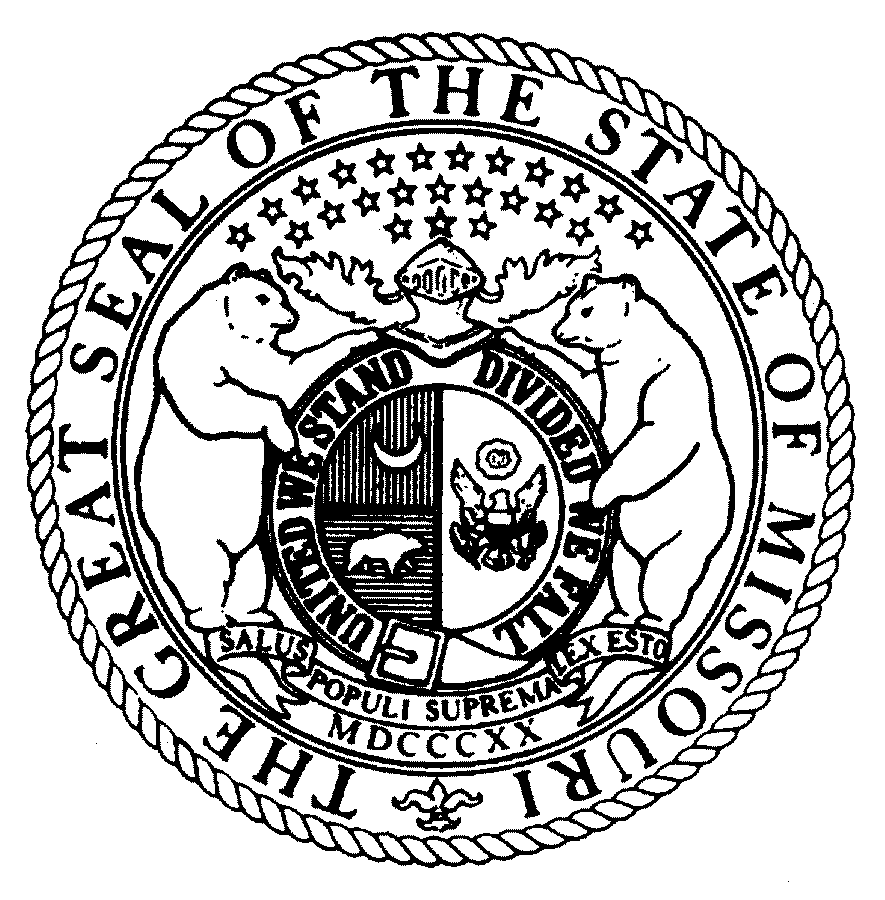
**Missouri Revised Statutes for Professional Land Surveyors**

**Selected statutes applicable to the practice of Land Surveying in Missouri**



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**August 05, 2022**

This booklet contains most of the surveying statutes utilized by the Professional Land Surveyor.

They include those statutes from the state board of registration, continuing education, licensure, the United States Public Land Survey System, State Surveyor’s office-within the Missouri Department of Agriculture, county surveyors, state boundaries, recording requirements, subdivision plats, swamplands-islands and abandoned riverbeds, establishment and evidence of boundaries and titles to land, fence laws, and cemetery registration.

Disclaimer: Revision of statutes, not an official copy. For a comprehensive list of all Missouri Revised Statutes refer to the official state web site at http://www.moga.mo.gov

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**Chapter 7 - State Boundaries**

**Explanatory Note.**

**7.001** Explanatory Note.--The boundaries of the state of Missouri have been fixed as follows:

The enabling act of Congress (March 6, 1820), authorizing the admittance of Missouri into the Union, described the boundaries of Missouri as follows: (Section 2, Act of Admission, RSMo 1959, Volume 5)

"Beginning in the middle of the Mississippi River, on the parallel of thirty-six degrees of north latitude; thence west, along that parallel of latitude, to the St. Francis River; thence up and following the course of that river, in the middle of the main channel thereof, to the parallel of latitude thirty-six degrees and thirty minutes; thence west along the same to a point where the said parallel is intersected by a meridian line passing through the middle of the mouth of the Kansas River, where the same empties into the Missouri River; thence from the point aforesaid, north, along the said meridian line, to the intersection of the parallel of latitude which passes through the rapids of the river Des Moines, making the said line to correspond with the Indian boundary line; thence east from the point of intersection last aforesaid, along the said parallel of latitude, to the middle of the channel of the main fork of the said river Des Moines; thence down and along the middle of the main channel of the said river Des Moines, to the mouth of the same, where it empties into the Mississippi River; thence due east to the middle of the main channel of the Mississippi River; thence down and following the course of the Mississippi River, in the middle of the main channel thereof, to the place of beginning."

The present counties of Atchison, Nodaway, Holt, Andrew, Buchanan and Platte, located in the northwestern corner of the state were not then included within the boundaries. These six counties were acquired by what is known as "The Platte Purchase", an act of Congress, approved June 7, 1836 (U.S. Statutes at Large, 34, entitled "An Act to extend the western boundary of the State of Missouri to the Missouri River"). In Cooley v. Golden, 52 Mo.App. 229, it was decided that this carried the western boundary of the state to the center of the channel of the Missouri River and that Missouri and Nebraska have concurrent jurisdiction over the river.

In 1849 a dispute arose between Missouri and Iowa as to the true location of the boundary line dividing the two states. An action was filed in the United States Supreme Court and it was determined that the northern boundary of Missouri was the Osage line as run by Sullivan in 1816, from the northwest corner made by him to the Des Moines River; and that a line extended due west from said northwest corner to the Missouri River was the proper northern boundary of the territory included in the Platte Purchase. (Missouri v. Iowa, 7 How. 660.)

In 1870 an action was filed in the Supreme Court of the United States to establish the boundary between the states of Missouri and Kentucky at a point on the Mississippi River, twenty miles below the mouth of the Ohio, known as Wolf Island. It was determined that the boundary line ran along the center of the main channel of the river, as the river had been in 1820 at the time Missouri was admitted into the Union. It was found that at that time the main channel of the Mississippi had been on the western side of Wolf Island. Thus, Wolf Island was within the Kentucky boundary. (Missouri v. Kentucky, 11 Wall. 395.)

Again in 1937, Missouri commenced suit against Iowa in the Supreme Court of the United States to determine the boundary between Clark County in the state of Missouri and Lee County in the state of Iowa. A stipulation was filed whereby it was proposed that the legislatures of Missouri and Iowa pass like bills, Missouri relinquishing to Iowa all jurisdiction to lands lying north and east of the Des Moines River then in Clark County, Missouri, and Iowa relinquishing to Missouri all lands lying south and west of the Des Moines River, then in Lee County, Iowa. Missouri and Iowa each passed such bill. (Laws of Missouri, 1939, p. 476; Iowa, 48th general assembly, chapter 304.) The acts were submitted to the Congress of the United States and approved August 10, 1939. (Pub. Res. No. 74, 76th Congress.)

A controversy over the boundary between Missouri and Kansas is made the subject of a 1949 act (Laws of Missouri 1949 page 311) wherein it is provided that "the center of the channel of the Missouri River, as its flow extends from its intersection with the fortieth parallel, north latitude, southward to the middle of the mouth of the Kansas or Kaw River" shall be the boundary between such states. The act was not to become operative unless Kansas enacted a similar law relinquishing sovereignty over lands lying on the Missouri side of the center of the channel, within two years from its effective date. The corresponding Kansas law appears in General Statutes of Kansas of 1949, sections 82a-521 to 82a-527. (1955) Where island, formed on Kansas side of Missouri river, as a result of a channel change during the flood of 1944, became attached to Holt County, Missouri, it became a part of Holt County under Laws 1949, p. 311, and corresponding Kansas and federal acts. Hall v. Hudgins (Mo.), 277 S.W.2d 637.

In 1981, the 1st regular session of the 81st general assembly, by House Bill No. 147, acted to settle a boundary dispute with the state of Kansas concerning certain property in the vicinity of the French Bottoms near St. Joseph, Missouri. The general assembly ratified and affirmed a boundary survey which set the boundary line as the thalweg line (deep water line) of the channel of the Missouri River, abandoned by avulsion in April, 1952. The corresponding Kansas law appears in Kansas Statutes Annotated 1980 Supplement, sections 82a-527a and 82a-527b. Ratified by Congress by H.R. 4048. Signed by the President on October 16, 1981.

**Explanatory Note: Changes in the course of the Missouri River which serves as boundary between the states of Missouri and Nebraska necessitated this compact.**

**7.002.** That on and after the approval and consent of the Congress of the United States of America to this act and a similar or reciprocal act enacted by the legislature of the state of Nebraska, as hereinafter provided, the boundary line between the states of Missouri and Nebraska shall be as follows: MISSOURI-NEBRASKA BOUNDARY COMPACT

ARTICLE I. Findings and Purposes

(a) The states of Missouri and Nebraska find that there are actual and potential disputes, controversies, criminal proceedings and litigation arising or which may arise out of the location of the boundary line between the states of Missouri and Nebraska; that the Missouri River constituting the boundary between the states has changed its course from time to time, and that the United States Army Corps of Engineers has established a main channel of such river for navigation and other purposes, which main channel is identified on maps jointly certified by the state surveyors of Missouri and Nebraska and identified as the "Missouri-Nebraska Boundary Maps", which maps are incorporated in this act and made part of this act by reference, and which maps shall be filed with the secretaries of state of Missouri and Nebraska.

(b) It is the principal purpose of the states of Missouri and Nebraska in executing the compact to establish an identifiable compromise boundary between the state of Missouri and the state of Nebraska for the entire distance thereof as of the effective date of the compact without interfering with or otherwise affecting private rights or titles to property, and the states of Nebraska and Missouri declare that further compelling purposes of the compact are:

(1) To create a friendly and harmonious interstate relationship;

(2) To avoid multiple exercise of sovereignty and jurisdiction including matters of taxation, judicial and police powers and exercise of administrative authority;

(3) To encourage settlement and disposition of pending litigation and criminal proceedings and avoid or minimize future disputes and litigation;

(4) To promote economic and political stability;

(5) To encourage the optimum mutual beneficial use of the Missouri River, its waters and its facilities;

(6) To establish a forum for settlement of future disputes;

(7) To place the boundary in a location which can be identified or located; and

(8) To express the intent and policy of the states that the common boundary be established within the confines of the Missouri River and both states shall continue to have access to and use of the waters of the river.

ARTICLE II. Establishment of Boundary

The permanent compromise boundary line between the states of Missouri and Nebraska shall be fixed at the center line of the main channel of the Missouri River as of the effective date of the compact, except for that land known as McKissick's Island as determined by the Supreme Court of the United States to be within the state of Nebraska in the case of Missouri v. Nebraska, 196 U.S. 23, and 197 U.S. 577, all of which is identified on maps jointly prepared and certified by the state surveyors of Missouri and Nebraska and identified as the "Missouri-Nebraska Boundary Compact Maps", incorporated in this act and made a part of this act by reference, and which maps shall be filed with the secretaries of state of Missouri and Nebraska. This center line of the main channel of the Missouri River between the states is also described in this act by metes and bounds on the "Missouri-Nebraska Boundary Compact Maps" incorporated in this act by reference and made a part of this act. This center line of the main channel of the Missouri River as described on such maps shall be referred to as the "compromise boundary".

ARTICLE III. Relinquishment of Sovereignty

The state of Missouri hereby relinquishes to the state of Nebraska all sovereignty over all lands lying on the Nebraska side of such compromise boundary and the state of Nebraska hereby relinquishes to the state of Missouri all sovereignty over all lands lying on the Missouri side of such compromise boundary except for that land known as McKissick's Island which is identified on the "Missouri-Nebraska Boundary Compact Maps" incorporated in this act by reference and made a part of this act.

ARTICLE IV. Pending Litigation

Nothing in the act shall be deemed or construed to affect any litigation pending in the courts of either of the states of Missouri or Nebraska as of the effective date of the compact concerning the title to any of the lands, sovereignty over which is relinquished by the state of Missouri to the state of Nebraska or by the state of Nebraska to the state of Missouri and any matter concerning the title to lands, sovereignty over which is relinquished by either state to the other, may be continued in the courts of the state where pending until the final determination thereof.

ARTICLE V. Public Records

(a) The public record of real estate titles, mortgages and other liens in the state of Missouri to any lands, the sovereignty over which is relinquished by the state of Missouri to the state of Nebraska, shall be accepted as evidence of record title to such lands, to and including the effective date of such relinquishment by the state of Missouri, by the courts of the state of Nebraska.

(b) The public record of real estate titles, mortgages and other liens in the state of Nebraska to any lands, the sovereignty over which is relinquished by the state of Nebraska to the state of Missouri, shall be accepted as evidence of record title to such lands, to and including the effective date of such relinquishment by the state of Nebraska, by the courts of the state of Missouri.

(c) As to lands, the sovereignty over which is relinquished, the recording officials of the counties of each state shall accept for filing documents of title using legal descriptions derived from the land descriptions of the other state. The acceptance of such documents for filing shall have no bearing upon the legal effect or sufficiency thereof.

ARTICLE VI. Taxes

(a) Taxes lawfully imposed by either Missouri or Nebraska may be levied and collected by such state or its authorized governmental subdivisions and agencies on land, jurisdiction over which is relinquished by the taxing state to the other, and any liens or other rights accrued or accruing, including the right of collection, shall be fully recognized and the county treasurers of the counties or other taxing authorities affected shall act as agents in carrying out the provisions of this article; provided, that all liens or other rights arising out of the imposition of taxes, accrued or accruing, shall be claimed or asserted within five years after the compact becomes effective and if not so claimed or asserted shall be forever barred.

(b) The lands, sovereignty over which is relinquished by the state of Missouri to the state of Nebraska, shall not thereafter be subject to the imposition of taxes in the state of Missouri from and after the effective date of the compact. The lands, sovereignty over which is relinquished by the state of Nebraska to the state of Missouri, shall not thereafter be subject to the imposition of taxes in the state of Nebraska from and after the effective date of the compact.

ARTICLE VII. Private Rights

(a) The compact shall not deprive any riparian owner of such riparian owner's rights based upon riparian law and the establishment of the compromise boundary between the states shall not in any way be deemed to change or affect the boundary line of riparian owners along the Missouri River as between such owners. The establishment of the compromise boundary shall not operate to limit such riparian owner's rights to accretions across such compromise boundary.

(b) No private individual or entity claims of title to lands along the Missouri River, over which sovereignty is relinquished by the compact, shall be prejudiced by the relinquishment of such sovereignty and any claims or possessory rights necessary to establish adverse possession shall not be terminated or limited by the fact that the jurisdiction over such lands may have been transferred by the compact. Neither state will assert any claim of title to abandoned beds of the Missouri River, lands along the Missouri River, or the bed of the Missouri River based upon any doctrine of state ownership of the beds or abandoned beds of navigable waters, as against any land owners or claimants claiming interest in real estate arising out of titles, monuments of title, or exercises of jurisdiction of or from the other state, which titles or monuments of title commenced prior to the effective date of this compact.

ARTICLE VIII. Readjustment of Boundary by Negotiation

If at any time after the effective date of the compact the Missouri River shall move or be moved by natural means or otherwise so that the flow thereof at any point along the course forming the boundary between the states occurs entirely within one of the states, each state at the request of the other, agrees to enter into and conduct negotiations in good faith for the purpose of readjusting the boundary at the place or places where such movement occurred consistent with the intent, policy and purpose hereof that the boundary will be placed within the Missouri River.

ARTICLE IX. Effective Date

(a) The compact shall become effective on the first day of January of the year after it is ratified by the general assembly of the state of Missouri and the legislature of the state of Nebraska and approved by the Congress of the United States.

(b) As of the effective date of the compact, the state of Missouri and the state of Nebraska shall relinquish sovereignty over the lands described in the compact and shall assume and accept sovereignty over such lands ceded to them as provided in the compact.

(c) In the event the compact is not approved by the general assembly of the state of Missouri and the legislature of the state of Nebraska on or before October 1, 1999, and approved by the Congress of the United States within three years from the date of such approval, the compact shall be inoperative and for all purposes shall be void.

ARTICLE X. Enforcement

Nothing in the compact shall be construed to limit or prevent either state from instituting or maintaining any action or proceeding, legal or equitable, in any court having jurisdiction, for the protection of any right under the compact or the enforcement of any of its provisions.

ARTICLE XI. Amendments

The compact shall remain in full force and effect unless amended in the same manner as that by which it was created.

(L. 1990 H.B. 1063, A.L. 1995 H.B. 35 merged with S.B. 123, A.L. 1997 S.B. 29)

Revisor's note: This compact was first approved by the General Assembly of the State of Missouri on April 18, 1990 and signed by the Governor of Missouri on May 9, 1990. The Legislature of the State of Nebraska took no action from 1990 through 1997. In 1998, Nebraska passed Legislative Bill 59 which was signed by the Governor of Nebraska on April 14, 1998, and became effective on July 15, 1998.

On November 12, 1999, HJR 54, which grants the consent of the United States Congress to the Missouri-Nebraska Boundary Compact, was signed into law by the President of the United States and became Public Law 106-101.

**Chapter 46 - Establishment and Boundaries of Counties**

**Boundaries by watercourses.**

**46.010.** Whenever a county is bounded by a watercourse, it shall be construed to be the middle of the main channel thereof; and range, township and sectional lines shall be construed as conforming to the established surveys.

(RSMo 1939 § 13664)

Prior revisions: 1929 § 12005; 1919 § 9407; 1909 § 3624

**Surveying of county lines.**

**46.015.** When it shall appear to the satisfaction of any county commission that the boundaries of such county are not sufficiently ascertained, the county commission shall issue an order to the county surveyor, requiring him to ascertain, survey and mark such part thereof as they may designate; and a day shall be named by the commission for the commencement of such survey.

(RSMo 1939 § 13665)

Prior revisions: 1929 § 12006; 1919 § 9408; 1909 § 3625

**Notice thereof to be given.**

**46.020.** It shall be the duty of the commission making such order to give notice thereof, at least ten days prior to running and marking said line, to the commission of the adjacent county, whereupon the commission receiving such notice shall issue an order to the county surveyor, ordering him to proceed, with the surveyor of the county giving notice to survey and mark the line or lines designated in the order.

(RSMo 1939 § 13666)

Prior revisions: 1929 § 12007; 1919 § 9409; 1909 § 3626

**Returns from surveyors.**

**46.025.** The surveyors shall proceed to ascertain, mark and survey the lines designated in said order, and make a return of their proceedings to their respective county commissions, which, if approved by the county commissions, shall be recorded as evidence of the line in controversy.

(RSMo 1939 § 13667)

Prior revisions: 1929 § 12008; 1919 § 9410; 1909 § 3627

**Fees--procedure when one surveyor is absent.**

**46.030.** The fees of the surveyors shall be paid by the counties respectively; and in case either of the surveyors shall fail to attend, the one in attendance may proceed alone to survey and mark the line; in which case he shall make two copies or plats of the line or lines he may run, one whereof he shall return to the county commission of each county, which, being approved of, as aforesaid, shall be recorded in evidence of the line in controversy, and the expenses paid as herein provided.

(RSMo 1939 § 13668)

Prior revisions: 1929 § 12009; 1919 § 9411; 1909 § 3628

**Chapter 59 - County Recorders of Deeds**

**Documents for recording--page, defined--size of type or print--signature requirements--recorder's fee.**

**59.310.** 1. The county recorder of deeds may refuse any document presented for recording that does not meet the following requirements:

(1) The document shall consist of one or more individual pages printed only on one side and not permanently bound nor in a continuous form. The document shall not have any attachment stapled or otherwise affixed to any page except as necessary to comply with statutory requirements, provided that a document may be stapled together for presentation for recording; a label that is firmly attached with a bar code or return address may be accepted for recording;

(2) The size of print or type shall not be smaller than eight-point type and shall be in black or dark ink. Should any document presented for recording contain type smaller than eight-point type, such document shall be accompanied by an exact typewritten copy not smaller than eight-point type to be recorded contemporaneously as additional pages of the document;

(3) The document must be of sufficient legibility to produce a clear and legible reproduction thereof. Should any document not be of sufficient legibility to produce a clear and legible reproduction, such document shall be accompanied by an exact typewritten copy not smaller than eight-point type to be recorded contemporaneously as additional pages of the document;

(4) The document shall be on white or light-colored paper of not less than twenty-pound weight without watermarks or other visible inclusions, except for plats and surveys, which may be on materials such as Mylar or velum. All text within the document shall be of sufficient color and clarity to ensure that when the text is reproduced from record, it shall be readable;

(5) All signatures on a document shall be in black or dark ink, such that such signatures shall be of sufficient color and clarity to ensure that when the text is reproduced from record, it shall be readable, and shall have the corresponding name typed, printed or stamped underneath said signature. The typing or printing of any name or the applying of an embossed or inked stamp shall not cover or otherwise materially interfere with any part of the document except where provided for by law;

(6) The documents shall have a top margin of at least three inches of vertical space from left to right, to be reserved for the recorder of deeds' certification and use. All other margins on the document shall be a minimum of three-fourths of one inch on all sides. Nonessential information such as form numbers, page numbers or customer notations may be placed in the margin. A document may be recorded if a minor portion of a seal or incidental writing extends beyond the margins. The recorder of deeds will not incur any liability for not showing any seal or information that extends beyond the margins of the permanent archival record.

2. Every document containing any of the items listed in this subsection that is presented for recording, except plats and surveys, shall have such information on the first page below the three-inch horizontal margin:

(1) The title of the document;

(2) The date of the document;

(3) All grantors' names and marital status;

(4) All grantees' names;

(5) Any statutory addresses;

(6) The legal description of the property; and

(7) Reference book and pages for statutory requirements, if applicable.

If there is not sufficient room on the first page for all of the information required by this subsection, the page reference within the document where the information is set out shall be stated on the first page.

3. From January 1, 2002, documents which do not meet the requirements set forth in this section may be recorded for an additional fee of twenty-five dollars, which shall be deposited in the recorders' fund established pursuant to subsection 1 of section 59.319.

4. Documents which are exempt from format requirements and which the recorder of deeds may record include the following:

(1) Documents which were signed prior to January 1, 2002;

(2) Military separation papers;

(3) Documents executed outside the United States;

(4) Certified copies of documents, including birth and death certificates;

(5) Any document where one of the original parties is deceased or otherwise incapacitated; and

(6) Judgments or other documents formatted to meet court requirements.

