscape architectural council fund shall be abolished upon the transfer of all moneys in it to the state board for architects, professional engineers, professional land surveyors and landscape architects.

(L. 1969 S.B. 117, A.L. 1981 S.B. 16, A.L. 1986 H.B. 1163, A.L. 1988 H.B. 1573, A.L. 1997 S.B. 141, A.L. 1999 H.B. 343, A.L. 2001 H.B. 567, A.L. 2010 H.B. 1692, et al. merged with H.B. 2226, et al.)

*Section 327.625 was repealed by H.B. 567, 2001.

Board, powers and duties--rules, generally, this chapter, procedure.

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 landscape architecture.

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

(L. 1969 S.B. 117, A.L. 1981 S.B. 16, A.L. 1986 H.B. 1163, A.L. 1989 H.B. 190, et al., A.L. 1993 S.B. 52, A.L. 1995 S.B. 3, A.L. 1999 H.B. 343, A.L. 2001 H.B. 567, A.L. 2010 H.B. 1692, et al. merged with H.B. 2226, et al.)

Meetings, when--personnel, employment--compensation of board members.

327.051. 1. The board shall meet at least twice a year at such times and places as are fixed by the board.

2. The board may appoint and employ legal counsel and such board personnel, as defined in subdivision (4) of subsection 10 of section 324.001, as it deems necessary within the appropriation therefor.

3. The board shall keep records of its official acts and decisions and certified copies of any such records attested by the executive director with the board's seal affixed shall be received as evidence in all courts to the same extent as the board's original records would be received.

4. Each member of the board shall receive as compensation an amount set by the board not to exceed fifty dollars for each day devoted to the affairs of the board, and shall be entitled to reimbursement of such member's expenses necessarily incurred in the discharge of such member's official duties.

(L. 1969 S.B. 117, A.L. 1981 S.B. 16, A.L. 1986 H.B. 1163, A.L. 1999 H.B. 343, A.L. 2008 S.B. 788)

Office, where.

327.061. The board shall establish and maintain an office in Jefferson City, Missouri.

(L. 1969 S.B. 117, A.L. 1981 S.B. 16)

Injunction authorized, when.

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

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

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

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

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

(L. 1981 S.B. 16, A.L. 1999 H.B. 343)

Licensure required, penalty for violation--complaint procedure.

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

giving of testimony in a civil or criminal proceeding by a licensed professional.

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

- (1) Engages in or offers to render or engage in the practice of architecture, professional engineering, land surveying, or landscape architecture;
- (2) Uses or employs titles defined and protected by this chapter, or implies authorization to provide or offer professional services, or otherwise uses or advertises any title, word, figure, sign, card, advertisement, or other symbol or description tending to convey the impression that the person is licensed or holds a certificate of authority to practice architecture, professional engineering, land surveying, or landscape architecture;
- (3) Presents or attempts to use another person's license, seal, or certificate of authority as his or her own;
- (4) Attempts to use an expired, suspended, revoked, or nonexistent license or certificate of authority;
- (5) Affixes his or her or another architect's, engineer's, land surveyor's, or landscape architect's seal on any plans, drawings, specifications or reports which have not been prepared by such person or under such person's immediate personal supervision care;
- (6) Gives false or forged evidence of any kind to the board or any member of the board in obtaining or attempting to obtain a certificate of licensure in this state or any other state or jurisdiction;
- (7) Knowingly aids or abets an unlicensed or unauthorized person who engages in any prohibited activity identified in this subsection;
- (8) Violates any provision of the code of professional conduct or other rule adopted by the board; or
- (9) Violates any provision of subsection 2 of section 327.441.

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

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

(L. 2007 H.B. 780 merged with S.B. 308)

Civil penalties may be imposed, when--amount, limit, determination of--settlement requirements.

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

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

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

3. Any final order imposing a civil penalty is subject to judicial review upon the filing of a petition under section 536.100 by any person subject to the penalty.
4. Payment of a civil penalty shall be made within sixty days of filing the order, or if the order is stayed pending an appeal within ten days after the court enters a final judgment in favor of the board. If the penalty is not timely paid, the board shall notify the attorney general. The attorney general may commence an action to recover the amount of the penalty, including reasonable attorney fees and costs and a surcharge of fifteen percent of the penalty plus ten percent per annum on any amounts owed. In such action, the validity and appropriateness of the final order imposing the civil penalty shall not be subject to review.
5. An action to enforce an order under this section may be joined with an action for an injunction.
6. Any offer of settlement to resolve a civil penalty under this section shall be in writing, state that an action for imposition of a civil penalty may be initiated by the attorney general representing the board under this section, and identify any dollar amount as an offer of settlement, which shall be negotiated in good faith through conference, conciliation, and persuasion.
7. Failure to pay a civil penalty by any person licensed under this chapter shall be grounds for refusing to renew or denying reinstatement of a license or certificate of authority.
8. Penalties collected under this section shall be handled in accordance with section 7 of article IX of the Missouri Constitution. Such penalties shall not be considered a charitable contribution for tax purposes.

(L. 2007 H.B. 780 merged with S.B. 308)

Fund established, deposits--expenditures, how paid--transferred to general revenue, when.

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, Land Surveyors and Landscape Architects 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.

(L. 1969 S.B. 117, A.L. 1981 S.B. 16, A.L. 1985 S.B. 99, A.L. 2001 H.B. 567)

Practice of architecture defined.

327.091. Any person practices as an architect in Missouri who renders or offers to render or represents himself or herself as willing or able to render service or creative work which requires architectural education, training and experience, including services and work such as consultation, evaluation, planning, aesthetic and structural design, the preparation of drawings, specifications and related documents, and the coordination of services furnished by structural, civil, mechanical and electrical engineers and other consultants as they relate to architectural work in connection with the construction or erection of any private or public building, building structure, building project or integral part or parts of buildings or of any additions or alterations thereto; or who uses the title "architect" or the terms "architect" or "architecture" or "architectural" alone or together with any words other than "landscape" that indicate or imply that such person is or holds himself or herself out to be an architect.

(L. 1969 S.B. 117, A.L. 1999 H.B. 343)

Unauthorized practice prohibited--persons excepted.

