

FIRST REGULAR SESSION

# HOUSE BILL NO. 452

## 92ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE PORTWOOD.

Read 1<sup>st</sup> time February 12, 2003, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1350L.011

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### AN ACT

To repeal sections 327.401 and 327.411, RSMo, and to enact in lieu thereof three new sections relating to architects.

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

Section A. Sections 327.401 and 327.411, RSMo, are repealed and three new sections  
2 enacted in lieu thereof, to be known as sections 327.172, 327.401, and 327.411, to read as  
3 follows:

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

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

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

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

16 **in current methods of architecture.**

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

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

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

34 (2) The person or persons who is or are personally in charge and supervises or supervise  
35 the architectural [or], professional engineering [or], professional land surveying, **or landscape**

36 **architectural** activities, as the case may be, of any such corporation in this state shall be licensed  
37 and authorized to practice architecture [or], professional engineering [or], professional land  
38 surveying, **or landscape architect**, as the case may be, as provided in this chapter; and

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

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

8 2. The personal seal of an architect [or], professional engineer [or], professional land  
9 surveyor, **or landscape architect** shall be the legal equivalent of the licensee's signature  
10 whenever and wherever used, and the owner of the seal shall be responsible for the architectural,  
11 engineering [or], surveying, **or landscape architectural** documents, as the case may be, when  
12 the licensee places his or her personal seal on such plans, specifications, estimates, plats, reports,  
13 surveys or other documents or instruments for, or to be used in connection with, any architectural  
14 [or], engineering project [or], survey, **or landscape architectural project**.

15 3. Any architect, professional engineer [or], professional land surveyor, **or landscape**  
16 **architect** may, but is not required to, attach a statement over his or her signature, authenticated  
17 by his or her personal seal, specifying the particular plans, specifications, plats, reports, surveys  
18 or other documents or instruments, or portions thereof, intended to be authenticated by the seal,  
19 and disclaiming any responsibility for all other plans, specifications, estimates, reports, or other  
20 documents or instruments relating to or intended to be used for any part or parts of the  
21 architectural [or], engineering project [or], survey, **or landscape architect**.

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