5. Any document rejected by a recorder of deeds shall be returned to the preparer or presenter accompanied by an explanation of the reason it could not be recorded.

6. Recorders of deeds shall be allowed fees for their services as follows:

(1) For recording every deed or instrument: five dollars for the first page and three dollars for each page thereafter except for plats and surveys;

(2) For copying or reproducing any recorded instrument, except surveys and plats: a fee not to exceed two dollars for the first page and one dollar for each page thereafter;

(3) For every certificate and seal, except when recording an instrument: one dollar;

(4) For recording a plat or survey of a subdivision, outlets or condominiums: twenty-five dollars for each sheet of drawings or calculations based on a size not to exceed twenty-four inches in width by eighteen inches in height. For recording a survey of one or more tracts: five dollars for each sheet of drawings or calculations based on a size not to exceed twenty-four inches in width by eighteen inches in height. Any plat or survey larger than eighteen inches by twenty-four inches shall be counted as an additional sheet for each additional eighteen inches by twenty-four inches, or fraction thereof, plus five dollars per page of other material;

(5) For copying a plat or survey of one or more tracts: a fee not to exceed five dollars for each sheet of drawings and calculations not larger than twenty-four inches in width and eighteen inches in height and one dollar for each page of other material;

(6) For a document which releases or assigns more than one item: five dollars for each item beyond one released or assigned in addition to any other charges which may apply;

(7) For every certified copy of a marriage license or application for a marriage license: two dollars;

(8) For duplicate copies of the records in a medium other than paper, the recorder of deeds shall set a reasonable fee not to exceed the costs associated with document search and duplication; and

(9) For all other use of equipment, personnel services and office facilities, the recorder of deeds may set a reasonable fee.

(RSMo 1939 § 13426, A.L. 1951 p. 396, A.L. 1977 S.B. 112, A.L. 1981 S.B. 348, A.L. 1985 H.B. 320, A.L. 2001 H.B. 606 merged with S.B. 515, A.L. 2022 H.B. 1606 merged with H.B 1662)

Prior revisions: 1929 § 11804; 1919 § 11012; 1909 § 10715

Effective 8-28-2022

**Recorder's fees (St. Louis City)--page, defined--size of type or print--signature requirements.**

**59.313.** 1. The recorder of deeds in a city not within a county may refuse any document presented for recording that does not meet the following requirements:

(1) The document shall consist of one or more individual pages not permanently bound nor in a continuous form. The document shall not have any attachment stapled or otherwise affixed to any page except as necessary to comply with statutory requirements, provided that a document may be stapled together for presentation for recording; a label that is firmly attached with a bar code or return address may be accepted for recording;

(2) The size of print or type shall not be smaller than eight-point type and shall be in black or dark ink. Should any document presented for recording contain type smaller than eight-point type, such document shall be accompanied by an exact typewritten copy not smaller than eight-point type to be recorded contemporaneously as additional pages of the document;

(3) The document must be of sufficient legibility to produce a clear and legible reproduction thereof. Should any document not be of sufficient legibility to produce a clear and legible reproduction, such document shall be accompanied by an exact typewritten copy not smaller than eight-point type to be recorded contemporaneously as additional pages of the document;

(4) The document shall be on white or light-colored paper of not less than twenty-pound weight without watermarks or other visible inclusions, except for plats and surveys, which may be on materials such as Mylar or velum. All text within the document shall be of sufficient color and clarity to ensure that when the text is reproduced from record, it shall be readable;

(5) All signatures on a document shall be in black or dark ink, such that such signatures shall be of sufficient color and clarity to ensure that when the text is reproduced from record, it shall be readable, and shall have the corresponding name typed, printed or stamped underneath said signature. The typing or printing of any name or the applying of an embossed or inked stamp shall not cover or otherwise materially interfere with any part of the document, except where provided for by law;

(6) Every document, except plats and surveys, shall have a top margin of at least three inches of vertical space from left to right, to be reserved for the recorder of deeds' certification and use. All other margins on the document shall be a minimum of three-fourths of one inch on all sides. Nonessential information such as form numbers, page numbers or customer notations may be placed in the margin. A document may be recorded if a minor portion of a seal or incidental writing extends beyond the margins. The recorder of deeds will not incur any liability for not showing any seal or information that extends beyond the margins of the permanent archival record.

2. Every document containing any of the items listed in this subsection that is presented for recording, except plats and surveys, shall have such information on the first page below the three-inch horizontal line:

(1) The title of the document;

(2) The date of the document;

(3) All grantors' names;

(4) All grantees' names;

(5) Any statutory addresses;

(6) The legal description or descriptions of the property; and

(7) Reference book and page for statutory requirements, if applicable.

If there is not sufficient room on the first page for all the required information, the page reference within the document where the information is set out shall be placed on the first page.

3. From January 1, 2002, documents which do not meet the requirements set forth in this section may be recorded for an additional fee of twenty-five dollars, which shall be deposited in the recorders' fund established pursuant to subsection 1 of section 59.319.

4. Documents which are exempt from format requirements and which the recorder of deeds may record include the following:

(1) Documents which were signed prior to January 1, 2002;

(2) Military separation papers;

(3) Documents executed outside the United States;

(4) Certified copies of documents, including birth and death certificates;

(5) Any document where one of the original parties is deceased or otherwise incapacitated; and

(6) Judgments or other documents formatted to meet court requirements.

5. Any document rejected by a recorder of deeds shall be returned to the preparer or presenter accompanied by an explanation of the reason it could not be recorded.

6. Recorders of deeds shall be allowed fees for their services as follows:

(1) For recording every deed or instrument: ten dollars for the first page and five dollars for each page thereafter;

(2) For copying or reproducing any recorded instrument, except surveys and plats: three dollars for the first page and two dollars for each page thereafter;

(3) For every certificate and seal, except when recording an instrument: two dollars;

(4) For recording a plat or survey of a subdivision, outlots or condominiums: forty-four dollars for each sheet of drawings and calculations based on a size of not to exceed twenty-four inches in width by eighteen inches in height, plus ten dollars for each page of other materials;

(5) For recording a survey of one tract of land, in the form of one sheet not to exceed twenty-four inches in width by eighteen inches in height: eight dollars;

(6) For copying a plat or survey: eight dollars for each page;

(7) For every certified copy of a marriage license or application for a marriage license: five dollars;

(8) For releasing on the margin: eight dollars for each item released;

(9) For a document which releases or assigns more than one item: seven dollars and fifty cents for each item beyond one released or assigned in addition to any other charges which may apply; and

(10) For duplicate reels of microfilm: thirty dollars each.

For all other use of equipment, personnel services and office space the recorder of deeds shall set attendant fees.

(L. 1959 S.B. 26 § 1, A.L. 1984 S.B. 446, A.L. 1990 H.B. 1716, A.L. 1994 S.B. 567, A.L. 2001 H.B. 606 merged with S.B. 515)

Effective 1-01-02

**User fee and an additional fee required to record--collection, deposit, distribution, use of--state treasurer, commissioner of administration, secretary of state, duties.**

**59.319.** 1. A user fee of four dollars shall be charged and collected by every recorder in this state, over and above any other fees required by law, as a condition precedent to the recording of any instrument. The state portion of the fee shall be forwarded monthly by each recorder of deeds to the state director of revenue, and the fees so forwarded shall be deposited by the director in the state treasury. Two dollars of such fee shall be retained by the recorder and deposited in a recorder's fund and not in county general revenue for record storage, microfilming, and preservation, including anything necessarily pertaining thereto. The recorder's funds shall be kept in a special fund by the treasurer and shall be budgeted and expended at the direction of the recorder and shall not be used to substitute for or subsidize any allocation of general revenue for the operation of the recorder's office without the express consent of the recorder. The recorder's fund may be audited by the appropriate auditing agency, and any unexpended balance shall be left in the fund to accumulate from year to year with interest**.**

2. An additional fee of three dollars shall be charged and collected by every recorder in this state, over and above any other fees required by law, as a condition precedent to the recording of any instruments specified in subdivisions (1) and (2) of section 59.330. The fees collected from this additional three dollars per recorded instrument shall be forwarded monthly by each recorder of deeds to the state director of revenue, and the fees so forwarded shall be deposited by the director in the state treasury.

3. The state treasurer and the commissioner of administration shall establish an appropriate account within the state treasury and in accordance with the state's accounting methods. Any receipt required by this section to be deposited in the state treasury shall be credited as follows:

(1) The amount of one dollar for each fee collected under subsection 1 of this section shall be paid to the state treasurer and credited to the "Missouri Land Survey Fund" which is hereby created to be utilized for the purposes of sections 60.510 to 60.620 and section 60.670. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180. Any funds previously collected by the state treasurer to be utilized for the purposes of sections 60.510 to 60.620 and section 60.670 shall transfer to the Missouri land survey fund. Any portion of the fund not immediately needed for the purposes authorized shall be invested by the state treasurer as provided by the constitution and laws of this state. All income, interest, and moneys earned from such investments shall be deposited in the Missouri land survey fund. Any unexpended balance in the fund at the end of the fiscal year is exempt from the provisions of section 33.080 relating to the transfer of unexpended balances to the general revenue fund;

(2) The amount of one dollar for each fee collected under subsection 1 of this section to an account to be utilized by the secretary of state for additional preservation of local records; and

(3) The amount of three dollars collected under subsection 2 of this section into the Missouri housing trust fund as designated in section 215.034.

(L. 1969 p. 123 § 17, A.L. 1985 H.B. 320, A.L. 1989 H.B. 786, A.L. 1994 H.B. 1745, A.L. 2012 H.B. 1251)

CROSS REFERENCE:

Recorder's funds may be used for matching funds requirements for grants for preservation of local records, 109.221

**Fee to be paid before record made, exceptions.**

**59.320.** The recorder shall not be bound to make any record for which a fee may be allowed by law other than records made for a political subdivision of this state, unless such fee shall have been paid or tendered by the party requiring the record to be made. The recorder may make records for political subdivisions of this state or any officer thereof without payment or tender of payment prior to the making of the record and may bill the political subdivision on a monthly basis for fees due for the making of such records.

(RSMo 1939 § 13185, A.L. 1986 H.B. 931)

Prior revisions: 1929 § 11566; 1919 § 10589; 1909 § 10402

**What shall be recorded--legal description required, when--validity.**

**59.330.** 1. It shall be the duty of recorders to record:

(1) All deeds, mortgages, conveyances, deeds of trust, assignments, bonds, covenants, defeasances, or other instruments of writing, of or concerning any lands and tenements, or goods and chattels, which shall be proved or acknowledged, and authorized to be recorded in their offices;

(2) All papers and documents found in their respective offices, of and concerning lands and tenements, or goods and chattels, and which were received from the Spanish and French authorities at the change of government;

(3) All marriage contracts and certificates of marriage;

(4) All commissions and official bonds required by law to be recorded in their offices;

(5) All written statements furnished to him for record, showing the sex and date of birth of any child or children, the name, business and residence of the father and maiden name of the mother of such child or children.

2. All deeds, mortgages, conveyances, deeds of trust, assignments, bonds, covenants or defeasances, except supplemental indentures of utility companies and rural electric cooperatives, must contain a legal description of the lands affected. All deeds, except deeds of easement or right-of-way conveying any lands or tenements must contain a mailing address of one of the grantees named in the instrument. The recorder of deeds shall not record such instrument absent such address or legal description; provided, however, that the statutory constructive notice or the validity of the instrument shall not be affected by the absence of the address or the absence of the legal description.

(RSMo 1939 § 13161, A.L. 1963 p. 115, A.L. 1985 H.B. 210, A.L. 1989 H.B. 786, A.L. 1990 H.B. 1190, A.L. 1997 S.B. 164, A.L. 2003 S.B. 383)

Prior revisions: 1929 § 11543; 1919 § 10568; 1909 § 10381

**Chapter 60 - County Surveyors and Land Surveys**

**Surveyor to be elected in certain counties--qualifications--term.**

**60.010.** 1. At the regular general election in the year 1948, and every four years thereafter, the voters of each county of this state in counties of the second, third, and fourth classification shall elect a registered land surveyor as county surveyor, who shall hold office for four years and until a successor is duly elected, commissioned and qualified. The person elected shall be commissioned by the governor.

2. No person shall be elected or appointed surveyor unless such person is a citizen of the United States, over the age of twenty-one years, a registered land surveyor, and shall have resided within the state one whole year. An elected surveyor shall have resided within the county for which the person is elected six months immediately prior to election and shall after election continue to reside within the county for which the person is surveyor. An appointed surveyor need not reside within the county for which the person is surveyor.

3. Notwithstanding the provisions of subsection 1 of this section, or any other law to the contrary, the county commission of any county of the third or fourth classification may appoint a surveyor following the deadline for filing for the office of surveyor, if no qualified candidate files for the office in the general election in which the office would have been on the ballot, provided that the notice required by section 115.345 has been published in at least one newspaper of general circulation in the county. The appointed surveyor shall serve at the pleasure of the county commission, however, an appointed surveyor shall forfeit said office once a qualified individual, who has been duly elected at a regularly scheduled general election where the office of surveyor is on the ballot and who has been commissioned by the governor, takes office. The county commission shall fix appropriate compensation, which need not be equal to that of an elected surveyor.

(RSMo 1939 § 13190, A.L. 1945 p. 1759, A.L. 1978 H.B. 971, A.L. 1983 H.B. 133, A.L. 2003 H.B. 267, A.L. 2009 H.B 481)

Prior revisions: 1929 § 11571; 1919 § 12709; 1909 § 11291

**Oath--bond--receipt of records.**

**60.030.** Every county surveyor shall, within sixty days after receiving his commission, and before entering upon the duties of his office, take the oath prescribed by the constitution, and enter into bond to the state of Missouri, in a sum not less than one thousand nor more than five thousand dollars, to be determined by the county commission, conditioned that he will faithfully perform all the duties of the office of county surveyor, and that at the expiration of his term of office he, or in case of his death, his executors or administrators, will immediately deliver to the recorder of deeds of the county all county survey plat books.

(RSMo 1939 § 13192, A.L. 1989 H.B. 190, et al.)

Prior revisions: 1929 § 11573; 1919 § 12711; 1909 § 11293

**Failure to give bond, office to become vacant.**

**60.040.** If any county surveyor fail to give such bond in the time prescribed in section 60.030, his office shall be vacant.

(RSMo 1939 § 13193)

Prior revisions: 1929 § 11574; 1919 § 12712; 1909 § 11294

**Bond, approval.**

**60.050.** Such bond may be taken by the clerk of the county commission in vacation; and, if so taken, shall be approved or rejected by the county commission at the next term thereof.

(RSMo 1939 § 13194)

Prior revisions: 1929 § 11575; 1919 § 12713; 1909 § 11295

**Bond valid until rejected.**

**60.060.** Such bond shall be valid until it is rejected, and its rejection shall not release the principal and sureties from any liabilities incurred previous to its rejection.

(RSMo 1939 § 13195)

Prior revisions: 1929 § 11576; 1919 § 12714; 1909 § 11296

**Rejection of bond.**

**60.070.** If such bond be rejected, the county commission shall order the county surveyor to enter into a new bond, within such time as they may think reasonable, not exceeding twenty days; and in default of giving such new bond, the office shall be vacant.

(RSMo 1939 § 13196)

Prior revisions: 1929 § 11577; 1919 § 12715; 1909 § 11297

**Deputies--oaths--qualifications.**

**60.090.** Deputies may be appointed by any county surveyor who, before they proceed to discharge their duties, shall take an oath to discharge faithfully, truly and well the duties of deputy surveyors. All deputy county surveyors shall be registered land surveyors.

(RSMo 1939 § 13208, A.L. 1989 H.B. 190, et al.)

Prior revisions: 1929 § 11589; 1919 § 12727; 1909 § 11309

**May charge for services (second, third, and fourth class counties).**

**60.100.** In counties of the second, third or fourth class, the county surveyor may charge for his services such a sum as may be agreed upon by such surveyor and the person employing him. For that sum, the surveyor shall employ and pay for the services of the necessary chainmen, rodmen and markers. For that sum, the surveyor shall furnish to the person employing him a plat of the survey made by him, and shall also record the plat as provided by law.

(L. 1945 p. 1575 § 2, A.L. 1983 H.B. 133)

**Survey, duty to make, fee.**

**60.120.** The county surveyor shall, within thirty days, when called upon, survey any tract of land or town lot lying in his county, at the expense of the person demanding the same; provided, that his agreed upon fees are first tendered, or that he and his deputies are not engaged in executing previous orders of survey.

(RSMo 1939 § 13199, A.L. 1989 H.B. 190, et al.)

Prior revisions: 1929 § 11580; 1919 § 12718; 1909 § 11300

**Survey, how made when surveyor interested.**

**60.130.** When it shall appear that the county surveyor is interested in any tract of land the title of which is in dispute before the court, the court shall direct the survey or resurvey to be made by some registered land surveyor, who is a non-interested party, who shall be authorized to administer oaths in the same manner as the county surveyor is directed to do, and shall return such survey or resurvey, on oath or affirmation; and shall receive for his services such reasonable fee as determined by the court.

(RSMo 1939 § 13201, A.L. 1989 H.B. 190, et al.)

Prior revisions: 1929 § 11582; 1919 § 12720; 1909 § 11302

**Lands divided by county lines, by whom surveyed.**

**60.140.** In case any person own or claim lands where the same are divided by a county line, the person owning or claiming such lands, and wishing to have the same surveyed, may apply to the surveyor of any county in which any part of such land is situate; and, on such application being made, the surveyor is authorized and required to make such survey, which shall be as valid as though such lands were situate entirely in one county.

(RSMo 1939 § 13203)

Prior revisions: 1929 § 11584; 1919 § 12722; 1909 § 11304

CROSS REFERENCE:

County boundaries, by whom surveyed, when, RSMo 46.010 to 46.030

**Survey may be legal evidence, standards for survey.**

**60.150.** No survey or resurvey shall be admitted into evidence in any court in this state unless it is made by a registered land surveyor, and it can be shown that the survey is located by measurements to monuments of the section, United States survey, subdivision, or other unit in which the property is legally described. A survey may not be rejected, after August 28, 1991, solely on the grounds that it did not commence at a government corner.

(RSMo 1939 § 13200, A.L. 1989 H.B. 190, et al., A.L. 1991 H.B. 403, A.L. 1993 H.B. 621)

Prior revisions: 1929 § 11581; 1919 § 12719; 1909 § 11301

**Survey, land in dispute.**

**60.160.** When lands, the title of which is in dispute before any court, shall be divided by a county line, the court making an order of survey may direct such order to the surveyor of any county in which any part of such land is situate.

(RSMo 1939 § 13204)

Prior revisions: 1929 § 11585; 1919 § 12723; 1909 § 11305

**Surveyor to execute orders of court.**

**60.170.** The county surveyor shall execute all orders given to him directly by any court of record, for surveying or resurveying any tract of land, the title of which is in dispute before such court, and all orders of survey for the partition of real estate.

(RSMo 1939 § 13198, A.L. 1989 H.B. 190, et al.)

Prior revisions: 1929 § 11579; 1919 § 12717; 1909 § 11299

**County surveyors, duties.**

**60.185.** The county surveyor of every county or city shall:

(1) Keep a fair and correct record of all surveys made by himself and his deputies, in a well-bound book, with a convenient index, to be procured at the expense of the county or city for that purpose, which books and indexes shall be the property of such county or city, and shall be known as the county surveyor's plat book, and every such surveyor shall record in such book a plat of all surveys executed by him or his deputies, within two weeks after the plat of survey has been certified to, and such books shall be kept at the county seat or city hall and subject to inspection by any person interested therein, under the supervision of the county surveyor for such county or city;

(2) Number his surveys progressively;

(3) Deliver a copy of any plat of survey to any person requiring such a copy, on payment of an amount equal to the fees allowed to the recorder of deeds for such a document, so long as such records shall remain in his possession, and after such record shall have been deposited in the office of the recorder of deeds, the recorder shall, on the request of anyone and on payment of his fees for such service, deliver to such person a duly certified copy of such records under the seal of his office, which shall be accepted as evidence, to all intents and purposes, as the originals themselves;

(4) Maintain a copy of corner restoration documents as required in section 60.321 when provided by the Missouri department of agriculture, and subject to inspection and copying by any person interested therein during the normal office hours of the county on payment of the fees allowed to the recorder for similar documents.

(L. 1989 H.B. 190, et al., A.L. 2013 H.B. 28 merged with H.B. 650)

Effective 8-28-13 (H.B. 28)

10-11-13 (H.B. 650)

\*H.B. 650 effective 10-11-13, see § 21.250. H.B. 650 was vetoed July 12, 2013. The veto was overridden on September 11, 2013.

**United States field notes on survey of counties, how obtained and filed in office of county surveyor.**

**60.195.** The several county commissions in this state are hereby authorized, in all cases wherein they shall consider it to be the interest of their counties, to obtain from the Missouri department of agriculture a certified copy of so much of the field notes of all surveys lying within their counties, respectively, which have been and may be made by the United States, as relates to the description of the township, section, fractional section, quarter section and legal subdivisional corners, the variation of the needle at which the east and west boundaries of township or range lines were run, the length of the north and south, as well as east and west sectional lines; also, the fallings of all east and west township and sectional lines the same to be filed in the office of the county surveyor of their counties, respectively.

(L. 1989 H.B. 190, et al., A.L. 2013 H.B. 28 merged with H.B. 650)

Effective 8-28-13 (H.B. 28)

10-11-13 (H.B. 650)

\*H.B. 650 effective 10-11-13, see § 21.250. H.B. 650 was vetoed July 12, 2013. The veto was overridden on September 11, 2013.

**Failure to perform duties, civil action to obtain fine, amount.**

**60.205.** Any county surveyor who shall fail to perform the duties required of him by this chapter shall be fined in a sum not exceeding ninety dollars, to be recovered by civil action, at the suit of the injured party.

(L. 1989 H.B. 190, et al.)