327.101. No person shall practice architecture in Missouri as defined in section 327.091 unless and until there is issued to the

person a license or a certificate of authority certifying that the person has been duly licensed as an architect or authorized to practice architecture, in Missouri, and unless such license has been renewed as hereinafter specified; provided, however, that nothing in this chapter shall apply to the following persons:

- (1) Any person who is an employee of a person holding a currently valid license as an architect or who is an employee of any person holding a currently valid certificate of authority pursuant to this chapter, and who performs architectural work under the direction and continuing supervision of and is checked by one holding a currently valid license as an architect pursuant to this chapter;
- (2) Any person who is a regular full-time employee who performs architectural work for the person's employer if and only if all such work and service so performed is in connection with a facility owned or wholly operated by the employer and which is occupied by the employer of the employee performing such work or service, and if and only if such work and service so performed do not endanger the public health or safety;
- (3) Any holder of a currently valid license as a professional engineer who performs only such architectural work as is incidental and necessary to the completion of engineering work lawfully being performed by such licensed professional engineer;
- (4) Any person who is a landscape architect, city planner or regional planner who performs work consisting only of consultations concerning and preparation of master plans for parks, land areas or communities, or the preparation of plans for and the supervision of the planting and grading or the construction of walks and paving for parks or land areas and such other minor structural features as fences, steps, walls, small decorative pools and other construction not involving structural design or stability and which is usually and customarily included within the area of work of a landscape architect or planner;
- (5) Any person who renders architectural services in connection with the construction, remodeling or repairing of any privately owned building described in paragraphs (a), (b), (c), (d), and (e) which follow, and who indicates on any drawings, specifications, estimates, reports or other documents furnished in connection with such services that the person is not a licensed architect:
 - (a) A dwelling house; or
 - (b) A multiple family dwelling house, flat or apartment containing not more than two families; or
 - (c) A commercial or industrial building or structure which provides for the employment, assembly, housing, sleeping or eating of not more than nine persons; or
 - (d) Any one structure containing less than twenty thousand cubic feet, except as provided in (b) and (c) above, and which is not a part or a portion of a project which contains more than one structure; or
 - (e) A building or structure used exclusively for farm purposes;
- (6) Any person who renders architectural services in connection with the remodeling or repairing of any privately owned building described in paragraphs (a), (c), (d) and (e) of subdivision (5) of this section or for a multiple family dwelling house, flat or apartment containing not more than four families, and who indicates on any drawings, specifications, estimates, reports or other documents furnished in connection with such services that the person is not a licensed architect;
- (7) Any person or corporation who is offering, but not performing or rendering, architectural services if the person or corporation is licensed to practice architecture in the state or country of residence or principal place of business.

(L. 1969 S.B. 117, A.L. 1981 S.B. 16, A.L. 1997 S.B. 171, A.L. 1999 H.B. 343)

Reciprocity for architects licensed in Canada, requirements.

327.106. Notwithstanding any provisions of this chapter to the contrary, any applicant for a license to practice architecture who holds a valid license to practice architecture in Canada shall be licensed to practice architecture in this state, if such applicant holds certification pursuant to the terms of the Inter-Recognition Agreement between the National Council of Architectural Registration Boards (NCARB) and the Canadian Architectural Councils and provided the applicant meets all other qualifications for licensure as an architect as provided in this chapter.

(L. 1998 H.B. 996)

Applicant for license as architect, qualifications.

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

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

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

(L. 1969 S.B. 117, A.L. 1981 S.B. 16, A.L. 1999 H.B. 343, A.L. 2001 H.B. 567)

*Word "license" appears in original rolls.

Application, form, fee.

327.141. Applications for examination and license as an architect shall be typewritten on prescribed forms furnished to the applicant. The application shall contain the applicant's statements showing the applicant's education, experience, results of previous architectural licensing examinations, if any, and such other pertinent information as the board may require. Each application shall contain a statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing the application, subject to the penalties of making a false affidavit or declaration and shall be accompanied by the required fee.

(L. 1969 S.B. 117, A.L. 1981 S.B. 16, A.L. 1999 H.B. 343)

Examination for license, content--passing grade, how determined.

327.151. 1. After the board has determined upon such inquiry and by such methods as it may consider proper that such applicant possesses the qualifications entitling such applicant to be examined, each applicant for examination and license as an architect shall appear before the board or its representatives for examination at the time and place specified by the board in a written notice to each such applicant, provided that an examination shall be given at least once in each calendar year.

2. The written examination or examinations shall be of such form, content and duration as determined by the architectural division of the board to thoroughly test the qualifications of each applicant to practice architecture in Missouri.

3. An applicant to be eligible for license shall make a passing grade on each examination. The "passing grade" shall be fixed by the board but it shall never be higher than the current "passing grade" determined by the National Council of Architectural Registration Boards.

4. Any person who passes the examination or examinations prescribed by the board shall be entitled to be licensed as an architect in Missouri, subject to the other provisions of this chapter.

(L. 1969 S.B. 117, A.L. 1981 S.B. 16, A.L. 1999 H.B. 343)

Reexamination, when.

327.161. If an applicant fails to make the grade specified in section 327.151, the applicant may apply for reexamination, by section, on a form furnished to the applicant. If the application is approved, the applicant may take another examination, no sooner than six months after the date of the failed examination.

(L. 1969 S.B. 117, A.L. 1981 S.B. 16, A.L. 1999 H.B. 343)

Professional license, renewal.

327.171. 1. The professional license, issued to every architect in Missouri, including certificates of authority issued to corporations as provided in section 327.401, shall be renewed on or before the certificate renewal date, provided that the required fee is paid. The board may establish, by rule, continuing education requirements as a condition to renewing the license of an architect, provided that the board shall not require more professional development hours than that which is recommended by the American Institute of Architects or its successor organization, but not to exceed thirty such hours. The license of any architect or the certificate of authority issued to any corporation which is not renewed within three months of the certificate renewal date shall be suspended automatically, subject to the right of the holder of such suspended certificate to have the certificate reinstated within nine months of the date of suspension, if the reinstatement fee is paid. Any license or certificate of authority suspended and not reinstated within nine months of the suspension date, as provided in this section, shall expire and be void and the holder of such expired certificate shall have no rights or privileges under such license or certificate; but any person or corporation whose certificate has expired as provided in this section may within the discretion of the board, upon payment of the required fee, be relicensed or reauthorized under such person's or such corporation's original license number.

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

(L. 1969 S.B. 117, A.L. 1981 S.B. 16, A.L. 1989 H.B. 190, et al., A.L. 1999 H.B. 343)

Inactive license status granted, when, procedure--return to active status, procedure.

327.172. 1. An architect licensed in this state may apply to the board for inactive license status on a form furnished by the board. Upon receipt of the completed inactive status application form and the board's determination that the licensee meets the requirements established by rule, the board shall declare the licensee inactive and shall place the licensee on an inactive status list. A person whose license is inactive shall not offer or practice architecture within this state, but may continue to use the title "architect".

2. If a licensee is granted inactive status, the licensee may return to active status by notifying the board in advance of such intention, by paying appropriate fees as determined by the board, and by meeting all established requirements of the board including the demonstration of current knowledge, competency, and skill in the practice of architecture as a condition of reinstatement.

