

OPEN MINUTES
Sub-Committee of the
Missouri Board for Architects, Professional Engineers,
Professional Land Surveyors
and Landscape Architects

April 19, 2012

A Special Sub-Committee meeting of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects met via telephone conference call and was called to order at 1:30 p.m. on Thursday, April 19, 2012. The meeting was declared open for business.

Members Present

Kevin C. Skibiski, Member of the Professional Engineering Division and Chair of the Sub-committee

Kathy W. Achelpohl, Member of the Architectural Division and Member of the Sub-committee

J. Michael Flowers, Members of the Professional Land Surveying Division and Member of the Sub-committee

Jerany Jackson, Member of the Landscape Architectural Division and Member of the Sub-committee

Others Present

Judy Kempker, Executive Director

Sandra Robinson, Executive Assistant

Review Proposed Changes to the Definitions of Architecture, Professional Engineering, Professional Land Surveying and Landscape Architecture as well as Discuss and Attempt to Define, "Incidental Practice"

The Members of the Sub-committee discussed proposed changes to the definitions of Architecture, Professional Engineering, Professional Land Surveying and Landscape Architecture as well as discussed and attempted to define, "Incidental Practice." The Sub-committee Members reviewed the Architectural Division's fully edited version of the draft of the practice of architecture as defined in Section 327.091, RSMo. The Sub-committee Members did not recommend any further changes to the proposed definition of the practice of architecture.

Mr. Skibiski presented proposed changes to Section 327.101, Unauthorized practice prohibited – persons excepted. Mr. Skibiski proposed the following amendments to Section 327.101(5):

(5) Any person who renders architectural services in connection with the construction, remodeling or repairing of any **exempt** privately owned building [described in paragraphs (a), (b), (c), (d), and (3) which follow,] **defined in the Board Rules**, 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)] **(6)** 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.

Mr. Skibiski then presented a Proposed Statute Defining Exempt and Non-Exempt Buildings. The Proposed Rule is as follows:

A. Non-Exempt Buildings

(1) Buildings requiring either an Architect or an Engineer Services

Occupancy Classification	Total Occupant Load/Dwelling Units/Stories	Total Area
A-Assembly	49 or less occupants	350-750 sf

B-Business	49 or less occupants	5,000 sf
M-Mercantile	49 or less occupants	1,500 sf main 3,000 sf upper
Storage	120 or less occupants	Less than 60,000 sf

(2) Buildings requiring both Architects and Engineer Services:

Occupancy Classification	Total Occupant Load/Dwelling Units/Stories	Total Area
A-Assembly	50 or more	more than 350 to 750 sf
B-Business	50 or more	more than 5,000 sf
E-Education	All	
F1, F2 Factory	200 or more	More than 10,000 to 20,000 sf
H-Hazardous	10 or more	2,000 sf or more
I-Institutional	All	
M-Mercantile	50 or more	1,500 sf main 3,000 sf upper
Storage	121 or more	60,000 sf or more
R-1, R-2, R-3, R-4 Residential	4 or more Dwelling Units or More than 3 stories	

(3) Buildings requiring, at a minimum, Engineer Services:

Occupancy Classification	Occupant Load/Dwelling Units/Stories	Total Area
F1, F2 Factory, Utility	199 or less occupants	5,000 to 20,000 sf
H-Hazardous	9 or less occupants	1,999 sf or less

When the work is an addition or alteration to a Classification or Occupancy or Area above, the Building Official should consider the resulting whole area after the addition or alteration, not just the addition or alteration.

B. Exempt Buildings

- (1) A single-family dwelling house,
- (2) A multiple family dwelling house, flat or apartment containing not more than four families, or family dwelling units,
- (3) Any separated garage or storage unit which is appurtenant or accessory to either (1) or (2) above,
- (4) A building or structure used exclusively for farm purposes.

Mr. Skibiski then presented a Proposed Statute defining "Incidental Practice". The Proposed Statute is as follows:

Incidental Practice, Defined

Incidental practice is the performance of other professional services licensed under Chapter 327 that are related to a licensee's work; and is secondary and substantially less in scope and magnitude when compared to the work performed by the licensee in their licensed profession.

This incidental work must be safely and competently performed by the licensee without jeopardizing the health, safety and welfare of the public. The licensee must be qualified by education, training, and experience, as determined by the Board to perform such incidental work.

Upon review by the Members of the Sub-committee, Mr. Flowers recommended to change the word "must" to "shall" in the second paragraph, lines one and three. Mr. Skibiski then stated that he thought that the last sentence in the second paragraph should be amended to read, **"The licensee must be qualified by education, training, and experience, as determined by the Board and in Sections 327.091, 327.181, 327.272 and 327.600, RSMo, to perform such incidental work."**

Lastly, Mr. Skibiski presented an Amendment to Section 327.191, RSMo. It is as follows:

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, **if required**, 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, **and does not affect the health, safety, and welfare of the public;**

(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 **that does not affect the health, safety, and welfare of the public;**

(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.

Mr. Flowers stated that the Professional Land Surveying Division Members chose not to submit any changes, edits, or additions to the Missouri Revised Statutes (Section 327.272, RSMo) defining "Professional Land Surveying" at this time.

Ms. Jackson stated that she had made changes to Chapter 327, which included the addition of "Professional" to the title Landscape Architect and the elimination of the waiver allowing an Architect, Professional Engineer, or Professional Land Surveyor to practice Landscape Architecture. Other changes made were to the grammar and minor "clean-up" to Chapter 327.

Adjournment

There being no further business, on motion of Ms. Jackson seconded by Ms. Achelpohl and unanimously carried, the meeting was adjourned at 2:30 p.m. on Thursday, April 19, 2012.

Executive Director

Approved by Board on: _____