**Definitions.**

**60.301.** Whenever the following words and terms are used in this chapter they shall have the following meaning unless the context clearly indicates that a different meaning is intended:

(1) "Corners of the United States public land survey", those points that determine the boundaries of the various subdivisions represented on the official plat such as the township corner, the section corner, the quarter-section corner, grant corner and meander corner;

(2) "Existent corner", a corner whose position can be identified by verifying the evidence of the original monument or its accessories, or by some physical evidence described in the field notes, or located by an acceptable supplemental survey record or some physical evidence thereof, or by testimony. The physical evidence of a corner may have been entirely obliterated but the corner will be considered existent if its position can be recovered through the testimony of one or more witnesses who have a dependable knowledge of the original location. A legally reestablished corner shall have the same status as an existent corner;

(3) "Lost corner", a corner whose position cannot be determined, beyond reasonable doubt, either from traces of the original marks or from acceptable evidence or testimony that bears upon the original position;

(4) "Monument", the physical object which marks the corner point determined by the surveying process. The accessories, such as bearing trees, bearing objects, reference monuments, mounds of stone and other similar objects that aid in identifying the corner position, are also considered a part of a corner monument;

(5) "Obliterated, decayed or destroyed corner", an existent corner at whose point there are no remaining traces of the original monument or its accessories, but whose location has been perpetuated by subsequent surveys, or the point may be recovered beyond reasonable doubt by the acts and testimony of local residents, competent surveyors, other qualified local authorities or witnesses, or by some acceptable record evidence. A position that depends upon the use of collateral evidence can be accepted only if duly supported, generally through proper relation to known corners, and agreement with the field notes regarding distances to natural objects, stream crossings, line trees, etc., or unquestionable testimony;

(6) "Original government survey", that survey executed under the authority of the United States government as recorded on the official plats and field notes of the United States public land survey maintained by the Missouri department of agriculture;

(7) "Proportionate measurement", a measurement of a line that gives equal relative weight to all parts of the line. The excess or deficiency between two existent corners is so distributed that the amount of excess or deficiency given to each interval bears the same proportion to the whole difference as the record length of the interval bears to the whole record distance:

(a) "Single proportionate measurement", a measurement of a line applied to a new measurement made between known points on a line to determine one or more positions on that line;

(b) "Double proportionate measurement", a measurement applied to a new measurement made between four known corners, two each on intersecting meridional and latitudinal lines, for the purpose of relating the intersection to both. The procedure is described as follows: first, measurements will be made between the nearest existent corners north and south of the lost corner. A temporary point will be determined to locate the latitude of the lost corner on the straight line connecting the existent corners and at the proper proportionate distance. Second, measurements will be made between the nearest existent corners east and west of the lost corner. A temporary point will be determined to locate the longitude of the lost corner on the straight line connecting the existent corners and at the proportionate distance. Third, determine the location of the lost corner at the intersection of an east-west line through the point determining the latitude of the lost corner with a north-south line through the point determining the longitude of the lost corner. When the total length of the line between the nearest existing corners was not measured in the original government survey, the record distance from one existing corner to the lost corner will be used instead of the proportionate distance. This exception will apply to either or both of the east-west or north-south lines;

(8) "Record distance", the distance or length as shown on the original government survey. In determining record distances, consideration shall be given as to whether the distance was measured on a random or true line.

(L. 1989 H.B. 190, et al., A.L. 2013 H.B. 28 merged with H.B. 650)

Effective 8-28-13 (H.B. 28)

10-11-13 (H.B. 650)

\*H.B. 650 effective 10-11-13, see § 21.250. H.B. 650 was vetoed July 12, 2013. The veto was overridden on September 11, 2013.

**Resurvey of United States land survey--rules.**

**60.305.** In the resurvey of the lands of the United States public land survey, the surveyor shall observe the following rules:

(1) The boundaries of the United States public land survey in Missouri are unchangeable;

(2) The original township, section, quarter-section and other corners established by the original government survey must stand as the true corners which they were intended to represent, regardless of the location indicated by the field notes and plat;

(3) These corners must be restored at the identical spot where the original corner was located by the government survey, when this can be determined;

(4) When this cannot be done, the corner is said to be lost and it must be reestablished in accordance with the provisions of this chapter.

(L. 1989 H.B. 190, et al.)

**Corners original position to be determined.**

**60.311.** The restoration and utilization of the existent corners of the United States public land survey is a prime objective of every survey. Every means shall be undertaken to determine the position of the original corner before deciding that the corner is lost.

(L. 1989 H.B. 190, et al.)

**Lost corners reestablishment--rules.**

**60.315.** The following rules for the reestablishment of lost corners shall be applied only when it is determined that the corner is lost: (The rules utilize proportional measurement which harmonizes surveying practice with legal and equitable considerations. This plan of relocating a lost corner is always employed unless it can be shown that the corner so located is in substantial disagreement with the general scheme of the original government survey as monumented. In such cases the surveyor shall use procedures that produce results consistent with the original survey of that township.)

(1) Existent original corners shall not be disturbed. Consequently, discrepancies between the new and record measurements shall not in any manner affect the measurements beyond the existent corners; but the differences shall be distributed proportionately within the several intervals along the line between the corners;

(2) Standard parallels shall be given precedence over other township exteriors, and, ordinarily, the latter shall be given precedence over subdivisional lines; section corners shall be located or reestablished before the position of lost quarter-section corners can be determined;

(3) Lost township corners common to four townships shall be reestablished by double proportionate measurement between the nearest existent corners on opposite sides of the lost township corner;

(4) Lost township corners located on standard parallels and common only to two townships shall be reestablished by single proportionate measurement between the nearest existent corners on opposite sides of the lost township corner on the standard parallel;

(5) Lost standard corners shall be reestablished on a standard or correction line by single proportionate measurement on the line connecting the nearest identified standard or closing corners on opposite sides of the lost corner or corners, as the case may be;

(6) All lost section and quarter-section corners on the township boundary lines shall be reestablished by single proportionate measurement between the nearest existent corners on opposite sides of the lost corner according to the conditions represented upon the original government plat;

(7) A lost interior corner of four sections shall be reestablished by double proportionate measurement;

(8) A lost closing corner shall be reestablished on the true line that was closed upon, and at the proper proportional interval between the nearest existent corners on opposite sides of the lost corner;

(9) All lost quarter-section corners on the section boundaries within the township shall be reestablished by single proportionate measurement between the adjoining section corners, after the section corners have been identified or reestablished; and

(10) Where a line has been terminated with a measurement in one direction only, a lost corner shall be reestablished by record bearing and distance, counting from the nearest regular corner, the latter having been duly identified or reestablished.

(L. 1989 H.B. 190, et al., A.L. 1999 H.B. 776)

**Lost corners, monumentation, procedure--violation deemed misconduct.**

**60.321.** For the purpose of perpetuating the corners of the United States public land survey, every surveyor who reestablishes a lost corner or restores an existent corner shall monument the corner and shall file an instrument showing such reestablishment or restoration with the Missouri department of agriculture, in accordance with the specifications and procedures adopted by the Missouri department of agriculture. Any surveyor who willfully and knowingly fails to perpetuate corners in accordance with this section is guilty of misconduct in the practice of land surveying.

(L. 1989 H.B. 190, et al., A.L. 2013 H.B. 28 merged with H.B. 650)

Effective 8-28-13 (H.B. 28)

10-11-13 (H.B. 650)

\*H.B. 650 effective 10-11-13, see § 21.250. H.B. 650 was vetoed July 12, 2013. The veto was overridden on September 11, 2013.

**Law not to affect previous surveys.**

**60.326.** This chapter shall in no way be construed either to affect the legality of surveys legally made and recorded prior to September 28, 1979, or to prevent surveyors from taking advantage of any corners legally established prior to September 28, 1979.

(L. 1989 H.B. 190, et al.)

**Quarter-sections, how established.**

**60.331.** In subdividing a section into quarter-sections, the land surveyor shall run straight lines from the established quarter-section corners to the opposite quarter-section corners. The point of intersection of the lines thus run will be the corner common to the several quarter-sections, or the legal center of the section.

(L. 1989 H.B. 190, et al.)

**Quarter-quarter sections, how established.**

**60.335.** In subdividing a quarter-section into quarters, the land surveyor shall:

(1) First, establish the quarter-quarter, or sixteenth-section corners at points midway between the quarter-section and section corners or the center of the section, except on the last half mile of the lines closing on township boundaries, where they should be placed by proportionate measurement, as shown on the official government plat;

(2) Second, the center lines of the quarter-section will be run straight between opposite corresponding quarter-quarter, or sixteenth-section corners on the quarter-section boundaries. The intersection of the lines thus run will determine the legal center of the quarter-section.

(L. 1989 H.B. 190, et al.)

**Fractional sections, how established.**

**60.341.** In subdividing a fractional section or quarter-section, the land surveyor will run his lines from properly established quarter-section or quarter-quarter-section corners, as the case may be, with courses governed by the conditions represented upon the official government plat, to the lake, watercourse, grant boundary, state line or other irregular boundary which renders such land fractional.

(L. 1989 H.B. 190, et al.)

**Corners of quarter-sections south of township line, east of range line, how established.**

**60.345.** The quarter-section corners of sections south of the township line and east of the range line, and not established by the original government survey will be established according to the conditions represented upon the official government plat using proportionate measurement between the adjoining section corners belonging to the same section as the quarter-section corner being established, the section corners having first been identified or reestablished.

(L. 1989 H.B. 190, et al.)

**Destruction of landmarks, duty of county surveyor to report.**

**60.351.** It shall be the duty of every county surveyor and every deputy county surveyor to report as soon as practicable all violations of law relative to the destruction of landmarks that come under their observation, or of which they have knowledge, to the grand jury or to the prosecuting attorney of the county in which the violation occurs.

(L. 1989 H.B. 190, et al.)

**Prohibits removal or destroying of property markers--penalty--damages.**

**60.355.** 1. No person, other than a registered land surveyor registered pursuant to chapter 327, RSMo, shall knowingly move, remove, deface or destroy any corner of the United States Public Land Survey System, property boundary marker, bench mark or horizontal control monument.

2. Any person who violates the provisions of this section is guilty of a class B misdemeanor.

3. Any person who violates the provisions of this section is liable for the cost of reestablishment of permanent monuments or markers by a registered land surveyor. This section shall establish a civil cause of action in favor of any owner of real estate the boundaries of which are affected by a violation of subsection 1 of this section. Venue for such cause of action shall be in the county in which the violation occurs. Damages shall be limited to reasonable surveying costs and reasonable attorneys' fees.

(L. 1998 H.B. 1862)

**United States field notes on county surveys obtained by county surveyor--cost, how paid.**

**60.360.** In all cases where the county surveyor shall have, at his own expense, obtained a certified copy, as provided for in section 60.195, the county commission shall make a reasonable allowance to such surveyor for such copy, which shall thereafter become the property of the county, and be filed; except that no county surveyor thus furnished with the field notes shall, when called upon to execute any survey, make any additional charge therefore.

(RSMo 1939 § 13210, A.L. 1989 H.B. 190, et al.)

Prior revisions: 1929 § 11591; 1919 § 12729; 1909 § 11311

**Missouri state coordinate system established.**

**60.401.** The systems of plane coordinates which have been established by the National Ocean Survey/National Geodetic Survey, or its successors, for defining and stating the geographic positions or locations of points on the surface of the earth within the state of Missouri are hereafter to be known and designated as the "Missouri Coordinate System of 1927" and the "Missouri Coordinate System of 1983".

(L. 1984 S.B. 479)

**State divided into three zones--descriptions.**

**60.410.** 1. For the purpose of the use of this system, Missouri is divided into three separate zones, to be officially known as "The East Zone", "The Central Zone", and "The West Zone".

2. The area now included in the following counties shall constitute the east zone: Bollinger, Butler, Cape Girardeau, Carter, Clark, Crawford, Dent, Dunklin, Franklin, Gasconade, Iron, Jefferson, Lewis, Lincoln, Madison, Marion, Mississippi, Montgomery, New Madrid, Oregon, Pemiscot, Perry, Pike, Ralls, Reynolds, Ripley, St. Charles, Ste. Genevieve, St. Francois, St. Louis, St. Louis (city), Scott, Shannon, Stoddard, Warren, Washington and Wayne.

3. The area now included in the following counties shall constitute the central zone: Adair, Audrain, Benton, Boone, Callaway, Camden, Carroll, Chariton, Christian, Cole, Cooper, Dallas, Douglas, Greene, Grundy, Hickory, Howard, Howell, Knox, Laclede, Linn, Livingston, Macon, Maries, Mercer, Miller, Moniteau, Monroe, Morgan, Osage, Ozark, Pettis, Phelps, Polk, Pulaski, Putnam, Randolph, Saline, Schuyler, Scotland, Shelby, Stone, Sullivan, Taney, Texas, Webster and Wright.

4. The area now included in the following counties shall constitute the west zone: Andrew, Atchison, Barry, Barton, Bates, Buchanan, Caldwell, Cass, Cedar, Clay, Clinton, Dade, Daviess, DeKalb, Gentry, Harrison, Henry, Holt, Jackson, Jasper, Johnson, Lafayette, Lawrence, McDonald, Newton, Nodaway, Platte, Ray, St. Clair, Vernon and Worth.

(L. 1965 p. 173 § 2)

**Zones, official names.**

**60.421.** 1. As established for use in the east zone, the Missouri coordinate system of 1927 or the Missouri coordinate system of 1983 shall be named; and, in any land description in which it is used, it shall be designated the "Missouri Coordinate System of 1927, East Zone" or "Missouri Coordinate System of 1983, East Zone".

2. As established for use in the central zone, the Missouri coordinate system of 1927 or the Missouri coordinate system of 1983 shall be named; and, in any land description in which it is used, it shall be designated the "Missouri Coordinate System of 1927, Central Zone" or "Missouri Coordinate System of 1983, Central Zone".

3. As established for use in the west zone, the Missouri coordinate system of 1927 or the Missouri coordinate system of 1983 shall be named; and, in any land description in which it is used, it shall be designated the "Missouri Coordinate System of 1927, West Zone" or "Missouri Coordinate System of 1983, West Zone".

(L. 1984 S.B. 479)

**Location, use of plane coordinate to establish.**

**60.431.** The plane coordinate values for a point on the earth's surface, used to express the geographic position or location of such point in the appropriate zone of this system, shall consist of two distances expressed in U.S. Survey Feet and decimals of a foot when using the Missouri coordinate system of 1927 and expressed in meters and decimals of a meter when using the Missouri coordinate system of 1983. One of these distances, to be known as the "x-coordinate", shall give the position in an east-and-west direction; the other, to be known as the "y-coordinate", shall give the position in a north-and-south direction. These coordinates shall be made to depend upon and conform to plane rectangular coordinate values for the monumented points of the North American Horizontal Geodetic Control Network, as published by the National Ocean Survey/National Geodetic Survey, or its successors, and whose plane coordinates have

been computed on the systems defined in sections 60.401 to 60.481. Any such station may be used for establishing a survey connection to either Missouri coordinate system.

(L. 1984 S.B. 479)

**Descriptions involving more than one zone.**

**60.441.** When any tract of land to be defined by a single description extends from one into another of the coordinate zones set out in section 60.410, the positions of all points on its boundaries may be referred to as either of the zones and the zone which is used shall be specifically named in the description.

(L. 1984 S.B. 479)

**Missouri coordinate system zones precisely defined.**

**60.451.** 1. For the purpose of more precisely defining the Missouri coordinate system of 1927, the following definition by the United States Coast and Geodetic Survey is adopted:

(1) The Missouri coordinate system of 1927, east zone, is a transverse Mercator projection of the Clarke spheroid of 1866, having a central meridian 90 degrees -- 30 minutes west of Greenwich, on which meridian the scale is set at one part in fifteen thousand too small. The origin of coordinates is at the intersection of the meridian 90 degrees -- 30 minutes west of Greenwich and the parallel 35 degrees -- 50 minutes north latitude. This origin is given the coordinates: x = 500,000 feet and y = 0 feet;

(2) The Missouri coordinate system of 1927, central zone, is a transverse Mercator projection of the Clarke spheroid of 1866, having a central meridian 92 degrees -- 30 minutes west of Greenwich, on which meridian the scale is set at one part in fifteen thousand too small. The origin of coordinates is at the intersection of the meridian 92 degrees -- 30 minutes west of Greenwich and the parallel of 35 degrees -- 50 minutes north latitude. This origin is given the coordinates: x = 500,000 feet and y = 0 feet;

(3) The Missouri coordinate system of 1927, west zone, is a transverse Mercator projection of the Clarke spheroid of 1866, having a central meridian 94 degrees -- 30 minutes west of Greenwich, on which meridian the scale is set at one part in seventeen thousand too small. The origin of coordinates is at the intersection of the meridian 94 degrees -- 30 minutes west of Greenwich and the parallel 36 degrees -- 10 minutes north latitude. This origin is given the coordinates: x = 500,000 feet and y = 0 feet.

2. For purposes of more precisely defining the Missouri coordinate system of 1983, the following definition by the National Ocean Survey/National Geodetic Survey is adopted:

(1) The Missouri coordinate system 1983, east zone, is a transverse Mercator projection of the North American Datum of 1983 having a central meridian 90 degrees -- 30 minutes west of Greenwich, on which meridian the scale is set at one part in fifteen thousand too small. The origin of coordinates is at the intersection of the meridian 90 degrees -- 30 minutes west of Greenwich and the parallel 35 degrees -- 50 minutes north latitude. This origin is given the coordinates: x = 250,000 meters and y = 0 meters;

(2) The Missouri coordinate system 1983, central zone, is a transverse Mercator projection of the North American Datum of 1983 having a central meridian 92 degrees -- 30 minutes west of Greenwich, on which meridian the scale is set at one part in fifteen thousand too small. The origin of coordinates is at the intersection of the meridian 92 degrees -- 30 minutes west of Greenwich and the parallel of 35 degrees -- 50 minutes north latitude. This origin is given the coordinates: x = 500,000 meters and y = 0 meters;

(3) The Missouri coordinate system 1983, west zone, is a transverse Mercator projection of the North American Datum of 1983 having a central meridian 94 degrees -- 30 minutes west of Greenwich, on which meridian the scale is set at one part in seventeen thousand too small. The origin of coordinates is at the intersection of the meridian 94 degrees -- 30 minutes west of Greenwich and the parallel 36 degrees -- 10 minutes north latitude. This origin is given the coordinates: x = 850,000 meters and y = 0 meters.

3. The position of either Missouri coordinate system shall be as marked on the ground by horizontal control stations established in conformity with the standards adopted by the department of agriculture for first-order and second-order work, whose geodetic positions have been rigidly adjusted on the appropriate datum and whose coordinates have been computed on the system defined in this section. Any such station may be used for establishing a survey connection with the Missouri coordinate system.

(L. 1984 S.B. 479, , A.L. 2013 H.B. 28 merged with H.B. 650)

Effective 8-28-13 (H.B. 28)

10-11-13 (H.B. 650)

\*H.B. 650 effective 10-11-13, see § 21.250. H.B. 650 was vetoed July 12, 2013. The veto was overridden on September 11, 2013.

**Use of term limited.**

**60.471.** The use of the term "Missouri Coordinate System of 1927" or "Missouri Coordinate System of 1983" on any map, report of survey, or other document shall be limited to coordinates based on the Missouri coordinate system as defined in sections 60.401 to 60.491.

(L. 1984 S.B. 479)

**Property descriptions based on United States public land survey recognized.**

**60.480.** Descriptions of tracts of land by reference to subdivisions, lines, or corners of the United States public land survey, or other original pertinent surveys, are hereby recognized as the basic and prevailing method for describing such tracts. Whenever coordinates of the Missouri coordinate system are used in such descriptions they shall be construed as being supplementary to descriptions of such subdivisions, lines, or corners contained in official plats and field notes of record; and, in the event of any conflict, the descriptions by reference to the subdivisions, lines, or corners of the United States public land surveys, or other original pertinent surveys shall prevail over the description by coordinates.

(L. 1965 p. 173 § 9)

**Missouri coordinate system of 1983 to be sole system after July 1990.**

**60.491.** The Missouri coordinate system of 1927 shall not be used after July, 1990; and the Missouri coordinate system of 1983 shall be the sole system after this date.

(L. 1984 S.B. 479)

**Powers and duties of department.**

**60.510.** The functions, duties and responsibilities of the department of agriculture shall be as follows:

(1) To restore, maintain, and preserve the land survey monuments, section corners, and quarter section corners established by the United States public land survey within Missouri, together with all pertinent field notes, plats and documents; and also to restore, establish, maintain, and preserve Missouri state and county boundary markers and other boundary markers considered by the department of agriculture to be of importance, or otherwise established by law;

(2) To design and cause to be placed at established public land survey corner sites, where practical, substantial monuments permanently indicating, with words and figures, the exact location involved, but if such monuments cannot be placed at the exact corner point, then witness corners of similar design shall be placed as near by as possible, with words and figures indicating the bearing and distance to the true corner;

(3) To establish, maintain, and provide safe storage facilities for a comprehensive system of recordation of information respecting all monuments established by the United States public land survey within this state, and such records as may be pertinent to the department of agriculture's establishment or maintenance of other land corners, Missouri state coordinate system stations and accessories, and survey monuments in general;

(4) To provide the framework for all geodetic positioning activities in the state. The foundational elements include latitude, longitude, and elevation which contribute to informed decision making and impact on a wide range of important activities including mapping and geographic information systems, flood risk determination, transportation, land use and ecosystem management and use of the Missouri state coordinate system, as established by sections 60.401 to 60.491;

(5) To collect and preserve information obtained from surveys made by those authorized to establish land monuments or land boundaries, and to assist in the proper recording of the same by the duly constituted county officials, or otherwise;

(6) To furnish, upon reasonable request and tender of the required fees therefore, certified copies of records created or maintained by the department of agriculture which, when certified by the state land surveyor or a designated assistant, shall be admissible in evidence in any court in this state, as the original record; and

(7) To prescribe, and disseminate to those engaged in the business of land surveying, regulations designed to assist in uniform and professional surveying methods and standards in this state.

(L. 1969 S.B. 22 § 5, A.L. 2012 H.B. 1251, A.L. 2013 H.B. 28 merged with H.B. 650)

Effective 8-28-13 (H.B. 28)

10-11-13 (H.B. 650)

\*H.B. 650 effective 10-11-13, see § 21.250. H.B. 650 was vetoed July 12, 2013. The veto was overridden on September 11, 2013.