3. In the event an inactive licensee does not maintain a current license in any state for a five-year period immediately prior to requesting reinstatement, that person may be required to take an examination as the board deems necessary to determine such person's qualifications. Such examination shall cover areas designed to demonstrate the proficiency in current methods of architecture.

(L. 2003 S.B. 478)

Practice as professional engineer defined--use of titles, restrictions.

327.181. 1. Any person practices in Missouri as a professional engineer who renders or offers to render or holds himself or herself out as willing or able to render any service or creative work, the adequate performance of which requires engineering education, training, and experience in the application of special knowledge of the mathematical, physical, and engineering sciences to such services or creative work as consultation, investigation, evaluation, planning and design of engineering works and systems, engineering teaching of advanced engineering subjects or courses related thereto, engineering surveys, the coordination of services furnished by structural, civil, mechanical and electrical engineers and other consultants as they relate to engineering work and the inspection of construction for the purpose of compliance with drawings and specifications, any of which embraces such service or work either public or private, in connection with any utilities, structures, buildings, machines, equipment, processes, work systems or projects and including such architectural work as is incidental to the practice of engineering; or who uses the title "professional engineer" or "consulting engineer" or the word "engineer" alone or preceded by any word indicating or implying that such person is or holds himself or herself out to be a professional engineer, or who shall use any word or words, letters, figures, degrees, titles or other description indicating or implying that such person is a professional engineer or is willing or able to practice engineering.

2. Notwithstanding any provision of subsection 1 of this section, any person using the word "engineer", "engineers", or "engineering", alone or preceded by any word, or in combination with any words, may do so without being subject to disciplinary action by the board so long as such use is reflective of that person's profession or vocation and is clearly not indicating or implying that such person is holding himself or herself out as being a professional engineer or is willing or able to practice engineering as defined in this section.

(L. 1969 S.B. 117, A.L. 1999 H.B. 343, A.L. 2007 H.B. 780 merged with S.B. 308)

Unauthorized practice prohibited, persons excepted.

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

- (1) Any person who is an employee of a person holding a currently valid license as a professional engineer or who is an employee of a person holding a currently valid certificate of authority pursuant to this chapter, and who performs professional engineering work under the direction and continuing supervision of and is checked by one holding a currently valid license as a professional engineer pursuant to this chapter;
- (2) Any person who is a regular full-time employee of a person or any former employee under contract to a person, who performs professional engineering work for such employer if and only if all such work and service so performed is done solely in connection with a facility owned or wholly operated by the employer and occupied or maintained by the employer of the employee performing such work or service;
- (3) Any person engaged in engineering who is a full-time, regular employee of a person engaged in manufacturing operations and which engineering so performed by such person relates to the manufacture, sale or installation of the products of such person;
- (4) Any holder of a currently valid license or certificate of authority as an architect who performs only such engineering work as is incidental and necessary to the completion of architectural work lawfully being performed by such architect;
- (5) Any person or corporation who is offering, but not performing or rendering, professional engineering services if the person or corporation is licensed to practice professional engineering in the state or country of residence or principal place of business.

(L. 1969 S.B. 117, A.L. 1981 S.B. 16, A.L. 1999 H.B. 343)

Applicant for license as professional engineer, qualifications.

327.221. Any person may apply to the board for examination and license as a professional engineer who is over the age of twenty-one, who is of good moral character, and who is a graduate of and holds a degree in engineering from an accredited school of engineering, or who possesses an education which includes at the minimum a baccalaureate degree in engineering, and which in the opinion of the board, equals or exceeds the education received by a graduate of an accredited school, and has acquired at least four years of satisfactory engineering experience, after such person has graduated and has received a degree or education as provided in this section; provided that the board shall by rule provide what shall constitute satisfactory engineering experience based upon recognized education and training equivalents, but in any event such rule shall provide that no more than one year of satisfactory postgraduate work in engineering subjects and that each year of satisfactory teaching of engineering subjects accomplished after a person has graduated from and has received a degree from an accredited school of engineering or after receiving an education as provided in this section shall count as equivalent years of satisfactory engineering experience.

(L. 1969 S.B. 117, A.L. 1981 S.B. 16, A.L. 1983 S.B. 324, A.L. 1999 H.B. 343)

Application, form, fee.

327.231. Applications for examination and license as a professional engineer shall be typewritten on prescribed forms

furnished to the applicant. The application shall contain the applicant's statements showing the applicant's education, experience, results of previous engineering examinations, if any, and such other pertinent information as the board may require. Each application shall contain a statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing such application, subject to the penalties of making a false affidavit or declaration and shall be accompanied by the required fee.

(L. 1969 S.B. 117, A.L. 1981 S.B. 16, A.L. 1999 H.B. 343)

Examination for license two-part, how conducted--practical experience required for part two.

327.241. 1. After the board has determined upon such inquiry and by such methods as it may consider proper that an applicant possesses the qualifications entitling such applicant to be examined, each applicant for examination and licensure as a professional engineer in Missouri shall appear before the board or its representatives for examination at the time and place specified by the board in a written notice to each such applicant, provided that an examination shall be given at least once in each calendar year.

2. The written examination or examinations shall be of such form, content and duration as shall be determined by the board, to thoroughly test the qualifications of each applicant to practice as a professional engineer in Missouri.

3. Any applicant to be eligible for a license must make a grade on each examination of at least seventy percent.

4. The engineering examination shall consist of two parts; the first part may be taken by any person after such person has satisfied the educational requirements of section 327.221, or who is in his or her final year of study in an accredited school of engineering; and upon passing part one of the examination and providing proof that such person has satisfied the educational requirements of section 327.221 and upon payment of the required fee, such person shall be an engineer-intern, subject to the other provisions of this chapter.

5. Any engineer-intern, as defined in subsection 4 of this section, who has acquired at least four years of satisfactory engineering experience, may take part two of the engineering examination and upon passing it shall be entitled to receive a license, subject, however, to the other provisions of this chapter.

6. Notwithstanding the provisions of subsections 4 and 5 of this section, the board may, in its discretion, provide by rule that any person who has graduated from and holds an engineering degree from an accredited school of engineering may thereupon be eligible to take both parts of the engineering examination and that upon passing said examination and acquiring four years of satisfactory engineering experience, after graduating and receiving a degree as aforesaid, shall be entitled to receive a license to practice as a professional engineer, subject, however, to the other provisions of this chapter.

7. Any person who has graduated from and has received a degree in engineering from an accredited school of engineering may then acquire four years of satisfactory engineering experience and thereafter take both parts of the examination and upon passing shall be entitled to receive a license to practice as a professional engineer, subject, however, to the other provisions of this chapter.

