

AIA LEGAL BRIEF – JULY 2008

Some Missouri Licensing Board Changes . . . You Might Have Missed

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I know it is hard to keep abreast of each and every new law and regulation affecting the practice of architecture. Therefore, let this Article serve as an update on two new (and important) regulations that may impact you. Both enacted December 30, 2007, the first deals with the all important “standard of care” while the second deals with “title blocks.”

Standard of Care

Most design professionals are undoubtedly aware of the term “standard of care” and know that it carries a great deal of importance in the practice of architecture. But why is it important? Let’s begin with establishing “what is” the standard of care. The term “standard of care” is used by courts to define “negligence” or “malpractice” by a professional, whether that be an architect, an engineer, a doctor or a lawyer. In short, the “standard of care” can be likened to a measuring stick or dividing line; that is, conduct that falls below the established “standard of care” results in a finding of negligence by the professional. Probably the most oft cited Missouri case commenting on an architect’s standard of care is the Federal Court of Appeal’s decision in *Aetna Insurance Co. v. Hellmuth Obata & Kassabaum, Inc.*, 392 F.2d 472 (8th Cir. 1968). In that case the court stated:

[A]n architect is not a guarantor or an insurer but as a member of a learned and skilled profession he is under a duty to exercise the ordinary, reasonable technical skill, ability and competence that is required of an architect in a similar situation.

The standards of reasonable care, which apply to the conduct of architects, are the same as those applying to lawyers, doctors, engineers, and like professional men engaged in furnishing skilled services for compensation . . .

Now that we know what “standard of care” means, let’s turn to how it has changed. The recently enacted 20 CSR 2030-2.040, entitled “Standard of Care,” provides in part:

The board shall use, in the absence of any local building code, Section 106 only of the 2006 edition of the International Building Code, not including or applying any other sections referenced within Section 106, as the standard of care in determining the appropriate conduct for any professional licensed or regulated by this chapter and being evaluated under section 327.441.2(5), RSMo.

To fully understand what this means you must first know what Section 106 of the International Building Code (“IBC”) and Section 327.441.2(5) refers to. Section 106 of the IBC is entitled “Construction Documents” and contains information on construction documents, site plans, examination of documents, design professional in responsible charge, amended construction documents and retention of construction documents. Missouri Revised Statutes Section 327.441.2(5) permits the Missouri Board of Professional Registration to cause a complaint to be filed with the administrative hearing commission against a Missouri licensed architect, engineer,

landscape architect or surveyor for alleged “incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of any profession licensed or regulated by [Chapter 327].” Taken together, newly enacted 20 CSR 2030-2.040 allows the Board to use Section 106 of the International Building Code, in the absence of a local building code, as the “standard of care” or “measuring stick” when evaluating a licensed professional’s actions in a disciplinary hearing. In sum, when working on projects in areas which do not have local building codes, be sure to become familiar with the International Building Code, specifically Section 106.

Title Blocks

Like snowflakes, not one title block is the same. New regulation 20 CSR 2030-2.050 may change this, however, and add some consistency to the information that is found on all title blocks. Per 20 CSR 2030-2.050, all architectural, engineering or landscape architectural title blocks on all drawings and other documents required to be signed and sealed by Missouri law must, at a minimum, contain the following information:

- (A) The name of the licensee either as a sole proprietor, partnership, corporation, limited liability company or other appropriate entity;
- (B) The licensee’s address and phone number;
- (C) Name or identification of project;
- (D) Address/location of project (city/county and state);
- (E) Date prepared;
- (F) Space for the licensee’s signature, date and seal;
- (G) The printed name, discipline and license number of the person sealing the document; and
- (H) The printed name, discipline and certificate of authority number of the corporation as defined in section 327.011, RSMo.

Does all of this information already show up on your firm’s standard title block? How about the “printed name, discipline and certificate of authority number” of your corporation? Although your title block may differ in form, functionally it must conform with regulation 20 CSR 2030-2.050 as follows:

RIVERFRONT DEVELOPMENT PROJECT		(SEAL & SIGNATURE)
KANSAS CITY, MISSOURI		
DRAWING NO.	DATE: 07/12/08	
A 1	SCALE: 1/4" = 1'-0"	
	KANSAS CITY ARCHITECTURE FIRM, L.L.C. ARCHITECTURAL CORPORATION MISSOURI LICENSE NO. 000700 1234 MAIN STREET KANSAS CITY, MISSOURI 64105 816-555-1234	
FLOOR PLAN		JOHN L. DOE
		ARCHITECT
		LICENSE NO. A-0000000

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The full Missouri Board for Architects regulations are available on the Board's web site at <http://www.sos.mo.gov/adrules/csr/current/20csr/20c2030-2.pdf>.