**Surveyor, duties.**

**60.530.** The state land surveyor shall, under guidance of the department of agriculture and with the recommendation of the land survey commission, carry out the routine functions and duties of the department of agriculture, as prescribed in sections 60.510 to 60.620 and section 60.670. He or she shall, whenever practical, cause all land surveys, except geodetic surveys, to be executed, under his or her direction by the registered county surveyor or a local registered land surveyor when no registered county surveyor exists. He or she shall perform such other work and acts as shall, in the judgment of the department of agriculture and with the recommendation of the land survey commission, be necessary and proper to carry out the objectives of sections 60.510 to 60.620 and section 60.670 and, within the limits of appropriations made therefore and subject to the approval of the department of agriculture, employ and fix the compensation of such additional employees as may be necessary to carry out the provisions of sections 60.510 to 60.620 and section 60.670.

(L. 1969 S.B. 22 § 8, A.L. 2012 H.B. 1251, A.L. 2013 H.B. 28 merged with H.B. 650)

Effective 8-28-13 (H.B. 28)

10-11-13 (H.B. 650)

\*H.B. 650 effective 10-11-13, see § 21.250. H.B. 650 was vetoed July 12, 2013. The veto was overridden on September 11, 2013.

**Department may acquire property, how.**

**60.540.** The department of agriculture may acquire, in the name of the state of Missouri, lands or interests therein, where necessary, to establish permanent control stations; and may lease or purchase or acquire by negotiation or condemnation, where necessary, land for the establishment of an office of the land survey program of the department of agriculture. If condemnation is necessary, the attorney general shall bring the suit in the name of the state in the same manner as authorized by law for the acquisition of lands by the state transportation department.

(L. 1969 S.B. 22 § 9, A.L. 2012 H.B. 1251, A.L. 2013 H.B. 28 merged with H.B. 650)

Effective 8-28-13 (H.B. 28)

10-11-13 (H.B. 650)

\*H.B. 650 effective 10-11-13, see § 21.250. H.B. 650 was vetoed July 12, 2013. The veto was overridden on September 11, 2013.

**Ownership of markers in department, unauthorized tampering prohibited, duty to prosecute.**

**60.550.** The custody and ownership of the original United States public land survey corners and accessories, including all restoration and replacements thereof and all accessories, belonging to the state of Missouri is hereby transferred to the department of agriculture. The department of agriculture shall see that the markers are maintained, and the alteration, removal, disfiguration or destruction of any of the corners or accessories, without specific permission of the department of agriculture, is an act of destruction of state property and is a misdemeanor.

Any person convicted thereof shall be punished as provided by law. Each of the several prosecuting attorneys is specifically directed to prosecute for the violation of this section for any act of destruction which occurs in his county.

(L. 1969 S.B. 22 § 10, A.L. 2013 H.B. 28 merged with H.B. 650)

Effective 8-28-13 (H.B. 28)

10-11-13 (H.B. 650)

\*H.B. 650 effective 10-11-13, see § 21.250. H.B. 650 was vetoed July 12, 2013. The veto was overridden on September 11, 2013.

**Attorney general to advise commission or department.**

**60.560.** Upon their request, the state attorney general shall advise the land survey commission or the department of agriculture or the state land surveyor with respect to any legal matter, and shall represent the land survey commission or department of agriculture in any proceeding in any court of the state in which the land survey commission or land survey program shall be a party.

(L. 1969 S.B. 22 § 11, A.L. 2012 H.B. 1251, A.L. 2013 H.B. 28 merged with H.B. 650)

Effective 8-28-13 (H.B. 28)

10-11-13 (H.B. 650)

\*H.B. 650 effective 10-11-13, see § 21.250. H.B. 650 was vetoed July 12, 2013. The veto was overridden on September 11, 2013.

**Headquarters, where located--land survey building, name of.**

**60.570.** 1. The permanent headquarters of the land survey program shall be at or near to the principal office of the Missouri state geological survey. Until such time as other headquarters can be obtained by the land survey program, the state geologist shall provide such space in the state geological survey building as may be available. No department shall charge any fee over or above the amount paid to the office of administration for utilization of the building. The land survey program may also establish and maintain regional offices in the metropolitan areas of the state for the storage and distribution of local survey record information.

2. The building that occupies the permanent headquarters of the land survey program may be renamed and referred to as the "Robert E. Myers Building".

(L. 1969 S.B. 22 § 12, A.L. 2012 H.B. 1251, A.L. 2013 H.B. 28 merged with H.B. 650)

Effective 8-28-13 (H.B. 28)

10-11-13 (H.B. 650)

\*H.B. 650 effective 10-11-13, see § 21.250. H.B. 650 was vetoed July 12, 2013. The veto was overridden on September 11, 2013.

**Right of entry, immune to trespass arrest.**

**60.580.** The state land surveyor or any and all employees of the department of agriculture have the right to enter upon private property for the purpose of making surveys, or for searching for, locating, relocating, or remonumenting land monuments, leveling stations, or section corners. Should any of these persons necessarily damage property of the owner in making the surveys or searches or remonumentations, the department of agriculture may make reasonable payment for the damage from funds available for that purpose. However, department of agriculture employees are personally liable for any damage caused by their wantonness, willfulness or

negligence. All department of agriculture employees are immune from arrest for trespass in performing their legal duties as stated in sections 60.510 to 60.620 and section 60.670.

(L. 1969 S.B. 22 § 13, A.L. 2012 H.B. 1251, A.L. 2013 H.B. 28 merged with H.B. 650)

Effective 8-28-13 (H.B. 28)

10-11-13 (H.B. 650)

\*H.B. 650 effective 10-11-13, see § 21.250. H.B. 650 was vetoed July 12, 2013. The veto was overridden on September 11, 2013.

**Records to be furnished department--department to furnish records at cost.**

**60.590.** 1. On request of the department of agriculture or the state land surveyor, all city and county recorders of deeds, together with all departments, boards or agencies of state government, county, or city government, shall furnish to the department of agriculture or the state land surveyor certified copies of desired records which are in their custody. This service shall be free of cost when possible; otherwise, it shall be at actual cost of reproduction of the records. On the same basis of cost, the department of agriculture shall furnish records within its custody to other agencies or departments of state, county or city, certifying them.

2. The department of agriculture may produce, reproduce and sell maps, plats, reports, studies, and records, and the commission shall recommend to the department of agriculture the charges therefore. All income received shall be promptly deposited in the state treasury to the credit of the department of agriculture land survey revolving services fund.

(L. 1969 S.B. 22 §§ 14, 16, A.L. 1979 H.B. 121, A.L. 2012 H.B. 1251, A.L. 2013 H.B. 28 merged with H.B. 650)

Effective 8-28-13 (H.B. 28)

10-11-13 (H.B. 650)

\*H.B. 650 effective 10-11-13, see § 21.250. H.B. 650 was vetoed July 12, 2013. The veto was overridden on September 11, 2013.

**Department revolving services fund, purpose--unexpended balances.**

**60.595.** 1. The "Department of Agriculture Land Survey Revolving Services Fund" is hereby created. All funds received by the department of agriculture from the delivery of services and the sale or resale of maps, plats, reports, studies, records and other publications and documents and surveying information, on paper or in electronic format, by the department shall be credited to the fund. The director of the department shall administer the fund. The state treasurer is the custodian of the fund and shall approve disbursements from the fund requested by the director of the department. When appropriated, moneys in the fund shall be used to purchase goods, equipment, hardware and software, maintenance and licenses, software and database development and maintenance, personal services, and other services that will ultimately be used to provide copies of information maintained or provided by the land survey program, reprint maps, publications or other documents requested by governmental agencies or members of the general public; to publish the maps, publications or other documents or to purchase maps, publications or other documents for resale; and to pay shipping charges, but for no other purpose.

2. Effective August 28, 2013, a transfer of moneys between the department of natural resources revolving services fund, created in section 640.065, and the department of agriculture land survey revolving services fund shall be made such that only the balance related to the reproduction and sale of land survey documents is transferred to the department of agriculture land survey revolving services fund.

3. An unencumbered balance in the fund at the end of the fiscal year not exceeding one million dollars is exempt from the provisions of section 33.080 relating to the transfer of unexpended balances to the general revenue fund.

4. The department of agriculture shall report all income to and expenditures from such fund on a quarterly basis to the house budget committee and the senate appropriations committee.

(L. 1979 H.B. 121 § 2, A.L. 1993 S.B. 80, et al., A.L. 1999 H.B. 988, A.L. 2012 H.B. 1251, A.L. 2013 H.B. 28 merged with H.B. 650)

Effective 8-28-13 (H.B. 28)

10-11-13 (H.B. 650)

\*H.B. 650 effective 10-11-13, see § 21.250. H.B. 650 was vetoed July 12, 2013. The veto was overridden on September 11, 2013.

**Registered surveyors to be used--private employment prohibited.**

**60.600.** Every employee of the department of agriculture who is engaged in work required by law to be done by a registered land surveyor will be so registered. No employee of the department of agriculture shall engage in private land surveying or consultation while employed by the department of agriculture.

(L. 1969 S.B. 22 § 15, A.L. 2013 H.B. 28 merged with H.B. 650)

Effective 8-28-13 (H.B. 28)

10-11-13 (H.B. 650)

\*H.B. 650 effective 10-11-13, see § 21.250. H.B. 650 was vetoed July 12, 2013. The veto was overridden on September 11, 2013.

**Department may contract.**

**60.610.** Whenever the department of agriculture deems it expedient, and when funds appropriated permit, the department of agriculture may enter into any contract with agencies of the United States, with agencies of other states, or with private persons, registered land surveyors or professional engineers, in order to plan and execute desired land surveys or geodetic surveys, or to plan and execute other projects which are within the scope and purpose of sections 60.510 to 60.620 and section 60.670.

(L. 1969 S.B. 22 § 17, A.L. 2012 H.B. 1251, A.L. 2013 H.B. 28 merged with H.B. 650)

Effective 8-28-13 (H.B. 28)

10-11-13 (H.B. 650)

\*H.B. 650 effective 10-11-13, see § 21.250. H.B. 650 was vetoed July 12, 2013. The veto was overridden on September 11, 2013.

**Land survey commission established--appointment--terms --qualifications--chairman, selection--meetings, quorum--expenses --duties--annual report, content to be public.**

**60.620.** 1. There is hereby created the "Land Survey Commission", within the department of agriculture. The commission shall consist of seven members, six of whom shall be appointed by the governor. Members shall reside in this state. Members of the commission shall hold office for terms of three years, but of the original appointments, two members shall serve for one year, two members shall serve for two years, and two members shall serve for three years. Members may serve only three consecutive terms on the commission.

2. The land survey commission shall consist of the following persons:

(1) Four members who shall be registered land surveyors, one of which shall be a county surveyor;

(2) One member who shall represent the real estate or land title industry;

(3) One member who shall represent the public and have an interest in and knowledge of land surveying; and

(4) The director of the department of agriculture or his or her designee.

The members in subdivisions (1) to (3) of this subsection shall be appointed by the governor with advice and consent of the senate and each shall serve until his or her successor is duly appointed.

3. The land survey commission shall elect a chairman annually. The commission shall meet semiannually and at other such times as called by the chairman of the commission and shall have a quorum when at least four members are present.

4. The land survey commission members shall serve without compensation but shall be reimbursed for actual and necessary expenses incurred in the performance of their official duties.

5. The land survey commission shall provide the director of the department of agriculture and the state land surveyor with recommendations on the operation and the planning and prioritization of the land survey program and the design of regulations needed to carry out the functions, duties, and responsibilities of the department of agriculture in sections 60.510 to 60.620 and section 60.670.

6. The land survey commission shall recommend to the department of agriculture:

(1) A person to be selected and appointed state land surveyor, who shall be the chief administrative officer of the land survey program. The state land surveyor shall be selected on the basis of professional experience and registration;

(2) Prioritization and execution of projects which are within the scope and purpose of sections 60.510 to 60.620 and section 60.670;

(3) Prioritization and selection of public land survey corner monuments to be reestablished through the county cooperative contracts in accordance with sections 8.285 to 8.291; and

(4) Approval of all other contracts for the planning and execution of projects which are within the scope and purpose of sections 60.510 to 60.620 and section 60.670 and in accordance with sections 8.285 to 8.291.

7. The commission shall, at least annually, prepare a report, which shall be available to the general public, of the review by the commission of the land survey program, stating its findings, conclusions, and recommendations to the director.

8. By December 1, 2013, the commission shall provide a report to the department of agriculture and general assembly that recommends the appropriate administrative or overhead cost rate

that will be charged to the program, where such cost rate shall include all indirect services provided by the department of agriculture and office of administration.

(L. 1991 H.B. 403, A.L. 2012 H.B. 1251, A.L. 2013 H.B. 28 merged with H.B. 650)

Effective 8-28-13 (H.B. 28)

10-11-13 (H.B. 650)

\*H.B. 650 effective 10-11-13, see § 21.250. H.B. 650 was vetoed July 12, 2013. The veto was overridden on September 11, 2013.

**Certain surveys to be filed with recorder.**

**60.650.** For the purpose of preserving evidence of land surveys, every surveyor who establishes, restores, or reestablishes one or more corners that create a new parcel of land shall file the results of such survey with the recorder of deeds in the county or counties in which the survey is situated within sixty days after the survey has been certified.

(L. 1990 S.B. 580)

**Recorder of deeds, duties--copies of plats to be evidence when certified.**

**60.653.** 1. It shall be the duty of the recorder of deeds to maintain a copy of all survey plats delivered to his custody in an appropriate file medium capable of reproduction.

2. Survey plats shall be placed in the plat books or such other record books as have been previously established.

3. A duplicate of the recorded survey plat shall be provided to the land survey program of the department of agriculture at an amount not to exceed the actual cost of the duplicate.

4. The recorder shall maintain an index of all survey plats, subdivision plats, and condominium plats by section, township, and range and by subdivision or condominium name.

5. Copies of survey plats shall be evidence in all courts of justice when properly certified under the hand and official seal of the recorder.

(L. 1990 S.B. 580, A.L. 2013 H.B. 28 merged with H.B. 650)

Effective 8-28-13 (H.B. 28)

10-11-13 (H.B. 650)

\*H.B. 650 effective 10-11-13, see § 21.250. H.B. 650 was vetoed July 12, 2013. The veto was overridden on September 11, 2013.

**Plat not required to be filed, when.**

**60.657.** A survey plat is not required to be filed when:

(1) It is of a preliminary nature illustrating ideas and intentions and not the results of a survey;

(2) It has been recorded under any other provision of law.

(L. 1990 S.B. 580)

**Penalties.**

**60.659.** Any surveyor who fails to comply with any provisions of this chapter shall be guilty of misconduct in the practice of land surveying.

(L. 1990 S.B. 580)

**Survey to constitute improvement.**

**60.660.** A recorded survey shall constitute an improvement to the property under section 429.015, RSMo.

(L. 1990 S.B. 580)

**Digital cadastral parcel mapping, minimum standards, rulemaking authority.**

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

(1) "Cadastral parcel mapping", an accurately delineated identification of all real property parcels. The cadastral map is based upon the USPLSS. For cadastral parcel maps the position of the legal framework is derived from the USPLSS, existing tax maps, and tax database legal descriptions, recorded deeds, recorded surveys, and recorded subdivision plats;

(2) "Digital cadastral parcel mapping", encompasses the concepts of automated mapping, graphic display and output, data analysis, and database management as pertains to cadastral parcel mapping. Digital cadastral parcel mapping systems consist of hardware, software, data, people, organizations, and institutional arrangements for collecting, storing, analyzing, and disseminating information about the location and areas of parcels and the USPLSS;

(3) "Tax map", a document or map for taxation purposes representing the location, dimensions, and other relevant information pertaining to a parcel of land subject to property taxes;

(4) "USPLSS" or "United States Public Land Survey System", a survey executed under the authority of the United States government as recorded on the official plats and field notes of the United States public land survey maintained by the land survey program of the department of agriculture.

2. The office of the state land surveyor established within the department of agriculture shall promulgate rules and regulations establishing minimum standards for digital cadastral parcel mapping. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be invalid and void.

3. Any map designed and used to reflect legal property descriptions or boundaries for use in a digital cadastral mapping system shall comply with the rules promulgated under this section, unless the party requesting the map specifies otherwise in writing, the map was designed and in use prior to the promulgation of the rules, or the parties requesting and designing the map have already agreed to the terms of their contract on the effective date of the rules promulgation.

(L. 2010 H.B. 1692, et al., A.L. 2013 H.B. 28 merged with H.B. 650)

Effective 8-28-13 (H.B. 28)

10-11-13 (H.B. 650)

\*H.B. 650 effective 10-11-13, see § 21.250. H.B. 650 was vetoed July 12, 2013. The veto was overridden on September 11, 2013.

**Chapter 61 - County Highway Engineer**

**To perform duties as land surveyor, when--appointment of person to perform duties of county surveyor, when (certain first class counties).**

**61.101.** 1. If the county highway administrator is duly registered and licensed as a land surveyor under the provisions of chapter 327, RSMo, he shall perform any duties required by law to be performed by a county surveyor.

2. If the county highway administrator is not registered and licensed as a land surveyor, he may appoint a person or persons who are so registered and licensed to perform any duties required by law to be performed by a county surveyor.

(L. 1973 H.B. 715)

**Orders of courts of record for surveying to be executed--records to be kept (certain first class counties).**

**61.111.** 1. The highway administrator shall execute or cause to be executed all orders directed to him by the courts of record of his county for the surveying or resurveying of any lot or tract of land, the title to which is in dispute before such court, and all orders of survey for the partition of real estate in such county. He shall keep a copy of all plats of surveys made or caused to be made by him in a book maintained for that purpose in which such surveys shall be numbered, and which shall contain an index. He shall also file a copy of any official survey made or caused to be made by him in the office of the recorder of deeds of such county.

2. The highway administrator shall also keep and carefully preserve all books, records, surveys, plats, plans and other papers pertaining to his office, and which are required by law to be kept by the county highway administrator or the county surveyor, in the office provided him by the county for that purpose, and he shall account for and deliver the same, together with all tools, machinery, material and equipment to which he has come into possession by reason of his office, to his successor in office.

(L. 1973 H.B. 715)

**Fees for surveys, advance payment required (certain first class counties).**

**61.141.** The highway administrator may charge such fees as may be agreed upon by him and the party requesting, or for whose benefit, such work is to be done, for doing, performing or furnishing any field or survey work as herein provided. No highway administrator or appointee of the highway administrator shall execute a survey ordered by any person, court, firm or corporation until the agreed price has been tendered in payment therefore. The highway administrator or his appointee shall not retain any fees, but all fees of whatever nature whatsoever collected by the highway administrator or his appointee shall be turned into the county treasury at least annually and before the end of the county fiscal year; except that if the registered and licensed surveyor appointed to perform the survey pursuant to the provisions of section 61.101 is not on the staff of the highway administrator and receiving a salary paid in regular installments by the county, he may retain the fee charged for performing the survey.

(L. 1973 H.B. 715, A.L. 1977 S.B. 385)

**Seal of office--survey as evidence, when (certain first class counties).**

**61.151.** 1. The county highway administrator shall have a seal of office, which shall be inscribed with the name of the highway administrator, his title, and the name of the county in which he has been appointed, with the word "Missouri" following. Such seal shall not exceed in dimensions a diameter of one and three-fourths inches, and it shall be used when certifying official surveys and copies thereof.

2. Notwithstanding the provisions of section 60.150, RSMo, any survey or resurvey made by the county highway administrator, or by any person appointed by him, to which is affixed the seal of office of the county highway administrator, shall be legal evidence in any court in this state, if such survey or resurvey is made in the performance of the official duties of the county highway administrator.

(L. 1973 H.B. 715)

**Chapter 137 - Assessment and Levy of Property Taxes**

**Tracts less than one-sixteenth of a section.**

**137.185.** 1. In all cases where any person, company or corporation may hereafter divide any tract of land into parcels less than one-sixteenth part of a section or otherwise, in such manner that such parcels cannot be described in the usual manner of describing lands in accordance with the surveys made by the general government, it shall be the duty of such person, company or corporation to cause such lands to be surveyed and a plat thereof made by a surveyor in the county where such lands are situated, which plat shall particularly describe and set forth the lots or parcels of land surveyed, as aforesaid; the lots and blocks shall be numbered in progressive numbers, and the plats shall show the number, location and quantity of land in each lot, and the description of the tract of land so divided; provided, that whenever it shall appear to the county commission of the county in which any such tracts are situated that tracts or parcels of land less than one-sixteenth of a section, and lying outside of the limits of any incorporated city, town or village, have been conveyed without having been surveyed and platted and the plat thereof recorded as herein provided, the commission may require the county surveyor, by order of record, to survey and plat such tract or tracts of land and record the plat so made, all of which shall be done at the expense of the owner of such tracts of land at the time the survey is made.

2. And when any tracts of land lying within the limits of any city, town or village cannot be described by lot or block number, or other description given in a recorded plat, the city council may have such tracts of land surveyed and platted by the city or county surveyor, or other competent surveyor. Such plat shall be given such appropriate name as will distinguish it from all other surveys and plats, and streets included therein appropriately named, and such plats hereafter or heretofore made by any city, town or village shall have the full force and effect as other plats made under the provisions of this section. Said plat shall be certified to by the surveyor and recorded in like manner as the plats of towns are required to be certified to and recorded. The description of real estate in any deed or conveyance, or for the purpose of taxation, in accordance with the number and description set forth in the plat aforesaid, shall be deemed a good and valid description of the lot or parcel of lands so described.

3. Said surveyor shall file in the office of the clerk of the county commission of the county, in which any such lots or tracts of land platted under the provisions of this law are situated, his report and copy of such survey and tracts or lots platted under the provisions of this section, with the statements of the costs of such survey and platting, and the recorder's fee for recording same, which shall be paid by the surveyor, with an apportionment of the same, against each tract thus surveyed and platted, and the commission at the next term thereafter shall levy the amount of such costs as a tax against such tracts as thus apportioned and certified to by the surveyor, and shall cause the same to be entered upon the tax books against the several tracts and collected as other taxes are collected. And when said taxes are thus collected the county commission shall cause a warrant to be drawn for the amount of such collections to the surveyor making said plat and cause same to be paid to him accordingly.

(RSMo 1939 § 10988, A.L. 1945 p. 1782 § 42)

Prior revisions: 1929 § 9797; 1919 § 12807; 1909 § 11389

**Penalty for violation of section 137.185.**

**137.190.** Any person, company or corporation that may hereafter violate the provisions of section 137.185 shall upon conviction be deemed guilty of a misdemeanor.