8. Any person entitled to be licensed as a professional engineer as provided in subsection 5, 6, or 7 of this section must be so licensed within four years after the date on which he or she was so entitled, and if one is not licensed within the time he or she is so entitled, the engineering division of the board may require him to take and satisfactorily pass such further examination as provided by rule before issuing to him a license.

(L. 1969 S.B. 117, A.L. 1977 S.B. 439, A.L. 1981 S.B. 16, A.L. 1983 S.B. 324, A.L. 1999 H.B. 343)

Reexamination, when.

327.251. If an applicant fails to make the grade specified in section 327.241, such applicant may apply for reexamination on a form to be furnished by the board, and if the application is approved, the applicant may take another examination or examinations at any regularly scheduled examination upon payment of the required fee.

(L. 1969 S.B. 117, A.L. 1981 S.B. 16, A.L. 1999 H.B. 343)

Professional license, renewal.

327.261. 1. The professional license issued to every professional engineer in Missouri, including certificates of authority issued to corporations as hereinafter provided, shall be renewed on or before the license renewal date, provided that the required fee is paid. The board may establish, by rule, continuing education requirements as a condition to renewing the license of a professional engineer, provided that the board shall not require more professional development hours than that which is recommended by the National Council of Examiners for Engineering and Surveying or its successor organization, but not to exceed thirty such hours. The license of any professional engineer or the certificate of authority of any such corporation which is not renewed within three months of the certificate renewal date shall be suspended automatically, subject to the right of the holder of such suspended certificate to have the certificate reinstated within nine months of the date of suspension if the reinstatement fee is paid. Any license or certificate of authority suspended and not reinstated within nine months of the suspension date, as above provided, shall expire and be void and the holder of the expired license or certificate shall have no rights or privileges under such license or certificate; but any person or corporation whose license or certificate has expired as aforesaid may within the discretion of the board, upon payment of the required fee, be relicensed or reauthorized under such person's or such corporation's original license number.

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

(L. 1969 S.B. 117, A.L. 1981 S.B. 16, A.L. 1989 H.B. 190, et al., A.L. 1999 H.B. 343)

Inactive license, requirements--return to active.

327.271. 1. A professional engineer licensed in this state may apply to the board for inactive license status on a form furnished by the board. Upon receipt of the completed inactive status application form and the board's determination that the license meets the requirements established by rule, the board shall declare the licensee inactive and shall place the licensee on an inactive status list. A person whose license is inactive shall not offer or practice professional engineering within this state, but may continue to use the title "professional engineer" or the initials "P.E." after such person's name.

2. If a licensee is granted inactive status, the licensee may return to active status by notifying the board in advance of such intention, by paying appropriate fees as determined by the board, and by meeting all established requirements of the board including the demonstration of current knowledge, competency and skill in the practice of professional engineering as a condition of reinstatement.

3. In the event an inactive licensee does not maintain a current license in any state for a five-year period immediately prior to requesting reinstatement, that person may be required to take the principles and practice of engineering examination.

(L. 1999 H.B. 343)

Practice as professional land surveyor defined.

327.272. 1. A professional land surveyor shall include any person who practices in Missouri as a professional land surveyor who uses the title of "surveyor" alone or in combination with any other word or words including, but not limited to "registered", "professional" or "land" indicating or implying that the person is or holds himself or herself out to be a professional land surveyor who by word or words, letters, figures, degrees, titles or other descriptions indicates or implies that the person is a professional land surveyor or is willing or able to practice professional land surveying or who renders or offers to render, or holds himself or herself out as willing or able to render, or perform any service or work, the adequate performance of which involves the special knowledge and application of the principles of land surveying, mathematics, the related physical and applied sciences, and the relevant requirements of law, all of which are acquired by education, training, experience and examination, that affect real property rights on, under or above the land and which service or work involves:

- (1) The determination, location, relocation, establishment, reestablishment, layout, or retracing of land boundaries and positions of the United States Public Land Survey System;
- (2) Monumentation of land boundaries, land boundary corners and corners of the United States Public Land Survey System;
- (3) The subdivision of land into smaller tracts;
- (4) Creating, preparing, or modifying electronic or computerized data relative to the performance of the activities in

subdivisions (1) to (3) of this subsection;

(5) Consultation, investigation, evaluation, planning, design and execution of surveys;

(6) The preparation of any drawings showing the shape, location, dimensions or area of tracts of land;

(7) Monumentation of geodetic control and the determination of their horizontal and vertical positions;

(8) Establishment of state plane coordinates;

(9) Topographic surveys and the determination of the horizontal and vertical location of any physical features on, under or above the land;

(10) The preparation of plats, maps or other drawings showing elevations and the locations of improvements and the measurement and preparation of drawings showing existing improvements after construction;

(11) Layout of proposed improvements;

(12) The determination of azimuths by astronomic observations.

2. None of the specific duties listed in subdivisions (4) to (12) of subsection 1 of this section are exclusive to professional land surveyors unless they affect real property rights. For the purposes of this section, the term "real property rights" means a recordable interest in real estate as it affects the location of land boundary lines.

3. Nothing in this section shall be construed to preclude the practice of architecture or professional engineering as provided in sections 327.091 and 327.181.

4. Nothing in this section shall be construed to prohibit the subdivision of land pursuant to section 137.185.

(L. 1969 S.B. 117, A.L. 1981 S.B. 16, A.L. 1999 H.B. 343, A.L. 2010 H.B. 1692, et al.)

Unauthorized practice prohibited.

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

(L. 1969 S.B. 117, A.L. 1981 S.B. 16, A.L. 1999 H.B. 343)

Land surveyor-in-training applicant for examination and enrollment, qualifications--certificate issued when.

327.312. 1. Any person may apply to the board for examination and enrollment as a land surveyor-in-training who is over the age of twenty-one, who is of good moral character, who is a high school graduate, or who holds a Missouri certificate of high school equivalence (GED), and either:

(1) Has graduated and received a baccalaureate degree in an approved curriculum as defined by board regulation which shall include at least twelve semester hours of approved surveying course work as defined by board regulation of which at least two semester hours shall be in the legal aspects of boundary surveying; or

(2) Has passed at least sixty hours of college credit which shall include credit for at least twenty semester hours of approved surveying course work as defined by board regulation of which at least two semester hours shall be in legal aspects of boundary surveying and present evidence satisfactory to the board that in addition thereto such person has at least one year of combined professional office and field experience in land surveying projects under the immediate personal supervision of a professional land surveyor; or

(3) Has passed at least twelve semester hours of approved surveying course work as defined by board regulation of which at least two semester hours shall be in legal aspects of land surveying and in addition thereto has at least two years of combined professional office and field experience in land surveying projects under the immediate personal supervision of a professional

land surveyor. Pursuant to this provision, not more than one year of satisfactory postsecondary education work shall count as equivalent years of satisfactory land surveying work as aforementioned.

