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ATTORNEY GENERAL

OFFICES OF THE
ATTORNEY GENERAL OF MISSOURI
JEFFERSON CITY

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OPINION LETTER NO. 72

Honorable Wesley A. Miller
Representative, District 121
801 East First Street
Washington, Missouri 63090

Dear Representative Miller:

This letter is written in response to your request for an official Attorney General's opinion concerning the following question:

"What types of buildings in Missouri require building plans and specifications to be prepared by registered architects or engineers?"

Section 327.091, RSMo 1969, defines the practice of architecture as follows:

"Any person practices architecture in Missouri who renders or offers to render or represents himself 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."

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Section 327.101, RSMo 1969, prohibiting the unauthorized practice of architecture provides as follows:

"No person shall practice architecture in Missouri as defined in section 327.091 unless and until the board has issued to him a certificate of registration or a certificate of authority certifying that he has been duly registered as an architect or authorized to practice architecture, in Missouri, and unless such certificate has been renewed each year 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 certificate of registration as an architect or who is an employee of any person holding a currently valid certificate of authority under this chapter, and who performs architectural work under the direction and continuing supervision of and is checked by one holding a currently valid certificate of registration as an architect under this chapter;

(2) Any person who is a regular full-time employee who performs architectural work for his 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 certificate as a registered professional engineer who performs only such architectural work as is incidental and necessary to the completion of engineering work lawfully being performed by such registered 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

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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 he is not a registered 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."

Generally, Section 327.101 prohibits an individual from engaging in the practice of architecture as above defined unless said individual has been duly registered as an architect by the Missouri State Board of Architects, Professional Engineers and Land Surveyors. This statutory section does, however, provide for certain exceptions to the general rule that one must be licensed as an architect before he practices architecture. As related to your question, for example, a person registered by the

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Board of Architects, Professional Engineers and Land Surveyors as a professional engineer may practice architecture when he ". . . performs only such architectural work as is incidental and necessary to the completion of engineering work lawfully being performed by such registered professional engineer;" Section 327.101(3), RSMo. Section 327.101(5), RSMo, further excepts from registration as an architect those persons who perform architectural services in connection with the following designated privately owned buildings:

"(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."

Architectural services in regard to the above-specified types of buildings can be performed by one not registered as an architect only if the individual concerned affirmatively indicates ". . . on any drawings, specifications, estimates, reports or other documents furnished in connection with such services that he is not a registered architect: . . ."

Section 327.111, RSMo 1969, provides as follows:

"Any person who practices architecture in Missouri as defined in section 327.091, who is not exempt under the proviso of section 327.101, or who is not the holder of a currently valid certificate of registration to practice architecture in Missouri, or who pretends or attempts to use as his own the certificate of registration or the seal of another architect or who affixes his or another registered architect's seal on any plans, specifications,

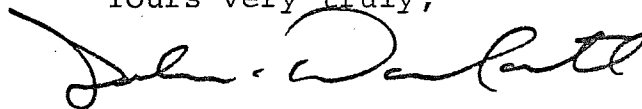
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drawings, or reports which have not been prepared by him or under his immediate personal supervision, is guilty of a misdemeanor, and upon conviction thereof shall be punished therefor by confinement in the county jail for a period of not less than six nor more than twelve months or by a fine of not less than five hundred dollars nor more than fifteen hundred dollars, or by both such fine and confinement."

In relation to the question you have posed, therefore, the practice of architecture, as defined by Section 327.091, can lawfully be performed only by an individual licensed as an architect by the Board of Architects, Professional Engineers and Land Surveyors, except that a licensed professional engineer may engage in the practice of architecture incidental to lawfully performed engineering work, and except that a person not licensed as an architect by the state of Missouri may render architectural services in regard to the types of buildings specifically enumerated by Section 327.101(5), RSMo.

We have answered only the precise question you asked, and we do not rule on the question whether building permits could or should be denied if building plans are prepared by persons other than persons duly registered as architects or authorized to practice architecture in Missouri.

Yours very truly,



JOHN C. DANFORTH
Attorney General