(RSMo 1939 § 10989, A.L. 1945 p. 1782 § 43)

Prior revisions: 1929 § 9798; 1919 § 12808; 1909 § 11390

**Chapter 214 - Cemeteries**

**Notification of burial lands--registry of cemeteries to be kept by division--fee may be charged for copies--surveyor locating unregistered cemetery to file with division, form.**

**214.283.** 1. Any person, entity, association, city, town, village, county or political subdivision that purchases, receives or holds any real estate used for the burial of dead human bodies, excluding a family burial ground, shall notify the office of the endowed care cemeteries of the name, location and address of such real estate on a form approved by the office, before October 1, 2010, or within thirty days of purchasing, receiving or holding such land or of being notified by the office of the requirements of this provision. No fee shall be charged for such notification nor shall any penalty be assessed for failure to register. This section shall not be deemed to exempt any operator of an endowed care cemetery or nonendowed care cemetery from being duly licensed as required by this chapter.

2. The division shall establish and maintain a registry of cemeteries and the registry shall be available to the public for review at the division office or copied upon request. The division may charge a fee for copies of the register.

(1) If, in the course of a land survey of property located in this state, a surveyor licensed pursuant to chapter 327 locates any cemetery which has not been previously registered, the surveyor shall file a statement with the division regarding the location of the cemetery. The statement shall be filed on a form as defined by division rule. No fee shall be charged to the surveyor for such filing.

(2) Any person, family, group, association, society or county surveyor may submit to the division, on forms provided by the division, the names and locations of any cemetery located in this state for inclusion in the registry. No fee shall be charged for such submissions.

(L. 1961 p. 538 § 4, A.L. 1994 S.B. 496 § 214.280 subsec. 3, A.L. 2010 H.B. 1692, et al. merged with H.B. 2226, et al. merged with S.B. 754)

**Chapter 241 - Swamplands, Islands and Abandoned Riverbeds**

**Reclamation of swamplands by counties.**

**241.010.** In order to provide for the reclamation of all overflowed and swamp lands which were granted to the state of Missouri for that purpose by an act of congress, entitled "An act to enable the state of Arkansas and other states to reclaim the swamp lands within their limits", approved September 28, 1850, all of said lands in this state are hereby donated to the counties in which they may be respectively situated, and shall be the absolute property of such counties for the purposes designated in sections 241.010 to 241.280; and the secretary of state is hereby required to furnish to the clerks of all the county commissions a certified copy of the approved and corrected list of swamplands in each county, whenever called on for such list by the said clerk or clerks.

(RSMo 1939 § 12752)

Prior revisions: 1929 § 11128; 1919 § 6992; 1909 § 7995

**Duty of governor and secretary of state as to lists and plats.**

**241.020.** Whenever the situation, description and quantity of said lands are made known to the governor, as soon as he shall receive from the government of the United States lists and plats of said lands, he shall cause such lists and plats to be filed in the office of the secretary of state, and the secretary of state shall furnish such information and copies of such lists and plats to the county commissions respectively of the counties in which said lands severally lie; and said lists and plats shall be received in all the courts of this state as prima facie evidence of the title in said counties to said lands.

(RSMo 1939 § 12757)

Prior revisions: 1929 § 11133; 1919 § 6997; 1909 § 8000

**Secretary of state to act as swampland agent--his duties.**

**241.030.** 1. It is made the duty of the secretary of state of this state to act as swampland agent, to locate such public lands as the state of Missouri may be authorized to locate under the provisions of the act of congress of September 28, 1850, granting swamp and overflow lands to the state of Missouri, and other acts of congress since that time passed, relating to said lands, and to obtain the right of the state under said acts, and settle and adjust any and all claims the state of Missouri may have against the United States growing out of said grant of land. He is hereby authorized to obtain such proof from the various county commissions as is necessary to secure the indemnity from the general government under the act of March 2, 1855, and is hereby authorized to employ assistants for the performance of the duties required of him in sections 241.010 to 241.280, subject to the approval of the governor.

2. He shall receive all moneys, scrip or certificates of indemnity on account of swamp and overflowed lands sold by the government of the United States since the donation of such lands to the state of Missouri, and deposit the moneys or scrip so obtained in the state treasury, to the credit of the county in whose favor the same is drawn, and cancel all records in his office on which indemnity has been received. He shall locate all certificates of indemnity received as aforesaid in the name of the county in whose favor said certificate is drawn, making said location from sight or personal knowledge of the same, and deposit the certificate of said location in the state treasury, subject to the orders of the respective county commissions, and he shall immediately notify said county commissions of all deposits made in conformity with sections 241.010 to 241.280.

(RSMo 1939 § 12775)

Prior revisions: 1929 § 11151; 1919 § 7015; 1909 § 8018

**Governor to relinquish title to certain lands, when.**

**241.040.** The governor of the state is hereby authorized to relinquish the title of the state to such swamp and overflowed lands as may have been sold by the general government since the passage of the law donating said lands to the state in which they lie, whenever the counties interested in said lands may, by an order of the county commission, authorize him so to do.

(RSMo 1939 § 12774)

Prior revisions: 1929 § 11150; 1919 § 7014; 1909 § 8017

**Duty of treasurer.**

**241.050.** It is made the duty of the treasurer of this state to pay said money or scrip mentioned in section 241.030 to the authorized agents of the counties to which such money or scrip may be made payable by the provisions of sections 241.010 to 241.280.

(RSMo 1939 § 12776)

Prior revisions: 1929 § 11152; 1919 § 7016; 1909 § 8019

**Expenses, how paid.**

**241.060.** All expenses incurred by the secretary of state in performing the duties under the law relating to the disposition of overflowed and swamp lands shall be paid from the state treasury upon warrants upon the general revenues of the state.

(RSMo 1939 § 12777, A. 1949 S.B. 1081)

Prior revisions: 1929 § 11153; 1919 § 7017; 1909 § 8020

**Compensation of persons appointed to designate lands.**

**241.070.** Whenever the lands contemplated in sections 241.010 to 241.280, in any county, shall have been designated and reported by the person or persons appointed in such county for that purpose, the county commission shall audit the account of such person, and allow such reasonable compensation for such services as they may deem just, to be paid from the county treasury.

(RSMo 1939 § 12758)

Prior revisions: 1929 § 11134; 1919 § 6998; 1909 § 8001

**Title to be conveyed by patents.**

**241.080.** In order to convey to the different counties in the state of Missouri a complete title to all the swamp and overflowed lands which have been granted and patented to the state of Missouri by an act of congress, entitled "An act to enable the state of Arkansas and other states to reclaim the swamp lands within their limits", approved September 28, 1850, the secretary of state is hereby directed to prepare a patent or patents, embracing all the swamp or overflowed lands lying within the limits of the several counties of this state, conveying thereby all the title and interest of the state of Missouri in and to such lands, to the counties in which such lands may lie, and when such patents have been prepared as provided in sections 241.010 to 241.280, they shall be presented to and signed by the governor of this state, attested by the secretary of state, and recorded by the secretary of state in his office.

(RSMo 1939 § 12780)

Prior revisions: 1929 § 11156; 1919 § 7020; 1909 § 8023

**Preparation of patents.**

**241.090.** Whenever possible so to do, all the overflowed and swamp lands situate in any one county shall be included in one patent and described numerically by sections, townships and ranges, having due regard for county lines.

(RSMo 1939 § 12781)

Prior revisions: 1929 § 11157; 1919 § 7021; 1909 § 8024

**Lands hereafter patented to be also conveyed.**

**241.100.** It shall be the duty of the officers named in section 241.080 to convey by patent or patents, as provided in said section, all such overflowed and swamp lands as may hereafter be patented to the state of Missouri by the government of the United States, to the respective counties in which the same may lie.

(RSMo 1939 § 12782)

Prior revisions: 1929 § 11158; 1919 § 7022; 1909 § 8025

**County Recorder to record patents.**

**241.110.** It shall be the duty of the secretary of state to forward all patents, when the same shall be executed and recorded as required by sections 241.010 to 241.280, to the clerks of the several county commissions of this state, and so soon as the same shall be received by said clerks, the several county commissions shall cause the same to be duly recorded in the recorder's office of their respective counties, as other conveyances are required by law to be recorded.

(RSMo 1939 § 12783)

Prior revisions: 1929 § 11159; 1919 § 7023; 1909 § 8026

**Patents to be evidence of title.**

**241.120.** All patents issued, executed and duly recorded, as required by sections 241.010 to 241.280, or a certified copy of the same, which shall include all the land therein described, or which shall include any separate and distinct description of the lands therein described, either under the hand of the secretary of state or the recorder of the proper county, shall be received and read in all courts in this state as prima facie evidence of the title in the counties where such overflowed and swamp lands severally lie.

(RSMo 1939 § 12784)

Prior revisions: 1929 § 11160; 1919 § 7024; 1909 § 8027

**Construction of this law.**

**241.130.** Nothing in this law shall be so construed as to require the secretary of state to patent to the several counties, as provided in sections 241.010 to 241.280, any swamp or overflowed lands heretofore patented to the several counties in which such lands lie or which have been patented to any person or persons by the state, nor shall the secretary of state issue patents to any individuals for any overflowed or swamp lands situate in the various counties in this state.

(RSMo 1939 § 12786)

Prior revisions: 1929 § 11162; 1919 § 7026; 1909 § 8029

**County recorder to be lawful custodian.**

**241.140.** In all counties where lands have been sold, patents issued, and the same have been recorded, the clerk of the county commission in whose office any such records may now remain, or that hereafter may be made under the laws respecting the sale of swamp and overflowed lands, the issuing of patents therefor, and providing for the record thereof, shall, upon application of the recorder of deeds of such county, or the clerk of the circuit court when ex officio recorder of such county, deliver up to said recorder, or clerk when ex officio recorder, all completed record books of such patents, with the indices and abstracts thereof, and upon the completion of each and every such record book, until all the swamp and overflowed lands in each and every county to which this law applies shall be sold, patents issued, and the same shall be recorded, the clerk of the county commission shall deliver the records thereof to the recorder of deeds, or the clerk of the circuit court when ex officio recorder of the county, with the indices and abstracts of such recorders, for which said recorder, or clerk, when ex officio recorder, shall give the clerk of the county commission a receipt, which he shall file in his office and the said recorder of deeds, or clerk of the circuit court when ex officio recorder, shall be the lawful custodian of all such records received by him, and certified copies of the same shall be received in evidence in all courts of this state, and shall have the same force and effect in all matters of law and equity as if said records had been made by the recorder of deeds, or clerk of the circuit court when ex officio recorder, under the laws of this state providing for the recording of conveyances of real estate.

(RSMo 1939 § 12788)

Prior revisions: 1929 § 11164; 1919 § 7028; 1909 § 8031

**Control over patented lands vested in county commissions.**

**241.150.** The several county commissions shall have full power and control over all such overflowed and swamp lands patented to their respective counties under the provisions of sections 241.010 to 241.280, and to sell and dispose of the same in like manner and with like effect as is or may be provided by law for the conveyance of other real estate belonging to their respective counties.

(RSMo 1939 § 12785)

Prior revisions: 1929 § 11161; 1919 § 7025; 1909 § 8028

CROSS REFERENCE:

Swamplands may be appropriated for purpose of constructing levee, 245.540

**County commission may employ counsel, when.**

**241.155.** The county commission of any county in this state owning swamp or overflowed lands may employ special counsel or attorneys to represent the county in prosecuting or defending any suit by or against the county for the recovery or preservation of the swamp or overflowed lands, and quieting the title of the county thereto and may pay the special counsel or attorneys reasonable compensation for their services, to be paid out of any funds arising from the sale of the swamp or overflowed lands, or out of the general revenue fund of the county.

(L. 1957 p. 580)

**Sale of public lands by county commission--procedure.**

**241.160.** Whenever, in the judgment of said county commission, it shall be to the interest of said counties to do so, they shall order the sheriff to sell the same at public vendue to the highest bidder, after giving sixty days' notice, by publication in some newspaper published in the county, if there be one, or if there be no such paper published in the county, then by at least ten written or printed handbills put up at ten public places within the county, containing a general description of the lands to be sold, by section, township and range. Such lands shall be sold in such quantities, at such times and places, and on such terms as they may think proper, and as set forth in such notice, with or without draining or reclaiming the same, as in their discretion they may think most conducive to the interest of their respective counties; and all sales made under the provisions of sections 241.010 to 241.280 shall conform to the subdivisions prescribed by the laws of the United States; provided, however, that no land shall be sold under the provisions of said sections for less than one dollar and twenty-five cents per acre; and provided further, that the county commissions of the several counties in this state may, if in their judgment it is deemed advisable, sell any of the swamp or overflowed lands in their counties at private sale, without advertisement as provided in this section, at a price not less than one dollar and twenty-five cents per acre; provided further, that in all cases where the county commissions of this state have, prior to 1880, sold or disposed of any such swamplands in their respective counties and issued, or caused to be issued, patents for the same, and the patentees, or those holding under them, have been claiming such lands and paying county and state taxes thereon for more than twenty years, such grant shall be deemed and held to be good and valid, and no action shall be maintained for the purpose of setting aside or calling in question such patent or patents.

(RSMo 1939 § 12754)

Prior revisions: 1929 § 11130; 1919 § 6994; 1909 § 7997

**County commissions may cancel contracts, upon conditions.**

**241.170.** In every case where persons have become the purchasers of swamp and overflowed lands in the several counties in this state, on credit, either in whole or in part, and shall, by death or otherwise, become unable to pay for the same, the county commission of such county, on the application of such purchaser, or, in case of death, of his or her legal representatives, is hereby authorized to cancel the contract, in whole or in part, upon these conditions: The said commission shall not, in any case, pay back any money or interest that has been paid upon said contract, nor rescind a contract for timbered land, when the timber or any portion of it has been removed since the sale of said land by said commission, without full indemnity being made

therefore; and whenever any such sale is cancelled the county commission may resell said land as provided in section 241.160.

(RSMo 1939 § 12770)

Prior revisions: 1929 § 11146; 1919 § 7010; 1909 § 8013

**Cancellation of contract when process cannot be served, how.**

**241.180.** If the purchaser of any swamplands has absented himself from this state, so that no process at law can be served on him, the county commission of the county where the said swampland lies may, upon the application of anyone who may have become surety for the purchase of said lands, cancel the contract on such terms as may be deemed equitable and not inconsistent with the provisions of sections 241.010 to 241.280, as provided in section 241.160.

(RSMo 1939 § 12771)

Prior revisions: 1929 § 11147; 1919 § 7011; 1909 § 8014

**Insufficient title cause for cancellation.**

**241.190.** Whenever the county commissions of this state shall have sold swamp or overflowed lands to which they are unable to make a good and sufficient title, the said commissions are hereby authorized and empowered, with the consent of the purchaser, or, in the case of his or her death or absence from the state, then with the consent of his or her sureties or legal representative, to cancel said contract.

(RSMo 1939 § 12772)

Prior revisions: 1929 § 11148; 1919 § 7012; 1909 § 8015

**Power to cancel discretionary with commission.**

**241.200.** This law shall not be so construed as to make it obligatory upon any county commission to rescind or cancel any contract or sale heretofore made, but the same shall be wholly discretionary with said commission, having in view the best interests of the county.

(RSMo 1939 § 12773)

Prior revisions: 1929 § 11149; 1919 § 7013; 1909 § 8016

**Lands may be resold, when--conditions.**

**241.210.** In all cases where swamplands have been or may hereafter be sold, which had been previously sold and patented by any county commission in this state, to a bona fide purchaser, it shall be the duty of the county commission of the county in which such sales were made, upon proper application of the subsequent purchaser, accompanied by the proper proof, showing the facts, to draw a warrant on the county treasury in favor of the person who paid the same, for the amount of such purchase money actually paid into the county treasury; provided, that such person in whose favor such warrant is drawn shall relinquish all interest and title in such land in favor of the county or the prior purchaser holding a prior patent to such lands.

(RSMo 1939 § 12779)

Prior revisions: 1929 § 11155; 1919 § 7019; 1909 § 8022

**Issuance of patent, how.**

**241.220.** Whenever full payment shall be made for any of said land by the purchaser thereof, the county commission shall cause the clerk of said commission to issue to the purchaser or purchasers, his or their heirs or assigns, a patent for the same, which patent shall be signed by the presiding commissioner of the county commission, countersigned by the clerk thereof, and recorded in the swamp land patent book, in the office of the county clerk.

(RSMo 1939 § 12755)

Prior revisions: 1929 § 11131; 1919 § 6995; 1909 § 7998

**Errors in description, how corrected.**

**241.230.** The county commission of any county in this state, authorized by law to sell and make title to bona fide purchasers to any swamp and overflowed lands granted by the state to the county for the purposes of reclamation, shall, by an order of record, upon sufficient proof being made by the owner of any swamp and overflowed lands undertaken to be sold, that an error has been made in the description of such lands, correct such error or misdescription wherever it occurs, whether in record of entry, certificate of purchase, patent, or the record thereof; provided, such correction shall not prejudice the rights of other parties.

(RSMo 1939 § 12787)

Prior revisions: 1929 § 11163; 1919 § 7027; 1909 § 8030

**Net proceeds of sales to county school fund.**

**241.240.** The net proceeds of the sales of all such lands, after defraying the expenses of draining, reclaiming, surveying and selling the same, as provided in sections 241.010 to 241.280, shall be paid into the county treasury and become a part of the county school fund of the county.

(RSMo 1939 § 12756, A. 1949 S.B. 1081)

Prior revisions: 1929 § 11132; 1919 § 6996; 1909 § 7999

**Drainage and reclamation commissioners, appointment, duties.**

**241.250.** As soon as the several county commissions shall be furnished with the proper description of lands contemplated in section 241.010, they may have said overflowed and swamp lands drained and reclaimed, so as to render them tillable, or otherwise subservient to the purposes of sections 241.010 to 241.280, and for that purpose may appoint one or more drainage and reclamation commissioners, who shall, under the direction of the county commission, superintend the draining and surveying of said lands.

(RSMo 1939 § 12753, A.L. 1986 H.B. 1554 Revision)

Prior revisions: 1929 § 11129; 1919 § 6993; 1909 § 7996

**County commissions may borrow money, how.**

**241.260.** To enable the county commissions to carry the provisions of sections 241.010 to 241.280 into effect, they shall have power to borrow money, and to issue bonds of the county

therefor, in the manner and to the extent provided in sections 26(e) and 27 of article VI of the constitution.

(RSMo 1939 § 12762)

Prior revisions: 1929 § 11138; 1919 § 7002; 1909 § 8005

**Landowners may protest, when--proceedings.**

**241.270.** 1. If the owners of any lands through which any ditch or levee is proposed to be made or cut, by virtue of any of the provisions of sections 241.010 to 241.280, shall notify the drainage and reclamation commissioners that he objects to the making of such levee or cutting such ditch, such commissioners shall apply to an associate circuit judge of the county in which such land may be situated for a summons for a jury to inquire into the damages such owner may sustain by the making of such levee or the cutting of such ditch, or both; and it shall be the duty of such associate circuit judge to issue a summons, under his hand, to the sheriff of said county, commanding him to summon a jury of eighteen good and lawful persons, to meet at a time and place, upon such land, to be specified in the summons, at the time and place specified; such drainage and reclamation commissioners and the owner of such land shall proceed to select a jury of twelve persons out of the number thus summoned, and the associate circuit judge shall administer an oath to them to faithfully and impartially inquire into the amount of damages the owner of such land will sustain by reason of the making of such levee or ditch, and the jury shall render their verdict in writing, and shall specify therein the amount of damages they assess.

2. The selection of such jury, and the trial in such case, shall be conducted in the same manner that other civil cases are tried and conducted in the associate divisions of the circuit courts, and the associate circuit judge shall make an entry on his docket of the verdict of the jury and other proceedings in such case.

3. A transcript of such proceedings shall be filed in the office of the clerk of the county commission, and if the county commission shall be of opinion that it is best to pay such damages, such county commission shall issue a warrant on the county treasury, in favor of the party entitled thereto, for the amount of damages assessed, as aforesaid, and also a warrant in favor of the officers for the fees to which they may be entitled in any such case, which amount shall be paid out of any money in the treasury arising from the sale of land by virtue of sections 241.010 to 241.280, and not otherwise appropriated, and shall be paid by the treasurer to the parties entitled to the same, from whom he shall take, and file in his office, a receipt for such payment; and when such damages are paid, or tendered in money and refused, such ditch or levee may be made, and the owner of such land shall be forever barred from maintaining any action for the making such levee or the cutting such ditch; and if such money is tendered, and the parties entitled thereto shall refuse to accept the same, such money shall remain in the county treasury, subject to the order of the parties thereto entitled; provided, however, that should such jury fail or refuse to find any damages, such complainant shall pay all costs necessarily incurred in the proceedings; provided, that the complainant may have an appeal according to law.

(RSMo 1939 § 12759, A.L. 1945 p. 1110, A.L. 1986 H.B. 1554 Revision)

Prior revisions: 1929 § 11135; 1919 § 6999; 1909 § 8002

**Abandoned riverbeds and islands granted counties for schools.**

**241.290.** All lands belonging to the state, not otherwise appropriated under the laws thereof, which have been formed by the recession and abandonment of their waters of the old beds of lakes and rivers in this state, or by the formation of islands in the navigable waters of the state, are hereby granted and transferred to the respective counties in which such lands are located, to be held by such counties for school purposes.

(RSMo 1939 § 12789)

Prior revisions: 1929 § 11165; 1919 § 7029; 1909 § 8032

**Mississippi and Missouri River islands to conservation commission or park board, exceptions--to county, when.**

**241.291.** 1. Notwithstanding the provisions of sections 241.290 to 241.340, all lands belonging to the state, not otherwise appropriated, which have been formed by the formation of islands in the Missouri and Mississippi rivers within this state are hereby granted and transferred to the Missouri conservation commission for wildlife purposes. If the commission certifies that such islands have no present or potential value for wildlife use or recreation involving wildlife species, the islands shall then be transferred to the state park board for recreational purposes. If the park board certifies that the islands are of no present or potential value for recreational purposes, they shall be transferred to the respective counties in which they are located.

2. All islands formed in the Missouri and Mississippi rivers within this state after September 28, 1971, are the property of the state, and shall pass to the conservation commission or the state park board for wildlife or recreational purposes respectively in the same manner as provided in subsection 1 of this section for islands already formed, and if certified by both the conservation commission and the park board as having no value for wildlife or recreational purposes, they shall pass to the counties in which they are located, for the purpose and subject to the power of survey and sale, as provided in sections 241.291, 241.309 and 241.311.