2. The board shall issue a certificate of completion to each applicant who satisfies the requirements of the aforementioned land surveyor-in-training program and passes such examination or examinations as shall be required by the board.

(L. 1983 H.B. 319, A.L. 1999 H.B. 343)

Application for examination and enrollment, form, content, references, fee, false affidavit, penalty.

327.313. Applications for examination and enrollment as a land surveyor-in-training shall be printed on prescribed forms furnished to the applicant. The application shall contain applicant's statements showing the applicant's education, experience and such other pertinent information as the board may require, including but not limited to three letters of reference, one of which shall be from a professional land surveyor who has personal knowledge of the applicant's land surveying education or experience. Each application shall contain a statement that it is made under oath or affirmation and that the representations are true and correct to the best knowledge and belief of the applicant, subject to the penalties of making a false affidavit or declaration and shall be accompanied by the required fee.

(L. 1983 H.B. 319, A.L. 1999 H.B. 343)

Professional land surveyor, applicant for examination and license, qualifications.

327.314. 1. Any person may apply to the board for examination and licensure as a professional land surveyor who has been enrolled as a land surveyor-in-training and has presented evidence to the satisfaction of the board that said person has acquired at least four years of satisfactory professional field and office experience in land surveying from the date of enrollment as a land surveyor-in-training. This experience shall have been under the immediate personal supervision of a professional land surveyor.

2. At any time prior to January 1, 2006, any applicant enrolled as a land surveyor-in-training under the provisions of subsection (1) or (2) of section 327.312 must have acquired at least two years of satisfactory professional field and office experience in land surveying under the immediate supervision of a professional land surveyor. Any person who applied for enrollment as a land surveyor-in-training under the provisions of subsection (3) of section 327.312 must have acquired at least one year of satisfactory professional field and office experience in land surveying under the immediate supervision of a professional land surveyor.

(L. 1983 H.B. 319, A.L. 1999 H.B. 343, A.L. 2001 H.B. 567)

Application--form--references--fee.

327.321. Applications for examination and licensure as a professional land surveyor shall be typewritten on prescribed forms furnished to the applicant. The application shall contain the applicant's statements showing the applicant's education, experience, results of prior land surveying examinations, if any, and such other pertinent information as the board may require, including but not limited to three letters of reference from professional land surveyors with personal knowledge of the experience of the applicant's land surveying education or experience. Each application shall contain a statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing same, subject to the penalties of making a false affidavit or declaration and shall be accompanied by the required fee.

(L. 1969 S.B. 117, A.L. 1981 S.B. 16, A.L. 1983 H.B. 319, A.L. 1999 H.B. 343)

Examinations, land surveyor-in-training and land surveyors--notice--content--grade required to pass--effect.

327.331. 1. After the board has determined upon such inquiry and by such methods as it may consider proper that an applicant possesses the qualifications entitling such applicant to be examined, each applicant for examination and enrollment as a land surveyor-in-training and for examination and license as a professional land surveyor in Missouri shall appear before the board or its representatives for examination at the time and place specified by the board in a written notice to each such applicant,

provided that an examination shall be given at least once in each calendar year.

2. The written examination or examinations shall be of such form, content and duration as shall be determined by the board to thoroughly test the qualifications of each applicant to become enrolled as a land surveyor-in-training or to become licensed as a professional land surveyor in Missouri.

3. Any applicant to be eligible for enrollment or for license must make a grade on the applicable examination of at least seventy percent.

4. Any person who passes the examination hereinabove specified shall be entitled to be enrolled as a land surveyor-in-training or licensed as a professional land surveyor, as the case may be, in Missouri and shall receive a certificate of enrollment or a license, as the case may be.

(L. 1969 S.B. 117, A.L. 1981 S.B. 16, A.L. 1983 H.B. 319, A.L. 1999 H.B. 343)

Reexamination, when.

327.341. If an applicant fails to make the required grade specified in section 327.331, such applicant may apply for reexamination on a form to be furnished by the board, and if such application is approved, the applicant may take another examination or examinations at such time and place as is specified by the board. The reexamination shall be governed by the provisions of section 327.331.

(L. 1969 S.B. 117, A.L. 1999 H.B. 343)

Professional license renewal--expired or suspended license, renewal procedure--professional development requirements for renewal, exception.

327.351. 1. The professional license issued to every professional land surveyor in Missouri, including certificates of authority issued to corporations as provided in section 327.401, shall be renewed on or before the license or certificate renewal date provided that the required fee is paid. The license of any professional land surveyor or the certificate of authority of any such corporation which is not renewed within three months of the renewal date shall be suspended automatically, subject to the right of the holder of such suspended license or certificate to have it reinstated within nine months of the date of suspension, if the reinstatement fee is paid. Any license or certificate of authority suspended and not reinstated within nine months of the suspension date shall expire and be void and the holder of such expired license or certificate shall have no rights or privileges thereunder, but any person or corporation whose license or certificate has expired may, within the discretion of the board and upon payment of the required fee, be reregistered or relicensed under such person's or corporation's original license number.

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

3. Beginning January 1, 1996, as a condition for renewal of a license issued pursuant to section 327.314, a license holder shall be required to successfully complete twenty units of professional development that meet the standards established by the board regulations within the preceding two calendar years. Any license holder who completes more than twenty units of professional development within the preceding two calendar years may have the excess, not to exceed ten units, applied to the requirement for the next two-year period.

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

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

6. A holder of an inactive license may return such license to an active license to practice professional land surveying by paying the required fee, and either:

(1) Completing one-half of the two-year requirement for professional development multiplied by the number of years of lapsed or inactive status. The maximum requirement for professional development units shall be two and one-half times the two-year requirement. The minimum requirement for professional development units shall be no less than the two-year requirement. Such requirement shall be satisfied within the two years prior to the date of reinstatement; or

(2) Taking such examination as the board deems necessary to determine such person's qualifications. Such examination shall cover areas designed to demonstrate the applicant's proficiency in current methods of land surveying practice.

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

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

(L. 1969 S.B. 117, A.L. 1981 S.B. 16, A.L. 1983 H.B. 319, A.L. 1989 H.B. 190, et al., A.L. 1993 S.B. 27, A.L. 1999 H.B. 343, A.L. 2010 H.B. 1692, et al. merged with H.B. 2226, et al.)

Recording of certain documents not properly executed by land surveyor, prohibited--penalty.

