

SECOND REGULAR SESSION

HOUSE BILL NO. 1409

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CAMPBELL.

Read 1st time January 10, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

3560L.01I

AN ACT

To amend chapter 327, RSMo, by adding thereto one new section relating to design-build contracts.

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

Section A. Chapter 327, RSMo, is amended by adding thereto one new section, to be
2 known as section 327.465, to read as follows:

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

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

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

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

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

16 **(1) Persons who hold a certificate of registration for the appropriate profession and**
17 **who are not employees of the design-build contractor; or**

18 **(2) Corporations that hold current certificates of authority from the board for the**

19 appropriate profession.

20 3. Any design-build contractor who performs the design work directly, or who
21 practices architecture, professional engineering, or professional land surveying through
22 the contractor's employees, or who contracts to do so, shall hold a current certificate of
23 registration or certificate of authority from the board for the professional so practiced.

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