(L. 1971 H.B. 140 §§ 1, 2)

**Future abandoned riverbeds and islands granted counties.**

**241.300.** All lands that may hereafter form by the recession from and abandonment of the bed of any lake or river, and islands which may hereafter form in the navigable waters of said state, which would otherwise have become the property of the state, shall pass in the same manner as in the case of such lands already formed, to the counties in which they are situated, for the purpose and subject to the power of survey and sale, as provided in sections 241.290 to 241.340.

(RSMo 1939 § 12792)

Prior revisions: 1929 § 11168; 1919 § 7032; 1909 § 8035

**Counties may sell land,--how proceeds, how used.**

**241.309.** All counties in which such islands are situated may, subject to the provisions of section 241.311, cause them to be appropriately surveyed and sell and convey them in the same manner as lands are sold under the provisions of section 241.310, and for the same purposes.

(L. 1971 H.B. 140 § 3)

**Lands may be sold, how--disposition of proceeds.**

**241.310.** All counties in which any such lands are situated shall have the power to cause the same to be appropriately surveyed, and to sell and convey them in the same manner that the swamplands acquired under the act of congress of September 28, 1850, entitled "An act to enable the state of Arkansas and other states to reclaim the swamp and overflowed lands in their limits", afterward donated to the counties in which they were situated, or conveyed; and the proceeds of all such sales shall become a part of the swampland school funds of the counties in which said lands are situated.

(RSMo 1939 § 12790)

Prior revisions: 1929 § 11166; 1919 § 7030; 1909 § 8033

**Land to be auctioned to highest bidder.**

**241.311.** Any land sold under the provisions of sections 241.291, 241.309 and 241.311 or under the provisions of sections 241.290 to 241.340, shall be sold only at public auction to the highest bidder.

(L. 1971 H.B. 140 § 4)

**Lands to be surveyed, how.**

**241.320.** In surveying the lands and islands referred to in sections 241.290 to 241.340 the surveyor shall connect the survey thereof with some established section, quarter section, meander or other United States survey corner conveniently near or adjacent to the land or island to be surveyed; he shall meander islands and such lake and riverbed lands as may abut on a navigable river or lake; he shall subdivide such lands into sections and quarter sections by producing and extending the lines of the surveys made by the United States surveyors over such islands and lands from the shore from which said islands or lands may be surveyed.

(RSMo 1939 § 12793)

Prior revisions: 1929 § 11169; 1919 § 7033; 1909 § 8036

**Limitation against counties.**

**241.330.** No statute of limitations shall begin to run against the counties in which any such lands are situated to prevent them from recovering or acquiring such lands, for twenty years after the passage of this law; but after that date such counties, as to such lands, shall be subject to the same limitation laws as private individuals.

(RSMo 1939 § 12791)

Prior revisions: 1929 § 11167; 1919 § 7031; 1909 § 8034

**County commission may employ surveyors and attorneys.**

**241.340.** The county commission may employ surveyors to survey said lands and islands, and attorneys to represent them in any suits pertaining thereto, and shall pay such surveyors and attorneys reasonable compensation for their services, to be paid out of any funds arising out of

the sale of such lands and islands, or out of the general revenue fund of the county as may be agreed upon at the time such surveyors and attorneys are employed.

(RSMo 1939 § 12803)

Prior revisions: 1929 § 11179; 1919 § 7043; 1909 § 8046

**Chapter 256 - Geology, Water Resources and Geodetic Survey**

**Geodetic surveyors may enter on lands.**

**256.120.** Persons employed under an act of Congress of the United States, passed the tenth day of February, 1807, and the supplement thereto, may, upon making satisfactory amends, enter upon lands within this state for any purpose which may be necessary to effect the object of said act, and may erect works, stations, buildings or appendages for that purpose, doing no unnecessary injury.

(RSMo 1939 § 14896)

Prior revisions: 1929 § 9736; 1919 § 12746; 1909 § 11328

**Damages--hearings--procedure.**

**256.130.** If the parties interested cannot agree upon the amount to be paid for damages caused thereby, either of them may petition the circuit court in the county in which the land is situated, which court shall appoint a time for a hearing as soon as may be, and order at least fourteen days' notice to be given to all persons interested, and, with or without a view of the premises, as the court may determine, hear the parties and their witnesses and assess damages.

(RSMo 1939 § 14897, A. 1949 S.B. 1117)

Prior revisions: 1929 § 9737; 1919 § 12747; 1909 § 11329

**Costs, how adjusted.**

**256.140.** The person so entering upon land may tender to the party injured amends therefor, and if, in case of appeal to the circuit court, the damages finally assessed do not exceed the amount tendered, the person entering shall recover costs; otherwise the prevailing party shall recover costs.

(RSMo 1939 § 14898, A. 1949 S.B. 1117)

Prior revisions: 1929 § 9738; 1919 § 12748; 1909 § 11330

**Appeals.**

**256.150.** Any party to the proceeding under the provisions of sections 256.120 to 256.160, who may feel aggrieved by the decision of any circuit court, may take an appeal, in the same manner, and with like effect, as in other proceedings in the circuit courts of this state; provided, that no appeal herein provided for shall prevent the continuation of the work referred to in sections 256.120 to 256.160.

(RSMo 1939 § 14901, A. 1949 S.B. 1117)

Prior revisions: 1929 § 9741; 1919 § 12751; 1909 § 11333

**Chapter 272 - Fences and Enclosures**

**Field to be enclosed by fence.**

**272.010.** All fields and enclosures where animals are kept shall be enclosed by a lawful fence as defined in section 272.020.

(RSMo 1939 § 14569, A.L. 2001 H.B. 219 merged with S.B. 462)

Prior revisions: 1929 § 12906; 1919 § 5511; 1909 § 6454

CROSS REFERENCE:

Railroad companies to maintain lawful fence; gates and cattle guards, where, RSMo 389.650

**Fencing requirements.**

**272.020.** 1. Any fence consisting of posts and wire or boards at least four feet high which is mutually agreed upon by adjoining landowners or decided upon by the associate circuit court of the county is a lawful fence.

2. All posts shall be set firmly in the ground not more than twelve feet apart with wire or boards securely fastened to such posts and placed at proper distances apart to resist horses, cattle and other similar livestock.

(RSMo 1939 § 14570, A.L. 2001 H.B. 219 merged with S.B. 462)

Prior revisions: 1929 § 12907; 1919 § 5512; 1909 § 6455

**Owners of stock liable for damages--stock may be taken up.**

**272.030.** Owners of stock liable for damages, when. – If any horse, cattle or other stock shall break over or through any lawful fence as defined in section 272.020, and by so doing obtain access to, or do trespass upon, the premises of another, the owner of such animal shall be liable for any damages sustained if the owner of the trespassing horses, cattle, or other stock was negligent.

(RSMo 1939 § 14571, A.L. 1945 p. 917, A.L. 1978 H.B. 1634, A.L. 2016 S.B. 844)

Prior revisions: 1929 § 12908; 1919 § 5513; 1909 § 6456

\*Effective 10-14-16, see § 21.250. S.B. 844 was vetoed June 28, 2016. The veto was overridden on September 14, 2016.

**Judge May Appoint Viewers to View Fence – Compensation of Appointees. –**

**272.040.** Upon complaint of either party claiming to be injured because of the trespass or taking up of livestock as described in section 272.030, the associate circuit judge shall, without delay, issue an order to three disinterested householders of the neighborhood, not of kin to either party, reciting the complaint, and requiring them to view the fence where the trespass is complained of, and take memoranda of the same, and appear before the court on the day set for trial; and their evidence shall determine the lawfulness of such fence. The persons appointed by the associate circuit judge shall be paid twenty-five dollars each per day for the time actually employed which shall be taxed as costs in the case equally against the parties and collected accordingly.

(RSMo 1939 § 14572, A.L. 1945 p. 917, A.L. 2001 H.B. 219 merged with S.B. 462)

Prior revisions: 1929 § 12909; 1919 § 5514; 1909 § 6457

**Persons injuring animals liable for damages, when.**

**272.050.** If any person who does not maintain a sufficient fence shall hurt, wound, lame, kill or destroy, or cause the same to be done by shooting, worrying with dogs, or otherwise, any of the animals in this chapter mentioned, such person shall satisfy the owner in double damages with costs.

(RSMo 1939 § 14573, A.L. 2001 H.B. 219 merged with S.B. 462)

Prior revisions: 1929 § 12910; 1919 § 5515; 1909 § 6458

**Division fences--rights of parties in, how determined.**

**272.060.** 1. Whenever the owner of real estate desires to construct or repair a lawful fence, as defined by section 272.020, which divides his or her land from that of another, such owner shall give written notice of such intention to the adjoining landowner. The landowners shall meet and each shall construct or repair that portion of the division fence which is on the right of each owner as the owners face the fence line while standing at the center of their common property line on their own property. If the owners cannot agree as to the part each shall construct or keep in repair, either of them may apply to an associate circuit judge of the county who shall forthwith summon three disinterested householders of the township or county to appear on the premises, giving three days' notice to each of the parties of the time and place where such viewers shall meet, and such viewers shall, under oath, designate the portion to be constructed or kept in repair by each of the parties interested and notify them in writing of the same. Such viewers shall receive twenty-five dollars each per day for the time actually employed, which shall be taxed as court costs.

2. Existing agreements not consistent with the procedure prescribed by subsection 1 of this section shall be in writing, signed by the agreeing parties, and shall be recorded in the office of the recorder of deeds in the county or counties where the fence line is located. The agreement shall describe the land and the portion of partition fences between their lands which shall be erected and maintained by each party. The agreement shall bind the makers, their heirs and assigns.

(RSMo 1939 § 14574, A.L. 2001 H.B. 219 merged with S.B. 462)

Prior revisions: 1929 § 12911; 1919 § 5516; 1909 § 6459

**Duty of judge if owners disagree--apportionment of costs.**

**272.070.** If either party fails to construct or repair his or her portion of the fence in accordance with the provisions of section 272.060 within a reasonable time, the other may petition the associate circuit court of the county to authorize the petitioner to build or repair the fence in a manner to be directed by the court. If the court authorizes such action, the petitioner shall be given a judgment for that portion of the total cost of the fence which is chargeable as the other party's portion of the fence, court costs and reasonable attorney's fees. Any such judgment shall be a lien on the real estate of the party against whom the judgment may be given.

(RSMo 1939 § 14575, A.L. 1945 p. 917, A.L. 2001 H.B. 219 merged with S.B. 462)

Prior revisions: 1929 § 12912; 1919 § 5517; 1909 § 6460

**Value of fence may be recovered, when.**

**272.080.** If the person thus assessed or charged with the value of one-half of any fence, under the provisions of this chapter, shall neglect or refuse to pay over to the owner of such fence the amount so awarded, the same may be recovered before an associate circuit judge, or other court of competent jurisdiction.

(RSMo 1939 § 14576)

Prior revisions: 1929 § 12913; 1919 § 5518; 1909 § 6461

**Fence to be divided for purpose of repair.**

**272.090.** If the parties cannot agree as to the part each shall have and keep in repair, either of them may apply to an associate circuit judge of the county who shall forthwith summon three disinterested householders of the township to appear on the premises, giving three days' notice to each of the parties of the time and place where said viewers shall meet, and said viewers shall, under oath, designate the portion to be kept in repair by each of the parties interested, and notify them in writing of the same.

(RSMo 1939 § 14577, A.L. 1945 p. 917)

Prior revisions: 1929 § 12914; 1919 § 5519; 1909 § 6462

(1958) On appeal from judgment in injunction suit to prevent adjoining landowner from repairing certain portion of division fence, denying injunctive relief and attempting to designate portion of fence each party was to maintain, court held that as oral agreement of plaintiff with defendant's predecessor as to maintenance of division fence was not binding on defendant, the only method of determining rights was under this section and disapproved lower court's attempt to designate portions to be maintained by the parties. McNaughton v. Schaffer (A.), 314 S.W.2d 245.

**Duties of persons appointed--their fees.**

**272.100.** The persons appointed by the associate circuit judge pursuant to section 272.040 to discharge the duties therein specified shall receive twenty-five dollars each per day for the time actually employed, which shall be taxed as costs in the case against the parties and collected accordingly.

(RSMo 1939 § 14578, A.L. 2001 H.B. 219 merged with S.B. 462)

Prior revisions: 1929 § 12915; 1919 § 5520; 1909 § 6463

**Division fences to be kept in repair.**

**272.110.** Every person owning a part of a division fence shall keep his or her portion of the same in good repair according to the requirements of this chapter, and may enter upon any land lying adjacent thereto for such purpose.

(RSMo 1939 § 14579, A.L. 2001 H.B. 219 merged with S.B. 462)

Prior revisions: 1929 § 12916; 1919 § 5521; 1909 § 6464

**Division fences not to be removed without consent of owners.**

**272.120.** No division fence shall be removed without the consent of all the owners thereof, unless for the purpose of opening a public road or highway.

(RSMo 1939 § 14580)

Prior revisions: 1929 § 12917; 1919 § 5522; 1909 § 6465

CROSS REFERENCE:

Double damage for removal of partition fence without giving notice, RSMo 537.350

**Judgment of associate circuit judge reviewed in same manner as other civil actions.**

**272.130.** Any person aggrieved by any order or judgment of the associate circuit judge made or entered pursuant to the provisions of section 272.040 or 272.070 may have the same reviewed in the same manner as other civil actions.

(RSMo 1939 § 14581, A.L. 1978 H.B. 1634, A.L. 2001 H.B. 219 merged with S.B. 462)

Prior revisions: 1929 § 12918; 1919 § 5523; 1909 § 6466

**Total cost of fence attributable to one landowner, when.**

**272.132.** If either of two adjoining landowners does not need a fence, the landowner that needs a fence may build the entire fence and report the total cost to the associate circuit judge who shall authorize the cost to be recorded on each deed. Should the landowner that claimed no need for a fence subsequently place livestock against the fence, the landowner that built the fence shall be reimbursed for one-half the construction costs share to be determined as provided in section 272.060.

(L. 2001 H.B. 219 merged with S.B. 462)

**Agreement for no fence permitted.**

**272.134.** Nothing in this chapter shall prevent adjoining landowners from agreeing that no fence is needed between their property.

(L. 2001 H.B. 219 merged with S.B. 462)

**Landowner may exceed lawful fence requirements.**

**272.136.** Nothing in this chapter shall prevent either of adjoining landowners from building the landowner or the landowner's neighbor's portion of a fence in excess of the lawful fence requirements prescribed by this chapter.

(L. 2001 H.B. 219 merged with S.B. 462)

**Definitions.**

**272.210.** As used in sections 272.210 to 272.370 the following words and terms have the following meanings:

(1) "Lawful fence", a fence with not less than four boards per four feet of height; said boards to be spaced no farther apart than twice the width of the boards used fastened in or to substantial posts not more than twelve feet apart with one stay, or a fence of four barbed wires supported by posts not more than fifteen feet apart with one stay or twelve feet apart with no stays, or any fence which is at least equivalent to the types of fences described herein;

(2) "Stay", a vertical member attached to each board or wire comprising the horizontal members of the fence.

(L. 1963 p. 401 § 1, A.L. 1965 p. 395)

**Fields enclosed, how.**

**272.220.** All fields and enclosures in which livestock are kept or placed shall be enclosed by a lawful fence.

(L. 1963 p. 401 § 2, A.L. 1965 p. 395)

**272.235.** If there is a need for a fence by either of two joining landowners both shall be obligated to build and maintain a fence under the provisions of sections 272.210 to 272.370. Nothing in sections 272.210 to 272.370 shall prevent joining landowners from agreeing that no fence is needed between their property.

(L. 1965 p. 395)

**Partition fences--owner may demand payment, when.**

**272.240.** Whenever the owner of real estate desires to erect or construct a lawful fence which wholly or partially borders the land of another, he shall notify the other owner that he desires a division fence. If within ninety days after receiving the notice, the other landowner has not erected or constructed one-half of the division fence, the owner desiring the fence may apply to the associate division of the circuit court for an order to proceed with the construction and ordering the other landowner to pay one-half the value of so much thereof, as borders his land, and upon the payment shall own an undivided one-half of the fence; except that no owner shall be required to pay more than one-half the value of a lawful fence of four barbed wires, regardless of the type fence constructed. The associate division of the circuit court costs shall be taxed against the other landowner.

(L. 1963 p. 401 § 4, A.L. 1965 p. 395)

**Duty of judge if parties disagree on value--fence viewers to estimate.**

**272.250.** If the parties interested fail to agree as to the value of one-half of the fence, the owner of the fence may apply to a circuit or associate circuit judge of the county, who shall without delay issue an order to three disinterested householders of the township, not of kin to either party, reciting the complaint, and requiring them to view the fence, estimate the value thereof, and make return under oath to the judge on the day named in the order.

(L. 1963 p. 401 § 5)

**Value of fence may be recovered, when.**

**272.260.** If the person thus assessed or charged with the value of one-half of any fence, under the provisions of sections 272.210 to 272.370 shall neglect or refuse to pay over to the owner of the fence the amount so awarded, the same may be recovered before a court of competent jurisdiction.

(L. 1963 p. 401 § 6)

**Fence owners may agree on maintenance--agreement recorded--refusal to agree, procedure.**

**272.270.** 1. The several owners may, in writing, agree upon the portion of partition fences between their lands which shall be erected and maintained by each, which writing shall describe the lands and the parts of the fences so assigned, be signed and acknowledged by them, and filed and recorded in the office of the recorder of deeds of the county or counties in which they are situated. Any such agreement shall bind the makers, their heirs and assigns.

2. When one owner desires to make a division of the fence between his land and an adjoining landowner refuses to agree to a division, then the provisions of section 272.280 may be used to effect a division which shall be recorded in the office of the recorder of deeds in the county in which most of the fence is located.

(L. 1963 p. 401 § 7)

**Duties of judge if parties disagree on repairs--fence viewers to designate.**

**272.280.** If the parties cannot agree as to the part each shall have and keep in repair, either of them may apply to a circuit or associate circuit judge of the county who shall forthwith summon three disinterested householders of the township to appear on the premises, giving three days' notice to each of the parties of the time and place where said viewers shall meet, and the viewers shall, under oath, designate the portion to be kept in repair by each of the parties interested, and notify them in writing of the same.

(L. 1963 p. 401 § 8)

**Special partition fences--owner may demand payment, when.**

**272.290.** Whenever the fence of any owner of real estate now erected or constructed, or which shall hereafter be erected, constructed or rebuilt, the same being thereafter a fence designed to restrain swine, sheep or other animals requiring special fences, borders the land of another or which becomes a part of the fence bordering the land of another and is used to enclose such animals owned by the other person, on demand made by the person owning the fence, the other person shall pay the owner one-half of the value of so much thereof as borders his land, and upon the payment shall own an undivided half of the fence; except that no owner shall be required to pay more than the amount which would have been required to erect, construct or rebuild a lawful fence of four barbed wires on his one-half of the fence.

(L. 1963 p. 401 § 9, A.L. 1965 p. 395)

**Fees of fence viewers, judge and sheriff--taxed as costs.**

**272.300.** The persons appointed by the judge under sections 272.250 and 272.280 to discharge the duties therein specified, shall receive five dollars each per day for the time actually employed, which, together with the fees of the judge and sheriff, shall be taxed as costs in the case against the parties in proportion to their respective interests, and collected accordingly.

(L. 1963 p. 401 § 10)

**Owners to repair division fence--remedy for failure.**

**272.310.** Every person owning a part of a division fence shall keep the same in good repair according to the requirements of sections 272.210 to 272.370. Either party owning land adjoining a division fence may, upon the failure of any of the other parties, have all that part of the division fence belonging to the other parties repaired, upon the failure of the other party to do so, the repairing to be at the cost of the party so failing to repair his part of the fence.

(L. 1963 p. 401 § 11)

**Division fence not to be removed--exceptions.**

**272.320.** No division fence shall be removed without the consent of all the owners thereof, unless for the purpose of opening a public road or highway or making repairs.

(L. 1963 p. 401 § 12)

**Application of law.**

**272.330.** 1. The provisions of sections 272.240 to 272.350 shall apply to any division fence even though it may stand wholly upon one side of the division line.

2. The provisions of sections 272.210 to 272.370 shall not apply to counties which have all or partial open range.

(L. 1963 p. 401 § 13)

**Judgment of judge may be reviewed in circuit court.**

**272.340.** Any person aggrieved by any order or judgment of the judge made or entered under the provisions of sections 272.250 and 272.280 may have the same reviewed by a petition in the circuit court of the county wherein the proceedings were had, verified by affidavit. A copy of the petition shall be delivered to the adverse party at least fifteen days before the commencement of the next term of the court, and the original filed in the office of the clerk; provided, that the petition may be filed within thirty days after the order or judgment was made or rendered, and not afterward.

(L. 1963 p. 401 § 14)

**Petition for review shall state what.**

**272.350.** The petition shall set forth the grounds of objection, and upon the filing thereof the circuit court shall be possessed of the cause, and proceed to hear and determine the objections, and make such order or judgment as may be right and just in the premises.

(L. 1963 p. 401 § 15)

**Provisions of law effective after election.**

**272.360.** The provisions of sections 272.210 to 272.370 are hereby suspended in the several counties of this state until a majority of the legal voters of any county voting on the question at any general or special election called for that purpose shall decide to enforce the same in the county.

(L. 1963 p. 401 § 16)

**Petition for election--notice--order of adoption.**

**272.370.** The county commission may on its own motion and shall upon the petition of one hundred real estate owners of ten acres or more of the county submit to the voters at a general or special election the proposition for the adoption by the county of the provisions of sections 272.210 to 272.370. The commission shall cause notice of the election to be published in a newspaper published within the county, or if no newspaper is published within the county, in a newspaper published in an adjoining county, for three weeks consecutively, the last insertion of which shall be at least ten days before the day of the election, and by posting printed notices thereof at three of the most public places in each township in the county. If a majority of the voters voting on the proposition vote in favor of the adoption of the provisions of sections 272.210 to 272.370 the county commission shall issue an order declaring the adoption. From and after the issuance of the order the provisions of sections 272.210 to 272.370 shall be in full force and effect in the county and the provisions of sections 272.010 to 272.140 shall be suspended in the county.