327.361. 1. It shall be unlawful for the recorder of deeds of any county, or the clerk of any city or town, or the clerk or other proper officer of any school, road, drainage, or levee district or other political subdivision of this state, to file or record any map, plat or survey which has been prepared by a person other than a professional land surveyor and which does not have impressed thereon, and affixed thereto, the personal seal and signature of the professional land surveyor by whom or under whose authority and supervision the map, plat or survey was prepared.

2. Any person who violates the provisions of this section is guilty of a class C misdemeanor.

(L. 1969 S.B. 117, A.L. 1981 S.B. 16, A.L. 1999 H.B. 343)

Surveyor exempt from trespass but liable for damages.

327.371. A professional land surveyor licensed pursuant to the provisions of this chapter, together with such professional land surveyor's survey party, who in the course of a land survey finds it necessary to go upon the land of a party or parties other than the one for whom such professional land surveyor is making the survey shall not be guilty of trespass but shall be liable for any damage done to such lands or property.

(L. 1969 S.B. 117, A.L. 1999 H.B. 343)

Board may license architect, professional engineer, land surveyor or landscape architect without examination, when.

327.381. The board shall issue a license to any architect, professional engineer, professional land surveyor or landscape architect who has been licensed in another state, territory or possession of the United States, or in another country, provided that the board is satisfied by proof adduced by such applicant that the applicant's qualifications meet or exceed the requirements for initial licensure in Missouri at the time of the applicant's initial license, 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 the board is satisfied by proof adduced by such applicant that the applicant is of good moral character, and provided further that any such application is accompanied by the required fee which shall be equal to the examination fee.

(L. 1969 S.B. 117, A.L. 1981 S.B. 16, A.L. 1999 H.B. 343, A.L. 2001 H.B. 567)

License, examination requirements.

327.391. The board shall upon application issue a license to any individual who has at least twenty years of satisfactory experience, and who passes the Fundamentals of Land Surveying examination, the Professional Land Surveying examination, and the Missouri state specific examination provided that any such application is accompanied by the required fee.

(L. 1969 S.B. 117, A.L. 1981 S.B. 16, A.L. 1999 H.B. 343, A.L. 2006 H.B. 1494 merged with S.B. 819)

Professional engineering license issued, when.

327.392. 1. The board shall upon application issue a professional engineering license to any individual who holds a degree at the bachelor's level or higher in engineering and who has at least twenty years of satisfactory engineering experience, and who passes part two of the written examination defined in section 327.241, provided that any such application is accompanied by the required fee.

2. The board shall upon application issue a professional engineering license to any individual who holds a degree from an Engineering Accreditation Commission of the Accreditation Board for Engineering and Technology (ABET, INC.) or its equivalent and a doctorate in engineering from an institution that offers Engineering Accreditation Commission programs, and who passes part two of the written examination defined in section 327.241, provided that any such application is accompanied by the required fee. The doctorate degree must be approved by the board for the candidate to qualify.

(L. 2006 H.B. 1494 merged with S.B. 819)

Right to practice not transferable--corporation, certificate of authority required.

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 landscape architect 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 landscape architect may practice his or her profession through the medium of, or as a member or as an employee of, a partnership or corporation if the plans, specifications, estimates, plats, reports, surveys or other like documents or instruments of the partnership or corporation are signed and stamped with the personal seal of the architect, professional engineer, professional land surveyor, or landscape architect by whom or under whose immediate personal supervision the same were prepared and provided that the architect or professional engineer or professional land surveyor or landscape architect who affixes his or her signature and personal seal to any such plans, specifications, estimates, plats, reports or other documents or instruments shall be personally and professionally responsible therefor.

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

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

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

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

(L. 1969 S.B. 117, A.L. 1981 S.B. 16, A.L. 1996 H.B. 1368, A.L. 1999 H.B. 343, A.L. 2003 S.B. 478)

Personal seal, how used, effect of.

327.411. 1. Each architect and each professional engineer and each professional land surveyor and each landscape architect shall have a personal seal in a form prescribed by the board, and he or she shall affix the seal to all final documents including, but not limited to, plans, specifications, estimates, plats, reports, surveys, proposals and other documents or instruments prepared by the licensee, or under such licensee's immediate personal supervision. Such licensee shall either prepare or personally supervise the preparation of all documents sealed by the licensee, and such licensee shall be held personally responsible for the contents of all such documents sealed by such licensee, whether prepared or drafted by another licensee or not.

2. The personal seal of an architect or professional engineer or professional land surveyor or landscape architect shall be the legal equivalent of the licensee's signature whenever and wherever used, and the owner of the seal shall be responsible for the architectural, engineering, surveying, or landscape architectural documents, as the case may be, when the licensee places his or her personal seal on such plans, specifications, estimates, plats, reports, surveys or other documents or instruments for, or to be used in connection with, any architectural or engineering project, survey, or landscape architectural project. Licensees shall undertake to perform architectural, professional engineering, professional land surveying and landscape architectural services only when they are qualified by education, training, and experience in the specific technical areas involved.

3. Notwithstanding any provision of this section, any architect, professional engineer, professional land surveyor, or landscape architect may, but is not required to, attach a statement over his or her signature, authenticated by his or her personal seal, specifying the particular plans, specifications, plats, reports, surveys or other documents or instruments, or portions thereof, intended to be authenticated by the seal, and disclaiming any responsibility for all other plans, specifications, estimates, reports, or other documents or instruments relating to or intended to be used for any part or parts of the architectural or engineering project or survey or landscape architectural project.

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

(L. 1969 S.B. 117, A.L. 1999 H.B. 343, A.L. 2003 S.B. 478, A.L. 2010 H.B. 1692, et al. merged with H.B. 2226, et al.)

Political subdivisions not to use unlicensed architects, professional engineers or professional land surveyors.

327.421. This state and its political subdivisions including counties, cities and towns, or legally constituted boards, agencies, districts, commissions and authorities of this state shall not engage in the construction of public works involving the practice of architecture, engineering or land surveying, unless the architectural and engineering drawings, specifications and estimates and the plats and surveys have been prepared by an architect, professional engineer or professional land surveyor whose license is current and in good standing, as the case may require.

(L. 1969 S.B. 117, A.L. 1999 H.B. 343)

Fees to be set by board, how.

327.431. The board shall set the amount of the fees which this chapter authorizes and requires by rules and regulations promulgated pursuant to section 536.021. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering this chapter.

(L. 1969 S.B. 117, A.L. 1981 S.B. 16)

Denial, revocation, or suspension of license or certificate, grounds for.

327.441. 1. The board may refuse to issue any license or certificate of authority required pursuant to this chapter for one or any

combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant's right to file a complaint with the administrative hearing commission as provided by chapter 621.

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

- (1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by this chapter;
- (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated under this chapter, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;
- (3) Use of fraud, deception, misrepresentation or bribery in securing any license or certificate of authority issued pursuant to this chapter or in obtaining permission to take any examination given or required pursuant to this chapter;
- (4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;
- (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of any profession licensed or regulated by this chapter;
- (6) Violation of, or assisting or enabling any person to violate, any provision of this chapter, or of any lawful rule or regulation adopted pursuant to this chapter;
- (7) Impersonation of any person holding a license or certificate of authority, or allowing any person to use his or her license or certificate of authority, or diploma from any school;
- (8) Disciplinary action against the holder of a license or a certificate of authority, or other right to practice any profession regulated by this chapter granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;
- (9) A person is finally adjudged incapacitated or disabled by a court of competent jurisdiction;
- (10) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by this chapter who is not licensed and currently eligible to practice pursuant to this chapter;
- (11) Issuance of a professional license or a certificate of authority based upon a material mistake of fact;
- (12) Failure to display a valid license or certificate of authority if so required by this chapter or any rule promulgated pursuant to this chapter;
- (13) Violation of any professional trust or confidence;
- (14) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed.

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

(L. 1969 S.B. 117, A.L. 1981 S.B. 16, A.L. 1983 S.B. 44 & 45, A.L. 1999 H.B. 343, A.L. 2007 H.B. 780 merged with S.B. 308)

Disciplinary hearing for censure of license to be held, when.

327.442. 1. At such time as the final trial proceedings are concluded whereby a licensee, or any person who has failed to renew or has surrendered his or her certificate of licensure or authority, has been adjudicated and found guilty, or has entered a plea

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

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

(L. 2009 S.B. 296)

Charges of improper conduct, how filed, contents--administrative hearing commission to hear.

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

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

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

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

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

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

(L. 1969 S.B. 117, A.L. 1986 H.B. 1163, A.L. 1999 H.B. 343)

Contract with unlicensed architect, professional engineer or professional land surveyor unenforceable by them.

327.461. Every contract for architectural or engineering or land surveying services entered into by any person who is not an architect or professional engineer or professional land surveyor, as the case may be, and who is not exempt from the provisions of this chapter, shall be unenforceable by the unlicensed or unauthorized person, whether in contract, quantum meruit or other legal theory, regardless of whether a benefit has been conferred.

(L. 1969 S.B. 117, A.L. 1999 H.B. 343)

Certificate of registration or authority not required, when--definitions.

327.465. 1. As used in this section, the following terms shall mean: (1) "Design-build", a project for which the design and construction services are furnished under one contract; (2) "Design-build contract", a contract between the owner, owner's agent, tenant, or other party and a design-build contractor to furnish the architecture, engineering, and related design services, and the labor, materials, and other construction services required for a specific public or private construction project; (3) "Design-build contractor", any individual, partnership, joint venture, corporation, or other legal entity that furnishes architecture or engineering services and construction services either directly or through subcontracts.

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

- (1) Persons who hold a certificate of registration for the appropriate profession; or
- (2) Corporations that hold current certificates of authority from the board for the appropriate profession.

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

(L. 2002 S.B. 786)

Attorney general to assist board with legal assistance.

327.471. The attorney general of Missouri shall, when requested by the board, render legal assistance in carrying out the provisions of this chapter.

(L. 1969 S.B. 117)

Inconsistent laws repealed.

327.481. Insofar as the provisions of this chapter are in conflict with or inconsistent with the provisions of any other law of this state, the provisions of this chapter shall be controlling.

(L. 1969 S.B. 117)

Definitions.

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

- (1) "Landscape architecture", the performance of professional services, including but not limited to consultations, research, planning, design or responsible supervision in connection with the development of land, in which the dominant purpose of such professional services is the preservation, enhancement or determination of land uses, natural land features, ground cover and planting, naturalistic and esthetic value, settings and approaches to structures or other improvements, natural drainage and the consideration and determination of inherent problems of the land relating to erosion, wear and tear, blight or other hazard;
- (2) "Practice of landscape architecture", the location and arrangement of such tangible objects and features as are incidental

and necessary to the purposes specified in the definition of landscape architecture, but shall not include the design of structures or facilities with separate and self-contained purposes such as are ordinarily included in the practice of engineering or architecture, and shall not include the making of final land plats for official approval or recording.

(L. 1989 H.B. 190, et al. § 1, A.L. 2001 H.B. 567)

License required to use title of landscape architect--architects, professional engineers and land surveyors may provide landscape services without a landscape license.

327.603. 1. One year from the appointment of the landscape architecture division, no person shall practice or offer to practice, or hold himself or herself out as a landscape architect or as being able to practice landscape architecture in this state or to use in connection with his or her name or otherwise assume, or advertise unless he or she is licensed as required by this chapter. Nothing in sections 327.600 to 327.635 shall be construed to require licensing of employees of the state of Missouri or its political subdivisions while performing duties for the state of Missouri or a political subdivision, provided the project does not jeopardize the public health, safety and welfare. Sections 327.600 to 327.635 shall not be construed to prohibit those persons engaged in nursery occupations, gardeners, landscape contractors, home builders or residential developers from preparing planting plans and items incidental thereto, provided the project scope does not jeopardize the public health, safety and welfare; nor shall sections 327.600 to 327.635 be construed to prevent the practice of any other legally recognized profession as governed by applicable law. Nothing contained in this section shall under any circumstances be construed as in anyway affecting the laws relating to the practice, licensing, certification or registration of architects, engineers and land surveyors. An architect, engineer or land surveyor licensed, certified or registered to practice his or her profession or occupation pursuant to the provisions of any law to regulate the practice of such profession or occupation is exempt from licensing as a landscape architect, and nothing contained in this section shall under any circumstances be construed as in anyway precluding an architect or engineer from performing any of the services included within the definition of the term landscape architecture in section 327.600.

2. The licensure requirement shall be waived for those persons who hold a current registration by the division as a landscape architect on or before August 28, 2001, provided that application is made on a form prescribed by the board on or before December 31, 2002. The licensure requirement shall be waived for those persons whose certificates of registration have expired on or before August 28, 2002, by being approved by the board for reinstatement of expired registration and then making application for licensure on a form prescribed by the board on or before December 31, 2002.

(L. 1989 H.B. 190, et al. § 2, A.L. 2001 H.B. 567)

Examination--authority of board--may obtain services of specially trained persons.

327.607. The board shall conduct all examinations, determine which applicants have successfully passed the examinations and recommend each such applicant to the division for licensure as a landscape architect. The board may obtain the services of specially trained and qualified persons or organizations to assist in conducting examinations of applicants for licensure. Certification of an applicant's technical qualifications by the council of landscape architectural registration boards may be accepted by this state's board as establishing such qualifications and the applicant shall not be required to pass any further examination.