(L. 1963 p. 401 § 17)

**Chapter 327, Architects, Professional Engineers, Land Surveyors**

**and Landscape Architects**

**Definitions.**

**327.011.** As used in this chapter, the following words and terms shall have the meanings indicated:

(1) "Accredited degree program from a school of architecture", a degree from any school or other institution which teaches architecture and whose curricula for the degree in question have been, at the time in question, certified as accredited by the National Architectural Accrediting Board;

(2) "Accredited school of engineering", any school or other institution which teaches engineering and whose curricula on the subjects in question are or have been, at the time in question certified as accredited by the engineering accreditation commission of the accreditation board for engineering and technology or its successor organization;

(3) "Accredited school of landscape architecture", any school or other institution which teaches landscape architecture and whose curricula on the subjects in question are or have been at the times in question certified as accredited by the Landscape Architecture Accreditation Board of the American Society of Landscape Architects;

(4) "Architect", any person authorized pursuant to the provisions of this chapter to practice architecture in Missouri, as the practice of architecture is defined in section 327.091;

(5) "Board", the Missouri board for architects, professional engineers, professional land surveyors and landscape architects;

(6) "Corporation", any general business corporation, professional corporation or limited liability company;

(7) "Design coordination", the review and coordination of technical submissions prepared by others including, as appropriate and without limitation, architects, professional engineers, professional land surveyors, professional landscape architects, and other consultants;

(8) "Design survey", a survey which includes all activities required to gather information to support the sound conception, planning, design, construction, maintenance, and operation of design projects, but excludes the surveying of real property for the establishment of land boundaries, rights-of-way, easements, and the dependent or independent surveys or resurveys of the public land survey system;

(9) "Incidental practice", the performance of other professional services licensed under this chapter that are related to a licensee's professional service, but are secondary and substantially less in scope and magnitude when compared to the professional services usually and normally performed by the licensee practicing in their licensed profession. This incidental professional service shall be safely and competently performed by the licensee without jeopardizing the health, safety, and welfare of the public. The licensee shall be qualified by education, training, and experience as determined by the board and in sections 327.091, 327.181, 327.272, and 327.600 and applicable board rules to perform such incidental professional service;

(10) "Licensee", a person licensed to practice any profession regulated under this chapter or a corporation authorized to practice any such profession;

(11) "Partnership", any partnership or limited liability partnership;

(12) "Person", any individual, corporation, firm, partnership, association or other entity authorized to do business;

(13) "Professional engineer", any person authorized pursuant to the provisions of this chapter to practice as a professional engineer in Missouri, as the practice of engineering is defined in section 327.181;

(14) "Professional land surveyor", any person authorized pursuant to the provisions of this chapter to practice as a professional land surveyor in Missouri as the practice of land surveying is defined in section 327.272.

(15) “Professional landscape architect”, any person authorized pursuant to the provisions of this chapter to practice as a professional landscape architect in Missouri as the practice of landscape architecture is defined in section 327.600;

(16) “Responsible charge”, the independent direct control of a licensee’s work and personal supervision of such work pertaining to the practice of architecture, engineering, land surveying, or landscape architecture.

(L. 1969 S.B. 117, A.L. 1981 S.B. 16, A.L. 1986 H.B. 1163, A.L. 1999 H.B. 343, A.L. 2001 H.B. 567, A.L. 2007 H.B. 780 merged with S.B. 308, A.L. 2014 S.B. 809)

\*Word "exclude" appears in original rolls.

**Board established, membership, officers, qualifications of members--how appointed--terms--vacancy, how filled--may sue and be sued**

**327.031.** 1. The "Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Professional Landscape Architects" is hereby established and shall consist of fifteen members: a chairperson, who may be either an architect, a professional engineer, a professional land surveyor, or a professional landscape architect; three architects, who shall constitute the architectural division of the board; four professional engineers, who shall constitute its professional engineering division; three professional land surveyors, who shall constitute its professional land surveying division; three professional landscape architects, who shall constitute its professional landscape architectural division; and a voting public member.

2. After receiving his or her commission and before entering upon the discharge of his or her official duties, each member of the board shall take, subscribe to and file in the office of the secretary of state the official oath required by the constitution.

3. The chairperson shall be the administrative and executive officer of the board, and it shall be his or her duty to supervise and expedite the work of the board and its divisions, and, at his or her election, when a tie exists between the divisions of the board, to break the tie by recording his or her vote for or against the action upon which the divisions are in disagreement. Each member of the architectural division shall have one vote when voting on an action pending before the board; each member of the professional engineering division shall have one vote when voting on an action pending before the board; each member of the professional land surveying division shall have one vote when voting on an action pending before the board; and each member of the professional landscape architectural division shall have one vote when voting on an action pending before the board. Every motion or proposed action upon which the divisions of the board are tied shall be deemed lost, and the chairperson shall so declare, unless the chairperson shall elect to break the tie as provided in this section. Eight voting members of the board, including at least one member of each division, shall constitute a quorum, respectively, for the transaction of board business.

4. Each division of the board shall, at its first meeting in each even-numbered year, elect one of its members as division chairperson for a term of two years. Two voting members of each division of the board shall constitute a quorum for the transaction of division business. The chairpersons of the architectural division, professional engineering division, professional land surveying division, and professional landscape architectural division so elected shall be vice chairpersons of the board, and when the chairperson of the board is an architect, the chairperson of the architectural division shall be the ranking vice chairperson, and when the chairperson of the board is a professional engineer, the chairperson of the professional engineering division shall be the ranking vice chairperson, when the chairperson of the board is a professional land surveyor, the chairperson of the professional land surveying division shall be the ranking vice chairperson, and when the chairperson of the board is a professional landscape architect, the chairperson of the professional landscape architectural division shall be the ranking vice chairperson. The chairperson of each division shall be the administrative and executive officer of his or her division, and it shall be his or her duty to supervise and expedite the work of the division, and, in case of a tie vote on any matter, the chairperson shall, at his or her election, break the tie by his or her vote. Every motion or question pending before the division upon which a tie exists shall be deemed lost, and so declared by the chairperson of the division, unless the chairperson shall elect to break such tie by his or her vote.

5. Any person appointed to the board, except a public member, shall be a currently licensed architect, licensed professional engineer, licensed professional land surveyor or licensed professional landscape architect in Missouri, as the vacancy on the board may require, who has been a resident of Missouri for at least five years, who has been engaged in active practice as an architect, professional engineer, professional land surveyor or professional landscape architect, as the case may be, for at least ten consecutive years as a Missouri licensee immediately preceding such person's appointment, and who is and has been a citizen of the United States for at least five years immediately preceding such person's appointment. Active service as a faculty member while holding the rank of assistant professor or higher in an accredited school of engineering shall be regarded as active practice of engineering, for the purposes of this chapter. Active service as a faculty member, after meeting the qualifications required by section 327.314, while holding the rank of assistant professor or higher in an accredited school of engineering and teaching land surveying courses shall be regarded as active practice of land surveying for the purposes of this chapter. Active service as a faculty member while holding the rank of assistant professor or higher in an accredited school of landscape architecture shall be regarded as active practice of landscape architecture, for the purposes of this chapter. Active service as a faculty member while holding the rank of assistant professor or higher in an accredited school of architecture shall be regarded as active practice of architecture for the purposes of this chapter; provided, however, that no faculty member of an accredited school of architecture shall be eligible for appointment to the board unless such person has had at least three years' experience in the active practice of architecture other than in teaching. The public member shall be, at the time of appointment, a citizen of the United States; a resident of this state for a period of one year and a registered voter; a person who is not and never was a member of any profession licensed or regulated pursuant to this chapter or the spouse of such person; and a person who does not have and never has had a material, financial interest in either the providing of the professional services regulated by this chapter, or an activity or organization directly related to any profession licensed or regulated pursuant to this chapter. All members, including public members, shall be chosen from lists submitted by the director of the division of professional registration. The duties of the public member shall not include the determination of the technical requirements to be met for licensure or whether any person meets such technical requirements or of the technical competence or technical judgment of a licensee or a candidate for licensure.

6. The governor shall appoint the chairperson and the other members of the board when a vacancy occurs either by the expiration of a term or otherwise, and each board member shall serve until such member's successor is appointed and has qualified. The position of chairperson shall rotate sequentially with an architect, then professional engineer, then professional land surveyor, then professional landscape architect, and shall be a licensee who has previously served as a member of the board. The appointment of the chairperson shall be for a term of four years which shall be deemed to have begun on the date of his or her appointment and shall end upon the appointment of the chairperson's successor. The chairperson shall not serve more than one term. All other appointments, except to fill an unexpired term, shall be for terms of four years; but no person shall serve on the board for more than two consecutive four-year terms, and each four-year term shall be deemed to have begun on the date of the expiration of the term of the board member who is being replaced or reappointed, as the case may be. Any appointment to the board which is made when the senate is not in session shall be submitted to the senate for its advice and consent at its next session following the date of the appointment.

7. In the event that a vacancy is to occur on the board because of the expiration of a term, then ninety days prior to the expiration, or as soon as feasible after a vacancy otherwise occurs, the president of the American Institute of Architects/Missouri if the vacancy to be filled requires the appointment of an architect, the president of the Missouri Society of Professional Engineers if the vacancy to be filled requires the appointment of a professional engineer, the president of the Missouri Society of Professional Surveyors if the vacancy to be filled requires the appointment of a professional land surveyor, and the president of the Missouri Association of Landscape Architects if the vacancy to be filled requires the appointment of a professional landscape architect, shall submit to the director of the division of professional registration a list of five architects or five professional engineers, or five professional land surveyors, or five professional landscape architects as the case may require, qualified and willing to fill the vacancy in question, with the recommendation that the governor appoint one of the five persons so listed; and with the list of names so submitted, the president of the appropriate organization shall include in a letter of transmittal a description of the method by which the names were chosen. This subsection shall not apply to public member vacancies.

8. The board may sue and be sued as the Missouri board for architects, professional engineers, professional land surveyors and professional landscape architects, and its members need not be named as parties. Members of the board shall not be personally liable either jointly or severally for any act or acts committed in the performance of their official duties as board members, nor shall any board member be personally liable for any court costs which accrue in any action by or against the board.

(L. 1969 S.B. 117, A.L. 1981 S.B. 16, A.L. 1986 H.B. 1163, A.L. 1988 H.B. 1573, A.L. 1997 S.B. 141, A.L. 1999 H.B. 343, A.L. 2001 H.B. 567, A.L. 2010 H.B. 1692, et al. merged with H.B. 2226, et al., A.L. 2014 S.B. 809)

**Board, powers and duties--rules, generally, this chapter, procedure.**

**327.041.** 1. The board shall have the duty and the power to carry out the purposes and to enforce and administer the provisions of this chapter, to require, by summons or subpoena, with the vote of two-thirds of the voting board members, the attendance and testimony of witnesses, and the production of drawings, plans, plats, specifications, books, papers or any document representing any matter under hearing or investigation, pertaining to the issuance, probation, suspension or revocation of certificates of registration or certificates of authority provided for in this chapter, or pertaining to the unlawful practice of architecture, professional engineering, professional land surveying or professional landscape architecture.

2. The board shall, within the scope and purview of the provisions of this chapter, prescribe the duties of its officers and employees and adopt, publish and enforce the rules and regulations of professional conduct which shall establish and maintain appropriate standards of competence and integrity in the professions of architecture, professional engineering, professional land surveying and professional landscape architecture, and adopt, publish and enforce procedural rules and regulations as may be considered by the board to be necessary or proper for the conduct of the board's business and the management of its affairs, and for the effective administration and interpretation of the provisions of this chapter. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this chapter shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void.

3. Rules promulgated by the board pursuant to sections 327.272 to 327.635 shall be consistent with and shall not supersede the rules promulgated by the department of natural resources pursuant to chapter 60.

(L. 1969 S.B. 117, A.L. 1981 S.B. 16, A.L. 1986 H.B. 1163, A.L. 1989 H.B. 190, et al., A.L. 1993 S.B. 52, A.L. 1995 S.B. 3, A.L. 1999 H.B. 343, A.L. 2001 H.B. 567, A.L. 2010 H.B. 1692, et al. merged with H.B. 2226, et al., A.L. 2014 S.B. 809)

**Meetings, when--personnel, employment--compensation of board members.**

**327.051.** 1. The board shall meet at least twice a year at such times and places as are fixed by the board.

2. The board may appoint and employ legal counsel and such board personnel, as defined in subdivision (4) of subsection 11 of section 324.001, as it deems necessary within the appropriation therefore.

3. The board shall keep records of its official acts and decisions and certified copies of any such records attested by the executive director with the board's seal affixed shall be received as evidence in all courts to the same extent as the board's original records would be received.

4. Each member of the board shall receive as compensation an amount set by the board not to exceed seventy-five dollars for each day devoted to the affairs of the board, and shall be entitled

to reimbursement of such member's expenses necessarily incurred in the discharge of such member's official duties.

(L. 1969 S.B. 117, A.L. 1981 S.B. 16, A.L. 1986 H.B. 1163, A.L. 1999 H.B. 343, A.L. 2008 S.B. 788, A.L. 2014 S.B. 809)

**Office, where.**

**327.061.** The board shall establish and maintain an office in Jefferson City, Missouri.

(L. 1969 S.B. 117, A.L. 1981 S.B. 16)

**Injunction authorized, when.**

**327.075.** 1. Upon application by the board, and the necessary burden having been met, a court of general jurisdiction may grant an injunction, restraining order or other order as may be appropriate to enjoin a person from:

(1) Offering to engage or engaging in the performance of any acts or practices for which a certificate of registration or authority, permit or license is required upon a showing that such acts or practices were performed or offered to be performed without a certificate of registration or authority, permit or license; or

(2) Engaging in any practice or business authorized by a certificate of registration or authority, permit or license issued pursuant to this chapter upon a showing that the holder presents a substantial probability of serious danger to the health, safety or welfare of any resident of this state or client of the licensee.

2. Any such action shall be commenced either in the county in which such conduct occurred or in the county in which the defendant resides.

3. Any action brought pursuant to this section shall be in addition to and not in lieu of any remedy provided by this chapter and may be brought concurrently with other actions to enforce this chapter.

(L. 1981 S.B. 16, A.L. 1999 H.B. 343)

**Licensure required, penalty for violation--complaint procedure.**

**327.076.** 1. Any person who practices architecture, engineering, land surveying, or landscape architecture, as defined in sections 327.011 to 327.635, or who holds himself or herself out as able to practice such profession and who is not the holder of a currently valid license or certificate of authority in Missouri, and who is not exempt from holding such a license or certificate, is guilty of a class A misdemeanor. As used in this chapter, "practice" shall not include the rendering of opinions or giving of testimony in a civil or criminal proceeding by a licensed professional.

2. The board may cause a complaint to be filed with the administrative hearing commission, as provided in chapter 621, against any unlicensed person who:

(1) Engages in or offers to render or engage in the practice of architecture, professional engineering, professional land surveying, or professional landscape architecture;

(2) Uses or employs titles defined and protected by this chapter, or implies authorization to provide or offer professional services, or otherwise uses or advertises any title, word, figure, sign, card, advertisement, or other symbol or description tending to convey the impression that the person is licensed or holds a certificate of authority to practice architecture, professional engineering, professional land surveying, or professional landscape architecture;

(3) Presents or attempts to use another person's license, seal, or certificate of authority as his or her own;

(4) Attempts to use an expired, suspended, revoked, or nonexistent license or certificate of authority;

(5) Affixes his or her or another architect's, professional engineer's, professional land surveyor's, or professional landscape architect's seal on any plans, drawings, specifications or reports which have not been prepared by such person or under such person's immediate personal supervision care;

(6) Gives false or forged evidence of any kind to the board or any member of the board in obtaining or attempting to obtain a certificate of licensure in this state or any other state or jurisdiction;

(7) Knowingly aids or abets an unlicensed or unauthorized person who engages in any prohibited activity identified in this subsection;

(8) Violates any provision of the code of professional conduct or other rule adopted by the board; or

(9) Violates any provision of subsection 2 of section 327.441.

3. When reviewing complaints against unlicensed persons, the board may initiate an investigation and take all measures necessary to find the facts of any potential violation, including issuing subpoenas to compel the attendance and testimony of witnesses and the disclosure of evidence, and may request the attorney general to bring an action to enforce the subpoena.

4. If the board files a complaint with the administrative hearing commission, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds provided in subsection 2 of this section for disciplinary action are met, the board may, either singularly or in combination with other provisions of this chapter, impose a civil penalty as provided for in section [327.077](http://www.moga.mo.gov/mostatutes/stathtml/32700000771.html) against the person named in the complaint.

(L. 2007 H.B. 780 merged with S.B. 308, A.L. 2014 S.B. 809)

**Civil penalties may be imposed, when--amount, limit, determination of--settlement requirements.**

**327.077.** 1. In disciplinary actions against licensed or unlicensed persons, the board may issue an order imposing a civil penalty. Such penalty shall not be imposed until the findings of fact and conclusions of law by the administrative hearing commission have been delivered to the board in accordance with section 621.110, RSMo. Further, no civil penalty shall commence until a formal meeting and vote by the board has been taken to impose such a penalty.

2. A civil penalty imposed under this section shall not exceed five thousand dollars for each offense. Each day of a continued violation constitutes a separate offense, with a maximum penalty of twenty-five thousand dollars. In determining the amount of penalty to be imposed, the board may consider any of the following:

(1) Whether the amount imposed will be a substantial deterrent to the violation;

(2) The circumstances leading to the violation;

(3) The severity of the violation and the risk of harm to the public;

(4) The economic benefits gained by the violator as a result of noncompliance;

(5) The interest of the public.

3. Any final order imposing a civil penalty is subject to judicial review upon the filing of a petition under section 536.100, RSMo, by any person subject to the penalty.

4. Payment of a civil penalty shall be made within sixty days of filing the order, or if the order is stayed pending an appeal within ten days after the court enters a final judgment in favor of the board. If the penalty is not timely paid, the board shall notify the attorney general. The attorney general may commence an action to recover the amount of the penalty, including reasonable attorney fees and costs and a surcharge of fifteen percent of the penalty plus ten percent per annum on any amounts owed. In such action, the validity and appropriateness of the final order imposing the civil penalty shall not be subject to review.

5. An action to enforce an order under this section may be joined with an action for an injunction.

6. Any offer of settlement to resolve a civil penalty under this section shall be in writing, state that an action for imposition of a civil penalty may be initiated by the attorney general representing the board under this section, and identify any dollar amount as an offer of settlement, which shall be negotiated in good faith through conference, conciliation, and persuasion.

7. Failure to pay a civil penalty by any person licensed under this chapter shall be grounds for refusing to renew or denying reinstatement of a license or certificate of authority.

8. Penalties collected under this section shall be handled in accordance with section 7 of article IX of the Missouri Constitution. Such penalties shall not be considered a charitable contribution for tax purposes.

(L. 2007 H.B. 780 merged with S.B. 308)

**Fund established, deposits--expenditures, how paid--transferred to general revenue, when.**

**327.081.** 1. All funds received pursuant to the provisions of this chapter shall be deposited in the state treasury to the credit of the "State Board for Architects, Professional Engineers, Professional Land Surveyors and Professional Landscape Architects Fund" which is hereby established. All expenditures authorized by this chapter shall be paid from funds appropriated to the board by the general assembly from this fund.

2. The provisions of section [33.080](http://www.moga.mo.gov/mostatutes/stathtml/03300000801.html) to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds two times the amount of the appropriation from the board's funds for the preceding fiscal year or, if the board requires by rule permit renewal less frequently than yearly, then three times the appropriation from the board's funds for the preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds the appropriate multiple of the appropriations from the board's funds for the preceding fiscal year.

(L. 1969 S.B. 117, A.L. 1981 S.B. 16, A.L. 1985 S.B. 99, A.L. 2001 H.B. 567, A.L. 2014 S.B. 809)

**Practice of architecture defined.**

**327.091.** 1. The practice of architecture is the rendering of or offering to render services in connection with the design and construction of public and private buildings, structures and shelters, site improvements, in whole or part and including any additions or alterations thereto, as well as to the spaces within and the site surrounding such buildings and structures, which have as their principal purpose human occupancy or habitation. The services referred to include consultation, design surveys, feasibility studies, evaluation, planning, aesthetic and structural design, preliminary design, drawings, specifications, technical submissions, and other instruments of service, the administration of construction contracts, construction observation and inspection, and the coordination of any elements of technical submissions prepared by others, including professional engineers, landscape architects, and other consultants that pertain to the practice of architecture. A person shall be considered to be practicing architecture when such person uses the title "architect" or the terms "architect" or "architecture" or "architectural" alone or together with any words other than "landscape" to indicate or imply that such person is or holds himself or herself out to be an architect. Only a person with the required architectural education, practical training, relevant work experience, and licensure may practice as an architect in Missouri.

2. Architects shall be in responsible charge of all architectural design of buildings and structures that can affect the health, safety, and welfare of the public within their scope of practice.

(L. 1969 S.B. 117, A.L. 1999 H.B. 343, A.L. 2014 S.B. 809, A.L. 2021 H.B. 273 merged with H.B. 476)

**Unauthorized practice prohibited–licensure required–exceptions, when.–**

**327.101.** 1. No person shall practice architecture in Missouri as defined in section 327.091 unless and until there is issued to the person a license or a certificate of authority certifying that the person has been duly licensed as an architect or authorized to practice architecture, in Missouri, and unless such license has been renewed as hereinafter specified.

2. Notwithstanding the provisions of subsection 1 of this section, the following persons may engage in actions defined as the practice of architecture in section [327.091](https://revisor.mo.gov/main/OneSection.aspx?section=327.091), provided that such persons shall not use the title "architect" or the terms "architect" or "architecture" or "architectural" alone or together with any words other than "landscape" that indicate or imply that such person is or holds himself or herself out to be an architect:

(1) Any person who is an employee of a person holding a currently valid license as an architect or who is an employee of any person holding a currently valid certificate of authority pursuant to this chapter, and who performs architectural work under the direction and continuing supervision of and is checked by one holding a currently valid license as an architect pursuant to this chapter;

(3) Any holder of a currently valid license or certificate of authority as a professional engineer who performs only such architecture as incidental practice and necessary to the completion of professional services lawfully being performed by such licensed professional engineer;

4) Any person who is a professional landscape architect, city planner or regional planner who performs work consisting only of consultations concerning and preparation of master plans for 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 professional 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 paragraph\* (a), (b), or (c) which follow, 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) Any one building or structure, except for those buildings or structures referenced in subdivision (8) of this subsection, which provides for the employment, assembly, housing, sleeping, or eating of not more than nine persons, contains less than two thousand square feet, and is not part of another building or structure;

(6) Any person who renders architectural services in connection with the remodeling or repairing of any privately owned multiple family dwelling house, flat or apartment containing three or four families, provided that the alteration, renovation, or remodeling does not affect architectural or engineering safety features of the building 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) 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; or

(8) Any person who renders architectural services in connection with the construction, remodeling, or repairing of any building or structure used exclusively for agriculture purposes.