(L. 1989 H.B. 190, et al. § 4, A.L. 2001 H.B. 567)

Applicants for examination and licensure as landscape architect--qualifications.

327.612. Any person who is of good moral character, has attained the age of twenty-one years, and has a degree in landscape architecture from an accredited school of landscape architecture and has acquired at least three years satisfactory landscape architectural experience after acquiring such a degree may apply to the board for examination and licensure as a landscape architect.

(L. 1989 H.B. 190, et al. § 6, A.L. 2001 H.B. 567)

Application, form, content, oath or affirmation of truth, penalties for making false affidavit, fee.

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

(L. 1989 H.B. 190, et al. § 7, A.L. 2001 H.B. 567)

Examination--notice to be sent to applicant--to be given annually, content.

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

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

3. Any person who passes the examination prescribed by the board shall be entitled to be licensed as a landscape architect in Missouri, subject to the other provisions of sections 327.600 to 327.635.

(L. 1989 H.B. 190, et al. § 8, A.L. 2001 H.B. 567)

Examination, failure to pass--reexamination, when.

327.619. If an applicant fails to pass the examination, he may make application for reexamination on a form furnished to the applicant, and may take another examination at the next scheduled examination.

(L. 1989 H.B. 190, et al. § 9)

License issuance and renewal, fee--failure to renew, effect--reinstatement fee must be paid when--license not renewed to expire, when--renewal or reregistration form and fee.

327.621. 1. The professional license issued to every landscape architect in Missouri, and certificates of authority issued to corporations under section 327.401, shall be renewed on or before the license renewal date, provided that the required fee is paid. The board may establish, by rule, continuing education requirements as a condition to renewing the license of a landscape architect, provided that the board shall not require more than thirty such hours. The license of a landscape architect or the certificate of authority issued to any corporation which is not renewed within three months of the renewal date shall be suspended automatically, subject to the right of the holder thereof to have such suspended license reinstated within nine months of the date of suspension, if the reinstatement fee is paid. Any license or certificate of authority suspended and not reinstated within nine months of the suspension date shall expire and be void and the holder thereof shall have no rights or privileges thereunder; provided, however, any person or corporation whose license has expired under this section may within the discretion of the board, upon payment of the fee, be relicensed or reauthorized under such person's or such corporation's original license number.

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

(L. 1989 H.B. 190, et al. § 10, A.L. 2001 H.B. 567, A.L. 2007 S.B. 272)

Inactive license status permitted, when.

327.622. 1. A landscape architect licensed in this state may apply to the board for inactive license status on a form furnished by the board. Upon receipt of the completed inactive status application form and the board's determination that the licensee

meets the requirements established by rule, the board shall declare the licensee inactive and shall place the licensee on an inactive status list. A person whose license is inactive shall not offer or practice landscape architecture within this state, but may continue to use the title "landscape architect".

2. If a licensee is granted inactive status, the licensee may return to active status by notifying the board in advance of such intention by paying appropriate fees as determined by the board, and by meeting all established requirements of the board including the demonstration of current knowledge, competency, and skill in the practice of landscape architecture as a condition of reinstatement.

3. In the event an inactive licensee does not maintain a current license in any state for a five-year period immediately prior to requesting reinstatement, that person may be required to take an examination as the board deems necessary to determine such person's qualifications. Such examination shall cover areas designed to demonstrate proficiency in the knowledge of current methods of landscape architecture.

(L. 2007 S.B. 272)

Licensure without examination, persons licensed in another state, when.

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

(L. 1989 H.B. 190, et al. § 11, A.L. 2001 H.B. 567)

Licensure as landscape architect required to use title--limitations as to practice.

327.629. No person shall practice as a landscape architect in Missouri as defined in section 327.600 unless and until the board has issued to him or her a license certifying that he or she has been duly licensed as a landscape architect in Missouri, and unless such licensure has been renewed as provided in section 327.621; provided, however, that nothing in sections 327.600 to 327.635 shall be construed as authorizing a landscape architect to engage in the practice of architecture, engineering, land surveying or to affect or prevent the practice of architecture by an architect licensed pursuant to the laws of this state, or to affect or prevent the practice of engineering by a professional engineer licensed pursuant to the laws of this state, or to affect or prevent the practice of land surveying by a land surveyor licensed pursuant to the laws of this state; or to apply to any person licensed as an architect, professional engineer or land surveyor in this state except that no person shall hold themselves out to be a landscape architect unless licensed pursuant to the provisions of sections 327.600 to 327.635.

(L. 1989 H.B. 190, et al. § 14, A.L. 2001 H.B. 567)

Right to practice as landscape architect personal right and not transferable--may practice as member of partnership or corporation.

327.630. The right to practice as a landscape architect shall be deemed a personal right, based upon the qualifications of the individual, evidenced by his or her license and shall not be transferable; provided, however, that any licensed landscape architect may practice his or her profession through the medium of, or as a member or as an employee of, a partnership or corporation.

(L. 1989 H.B. 190, et al. § 15, A.L. 2001 H.B. 567)

Refusal to issue, renew or reinstate license, procedure--grounds for--penalties that council may invoke.

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

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against

any holder of any license required by section 327.629 or any person who has failed to renew or has surrendered his or her license for any one or any combination of the following causes:

- (1) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution pursuant to the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of the profession regulated pursuant to sections 327.600 to 327.635, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;
- (2) Use of fraud, deception, misrepresentation or bribery in securing any license or authority, permit or license issued pursuant to sections 327.600 to 327.635 or in obtaining permission to take any examination given or required pursuant to sections 327.600 to 327.635;
- (3) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;
- (4) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of the profession regulated by sections 327.600 to 327.635;
- (5) Violation of, or assisting or enabling any person to violate, any provision of sections 327.600 to 327.635, or of any lawful rule or regulation adopted pursuant to such sections;
- (6) Impersonation of any person holding a license or authority, permit or license allowing any person to use his or her certificate or diploma from any school;
- (7) Disciplinary action against the holder of a license or other right to practice the profession regulated by sections 327.600 to 327.635 granted by another state, territory, federal agency, or country upon grounds for which revocation or suspension is authorized in this state;
- (8) A person is finally adjudged insane or incompetent by a court of competent jurisdiction;
- (9) Issuance of a license based upon a material mistake of fact;
- (10) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed.

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

(L. 1989 H.B. 190, et al. § 16, A.L. 2001 H.B. 567)

Laws not directive to state or political subdivision that they employ landscape architects.

327.635. Nothing contained in sections 327.600 to 327.635 shall be considered as a directive to any state department of administration or any political subdivision thereof to employ a landscape architect.

(L. 1989 H.B. 190, et al. § 18)

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