(L. 1969 S.B. 117, A.L. 1981 S.B. 16, A.L. 1997 S.B. 171, A.L. 1999 H.B. 343, A.L. 2014 S.B. 809, A.L. 2021 H.B. 273 merged with H.B. 476)

\*Word "paragraphs" appears in original rolls of H.B. 273 and H.B. 476, 2021.

**Reciprocity for architects licensed in Canada, requirements.**

**327.106.** Notwithstanding any provisions of this chapter to the contrary, any applicant for a license to practice architecture who holds a valid license to practice architecture in Canada shall be licensed to practice architecture in this state, if such applicant holds certification pursuant to the terms of the Mutual Recognition Agreement between the National Council of Architectural Registration Boards (NCARB) and the Canadian Architectural Licensing Authorities and provided the applicant meets all other qualifications for licensure as an architect as provided in this chapter.

(L. 1998 H.B. 996, A.L. 2014 S.B. 809)

**Applicant for license as architect, qualifications.**

**327.131.** Any person may apply to the board for licensure as an architect who is over the age of twenty-one, has acquired an accredited degree from an accredited degree program from a school of architecture, holds a certified Intern Development Program (IDP) or Architectural Experience Program (AXP) record with the National Council of Architectural Registration Boards, and has taken and passed all divisions of the Architect Registration Examination.

(L. 1969 S.B. 117, A.L. 1981 S.B. 16, A.L. 1999 H.B. 343, A.L. 2001 H.B. 567, A.L. 2014 S.B. 809, A.L. 2020 H.B. 2046, A.L. 2021 H.B. 273 merged with H.B. 476)

**Application, form, fee.**

**327.141.** Applications for licensure as an architect shall be typewritten on prescribed forms furnished to the applicant. The application shall contain the applicant's statements showing the applicant's education, experience, results of previous architectural licensing examinations, if any, and such other pertinent information as the board may require. Each application shall contain a statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing the application, subject to the penalties of making a false affidavit or declaration and shall be accompanied by the required fee.

(L. 1969 S.B. 117, A.L. 1981 S.B. 16, A.L. 1999 H.B. 343, A.L. 2014 S.B. 809)

**Examination for license, content--passing grade, how determined.**

**327.151.** 1. After it has been determined that an applicant possesses the qualifications entitling the applicant to be examined, each applicant for examination and licensure as an architect shall appear before the board or its representatives for examination at the time and place specified.

2. The examination or examinations shall be of such form, content and duration as determined by the architectural division of the board to thoroughly test the qualifications of each applicant to practice architecture in Missouri.

3. An applicant to be eligible for licensure shall make a passing grade on each examination. The passing grade shall be fixed by the board but it shall never be higher than the current passing grade determined by the National Council of Architectural Registration Boards.

4. Any person who passes the examination or examinations prescribed by the board shall be entitled to be licensed as an architect in Missouri, subject to the other provisions of this chapter.

(L. 1969 S.B. 117, A.L. 1981 S.B. 16, A.L. 1999 H.B. 343, A.L. 2014 S.B. 809)

**Reexamination, when.**

**327.161.** If an applicant fails to make the grade specified in section 327.151, the applicant may apply for reexamination, by division, in accordance with the guidelines established by the National Council of Architectural Registration Boards or it successor.

(L. 1969 S.B. 117, A.L. 1981 S.B. 16, A.L. 1999 H.B. 343, A.L. 2014 S.B. 809)

**Professional license, renewal.**

**327.171.** 1. The professional license, issued to every architect in Missouri, including certificates of authority issued to corporations as provided in section [327.401](http://www.moga.mo.gov/mostatutes/stathtml/32700004011.html), shall be renewed on or before the certificate renewal date, provided that the required fee is paid. The board may establish, by rule, continuing education requirements as a condition to renewing the license of an architect, provided that the board shall not require more professional development hours than that which is recommended by the American Institute of Architects or its successor organization, but not to exceed thirty such hours. The license of any architect or the certificate of authority issued to any corporation which is not renewed by the certificate renewal date shall expire on the renewal date and be void and the holder of such expired certificate shall have no rights or privileges under such license or certificate; but any person or corporation whose certificate has expired as provided in this section may within three months of the certificate renewal date or at the discretion of the board, upon payment of the required fee, be renewed, relicensed, or reauthorized under such person's or such corporation's original license number.

2. Each application for the renewal of a license or of a certificate of authority shall be on a form furnished to the applicant and shall be accompanied by the required fee, but no renewal fee need be paid by any architect over the age of seventy-five.

(L. 1969 S.B. 117, A.L. 1981 S.B. 16, A.L. 1989 H.B. 190, et al., A.L. 1999 H.B. 343, A.L. 2014 S.B. 809)

**Inactive license status granted, when, procedure--return to active status, procedure.**

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

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

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

(L. 2003 S.B. 478, A.L. 2014 S.B. 809)

**Practice as professional engineer defined--use of titles, restrictions.**

**327.181.** 1. Any person practices in Missouri as a professional engineer who renders or offers to render or holds himself or herself out as willing or able to render any service or creative work, the adequate performance of which requires engineering education, training, and experience in the application of special knowledge of the mathematical, physical, and engineering sciences to such services or creative work as consultation, investigation, evaluation, planning and design of engineering works and systems, teaching of advanced engineering subjects or courses related thereto, design surveys and studies, the design coordination of services furnished by engineers and other consultants as they relate to engineering work, construction observation and the inspection of construction for the purpose of compliance with drawings and specifications, any of which embraces such service or work either public or private, in connection with any utilities, structures, buildings, machines, equipment, processes, work systems or projects and including such architectural work as is incidental to the practice of engineering; or who uses the title "professional engineer" or "consulting engineer" or the word "engineer" alone or preceded by any word indicating or implying that such person is or holds himself or herself out to be a professional engineer, or who shall use any word or words, letters, figures, degrees, titles or other description indicating or implying that such person is a professional engineer or is willing or able to practice engineering.

2. Professional engineers shall be in responsible charge of all engineering design of buildings, structures, products, machines, processes, and systems that can affect the health, safety, and welfare of the public within their scope of practice.

3. Notwithstanding any provision of subsection 1 of this section, any person using the word "engineer", "engineers", or "engineering", alone or preceded by any word, or in combination with any words, may do so without being subject to disciplinary action by the board so long as such use is reflective of that person's profession or vocation and is clearly not indicating or implying that such person is holding himself or herself out as being a professional engineer or is willing or able to practice engineering as defined in this section.

(L. 1969 S.B. 117, A.L. 1999 H.B. 343, A.L. 2007 H.B. 780 merged with S.B. 308, A.L. 2014 S.B. 809)

**Unauthorized practice prohibited – licensure required – exceptions, when. –**

**327.191.** 1. No person shall practice as a professional engineer in Missouri, as defined in section [327.181](https://revisor.mo.gov/main/OneSection.aspx?section=327.181) unless and until there is issued to such person a professional license or a certificate of authority 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](https://revisor.mo.gov/main/OneSection.aspx?section=327.261).

2. Notwithstanding the provisions of subsection 1 of this section, the following persons may engage in actions defined as the practice of professional engineering in section [327.181](https://revisor.mo.gov/main/OneSection.aspx?section=327.181), provided that such persons shall not use the title "professional engineer" or "consulting engineer" or the word "engineer" alone or preceded by any word indicating or implying that such person is or holds himself or herself out to be a professional engineer, or use any word or words, letters, figures, degrees, titles, or other description indicating or implying that such person is a professional engineer or is willing or able to practice engineering:

(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;

(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, and 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, professional land surveyor, or professional landscape architect who performs only such engineering as incidental practice and necessary to the completion of professional services lawfully being performed by such architect, professional land surveyor, or professional landscape architect;

(5) Any person who renders engineering services in connection with the construction, remodeling, or repairing of any privately owned building described as follows, 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 professional engineer:

(a) A dwelling house;

(b) A multiple family dwelling house, flat, or apartment containing no more than two families; or

(c) Any one building or structure, except for those buildings or structures referenced in subdivision (8) of this subsection, which provides for the employment, assembly, housing, sleeping, or eating of not more than nine persons, contains less than two thousand square feet, and is not part of another building or structure;

(6) Any person who renders engineering services in connection with the remodeling or repairing of any privately owned, multiple family dwelling house, flat, or apartment containing three or four families, provided that the alteration, renovation, or remodeling does not affect architectural or engineering safety features of the building, 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 professional engineer;

(7) 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;

(8) Any person who renders engineering services in connection with the construction, remodeling, or repairing of any building or structure used exclusively for agricultural purposes.

(L. 1969 S.B. 117, A.L. 1981 S.B. 16, A.L. 1999 H.B. 343, A.L. 2014 S.B. 809, A.L. 2021 H.B. 273 merged with H.B. 476)

**Applicant for license as professional engineer, qualifications.**

**327.221.** Any person may apply to the board for licensure as a professional engineer who is a graduate of and holds a degree in engineering from an accredited school of engineering, or who possesses an education which includes at the minimum a baccalaureate degree in engineering, and which in the opinion of the board, equals or exceeds the education received by a graduate of an accredited school, and has acquired at least four years of satisfactory engineering experience, after such person has graduated and has received a degree or education as provided in this section; provided that the board shall by rule provide what shall constitute satisfactory engineering experience based upon recognized education and training equivalents, but in any event such rule shall provide that no more than one year of satisfactory postgraduate work in engineering subjects and that each year of satisfactory teaching of engineering subjects accomplished after a person has graduated from and has received a degree from an accredited school of engineering or after receiving an education as provided in this section shall count as equivalent years of satisfactory engineering experience.

(L. 1969 S.B. 117, A.L. 1981 S.B. 16, A.L. 1983 S.B. 324, A.L. 1999 H.B. 343, A.L. 2014 S.B. 809, A.L. 2018 H.B. 1719, H.B. 2046)

**Application, form, fee.**

**327.231.** Applications for licensure as a professional engineer shall be typewritten on prescribed forms furnished to the applicant. The application shall contain the applicant's statements showing the applicant's education, experience, results of previous engineering examinations, if any, and such other pertinent information as the board may require. Each application shall contain a statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing such application, subject to the penalties of making a false affidavit or declaration and shall be accompanied by the required fee.

(L. 1969 S.B. 117, A.L. 1981 S.B. 16, A.L. 1999 H.B. 343, A.L. 2014 S.B. 809)

**Examination for licensure, requirements.**

**327.241.** 1. After it has been determined that an applicant possesses the qualifications entitling the applicant to be examined, each applicant for examination and licensure as a professional engineer in Missouri shall appear before the board or its representatives for examination at the time and place specified.

2. The examination or examinations shall be of such form, content and duration as shall be determined by the board to thoroughly test the qualifications of each applicant to practice as a professional engineer in Missouri.

3. Any applicant to be eligible for a license must make a grade on each examination of at least seventy percent.

4. The engineering examination shall consist of two parts; the first part may be taken by any person after such person has satisfied the educational requirements of section [327.221](https://revisor.mo.gov/main/OneSection.aspx?section=327.221), or who is in his or her final year of study in an accredited school of engineering; and upon passing part one of the examination and providing proof that such person has satisfied the educational requirements of section [327.221](https://revisor.mo.gov/main/OneSection.aspx?section=327.221) and upon payment of the required fee, such person shall be an engineer-intern, subject to the other provisions of this chapter.

5. Any engineer-intern, as defined in subsection 4 of this section, may take part two of the engineering examination and upon passing it and having acquired at least four years of satisfactory engineering experience shall be entitled to receive a license, subject, however, to the other provisions of this chapter.

6. Notwithstanding the provisions of subsections 4 and 5 of this section, the board may, in its discretion, provide by rule that any person who has graduated from and holds an engineering degree from an accredited school of engineering may thereupon be eligible to take both parts of the engineering examination and that upon passing said examination and acquiring four years of satisfactory engineering experience, after graduating and receiving a degree as aforesaid, shall be entitled to receive a license to practice as a professional engineer, subject, however, to the other provisions of this chapter.

7. Any person who has graduated from and has received a degree in engineering from an accredited school of engineering may take both parts of the examination and upon passing and having acquired four years of satisfactory engineering experience shall be entitled to receive a license to practice as a professional engineer, subject, however, to the other provisions of this chapter.

(L. 1969 S.B. 117, A.L. 1977 S.B. 439, A.L. 1981 S.B. 16, A.L. 1983 S.B. 324, A.L. 1999 H.B. 343, A.L. 2014 S.B. 809, A.L. 2021 H.B. 273 merged with H.B. 476)

**Reexamination, when.**

**327.251.** If an applicant fails to make the grade specified in section 327.241, such applicant may apply for reexamination in accordance with the guidelines established by the National Council of Examiners for Engineering and Surveying or its successor.

(L. 1969 S.B. 117, A.L. 1981 S.B. 16, A.L. 1999 H.B. 343, A.L. 2014 S.B. 809)

**Professional license, renewal.**

**327.261.** 1. The professional license issued to every professional engineer in Missouri, including certificates of authority issued to corporations as hereinafter provided, shall be renewed on or before the license renewal date, provided that the required fee is paid. The board may establish, by rule, continuing education requirements as a condition to renewing the license of a professional engineer, provided that the board shall not require more professional development hours than that which is recommended by the National Council of Examiners for Engineering and Surveying or its successor organization, but not to exceed thirty such hours. The license of any professional engineer or the certificate of authority of any such corporation which is not renewed by the certificate renewal date shall expire on the renewal date and be void and the holder of the expired license or certificate shall have no rights or privileges under such license or certificate; but any person or corporation whose license or certificate has expired as aforesaid may within three months of the certificate renewal date or at the discretion of the board, upon payment of the required fee, be renewed, relicensed, or reauthorized under such person's or such corporation's original license number.

2. Each application for the renewal of a license or of a certificate of authority shall be on a form furnished to the applicant and shall be accompanied by the required fee; but no renewal fee need be paid by any professional engineer over the age of seventy-five.

(L. 1969 S.B. 117, A.L. 1981 S.B. 16, A.L. 1989 H.B. 190, et al., A.L. 1999 H.B. 343, A.L. 2014 S.B. 809)

**Inactive license, requirements--return to active.**

**327.271.** 1. A professional engineer licensed in this state may apply to the board for inactive license status on a form furnished by the board. Upon receipt of the completed inactive status application form and the board's determination that the license meets the requirements established by rule, the board shall declare the licensee inactive and shall place the licensee on an inactive status list. A person whose license is inactive shall not offer or practice professional engineering within this state, but may continue to use the title "professional engineer" or the initials "P.E." after such person's name.

2. If a licensee is granted inactive status, the licensee may return to active status by notifying the board in advance of such intention, by paying appropriate fees as determined by the board, and by meeting all established requirements of the board including the demonstration of current knowledge, competency and skill in the practice of professional engineering as a condition of reactivation.

3. In the event an inactive licensee does not maintain a current license in any state for a five-year period immediately prior to requesting reactivation, that person may be required to take the principles and practice of engineering examination.

(L. 1999 H.B. 343, A.L. 2014 S.B. 809)

**Practice as professional land surveyor defined.**

**327.272.** 1. A professional land surveyor shall include any person who practices in Missouri as a professional land surveyor who uses the title of "surveyor" alone or in combination with any other word or words including, but not limited to "registered", "professional" or "land" indicating or implying that the person is or holds himself or herself out to be a professional land surveyor who by word or words, letters, figures, degrees, titles or other descriptions indicates or implies that the person is a professional land surveyor or is willing or able to practice professional land surveying or who renders or offers to render, or holds himself or herself out as willing or able to render, or perform any service or work, the adequate performance of which involves the special knowledge and application of the principles of land surveying, mathematics, the related physical and applied sciences, and the relevant requirements of law, all of which are acquired by education, training, experience and examination, that affect real property rights on, under or above the land and which service or work involves:

(1) The determination, location, relocation, establishment, reestablishment, layout, or retracing of land boundaries and positions of the United States Public Land Survey System;

(2) The monumentation of land boundaries, land boundary corners and corners of the United States Public Land Survey System;

(3) The subdivision of land into smaller tracts and preparation of property descriptions;

(4) The survey and location of rights-of-way and easements;

(5) Creating, preparing, or modifying electronic or computerized data relative to the performance of the activities in subdivisions (1) to (4) of this subsection;

(6) Consultation, investigation, design surveys, evaluation, planning, design and execution of surveys;

(7) The preparation of any drawings showing the shape, location, dimensions or area of tracts of land;

(8) Monumentation of geodetic control and the determination of their horizontal and vertical positions;

(9) Establishment of state plane coordinates;

(10) Topographic surveys and the determination of the horizontal and vertical location of any physical features on, under or above the land;

(11) The preparation of plats, maps or other drawings showing elevations and the locations of improvements and the measurement and preparation of drawings showing existing improvements after construction;

(12) Layout of proposed improvements;

(13) The determination of azimuths by astronomic observations.

2. None of the specific duties listed in subdivisions (4) to (13) of subsection 1 of this section are exclusive to professional land surveyors unless they affect real property rights. For the purposes of this section, the term "real property rights" means a recordable interest in real estate as it affects the location of land boundary lines. The validity of any document prepared between August 27, 2014, and August 28, 2015, by a provider of utility or communications services purporting to affect real property rights shall remain valid and enforceable notwithstanding that any legal description contained therein was not prepared by a professional land surveyor.

3. Professional land surveyors shall be in responsible charge of all drawings, maps, surveys, and other work product that can affect the health, safety, and welfare of the public within their scope of practice.

4. Nothing in this section shall be construed to preclude the practice of architecture or professional engineering or professional landscape architecture as provided in sections 327.091, 327.181, and 327.600.

5. Nothing in this section shall be construed to preclude the practice of title insurance business or the business of title insurance as provided in chapter 381, or to preclude the practice of law or law business as governed by the Missouri supreme court and as provided in chapter 484.

(L. 1969 S.B. 117, A.L. 1981 S.B. 16, A.L. 1999 H.B. 343, A.L. 2010 H.B. 1692, et al., A.L. 2014 S.B. 809, A.L. 2015 H.B. 1052, A.L. 2016 S.B. 833)

**Unauthorized practice prohibited.**

**327.281.** No person, including any duly elected county surveyor, shall practice as a professional land surveyor in Missouri as defined in section 327.272 unless and until there is issued to such person a license or a certificate of authority certifying that such person has been duly licensed as a professional land surveyor in Missouri, and unless such license or certificate has been renewed as provided in section 327.351.

(L. 1969 S.B. 117, A.L. 1981 S.B. 16, A.L. 1999 H.B. 343)

**Land surveyor-in-training applicant for enrollment, qualifications-certificate issued when – surveyor-intern enrollment, when. -**

**327.312.** 1. Prior to January 1, 2024, any person may apply to the board for enrollment as a land surveyor-in-training who is a high school graduate, or who holds a Missouri certificate of high school equivalence (GED), and either:

(1) Has graduated and received a baccalaureate degree in an approved curriculum as defined by board regulation which shall include at least twelve semester hours of approved surveying course work as defined by board regulation of which at least two semester hours shall be in the legal aspects of boundary surveying; or

(2) Has passed at least sixty hours of college credit which shall include credit for at least twenty semester hours of approved surveying course work as defined by board regulation of which at least two semester hours shall be in legal aspects of boundary surveying and present evidence satisfactory to the board that in addition thereto such person has at least one year of combined professional office and field experience in land surveying projects under the immediate personal supervision of a professional land surveyor; or

(3) Has passed at least twelve semester hours of approved surveying course work as defined by board regulation of which at least two semester hours shall be in legal aspects of land surveying and in addition thereto has at least two years of combined professional office and field experience in land surveying projects under the immediate personal supervision of a professional land surveyor. Pursuant to this provision, not more than one year of satisfactory postsecondary education work shall count as equivalent years of satisfactory land surveying work as aforementioned.

2. The board shall issue a certificate of completion to each applicant who satisfies the requirements of the aforementioned land surveyor-in-training program and passes such examination or examinations as shall be required by the board.

3. Beginning January 1, 2024, any person may apply to the board for enrollment as a land surveyor-intern who is a high school graduate, or who holds a certificate of high school equivalence (GED), and has passed any examination required by the board pursuant to section 327.331.

(L. 1983 H.B. 319, A.L. 1999 H.B. 343, A.L. 2014 S.B. 809, A.L. 2018 H.B. 1719, A.L. 2020 H.B. 2046, A.L. 2022 H.B. 2149)

**Application for enrollment, form, content, false affidavit, penalty, fee.**

**327.313.** **Surveyor-intern, application for enrollment, form, content, false affidavit, penalty, fee. -** Applications for enrollment as a land surveyor-intern shall be typewritten on prescribed forms furnished to the applicant. The application shall contain applicant's statements showing the applicant's education, experience, and such other pertinent information as the board may require. Each application shall contain a statement that it is made under oath or affirmation and that the representations are true and correct to the best knowledge and belief of the applicant, subject to the penalties of making a false affidavit or declaration and shall be accompanied by the required fee.

(L. 1983 H.B. 319, A.L. 1999 H.B. 343, A.L. 2014 S.B. 809, A.L. 2018 H.B. 1719 merged with S.B. 843, A.L. 2022 H.B. 2149)

**Professional land surveyor, applicant for license, qualifications. -**

**327.314.** Prior to January 1, 2024, any person may apply to the board for licensure as a professional land surveyor who has been enrolled as a land surveyor-in-training and has presented evidence to the satisfaction of the board that said person has acquired at least four years of satisfactory professional field and office experience in land surveying from the date of enrollment as a land surveyor-in-training. This experience shall have been under the immediate personal supervision of a professional land surveyor.

2. Beginning January 1, 2024, any person may apply to the board for licensure who presents evidence satisfactory to the board that the applicant has met the requirements as provided in this subsection:

1. An applicant shall be a high school graduate or hold a certificate of high school equivalence (GED), and either:
2. Has graduated and received a baccalaureate degree in an approved curriculum, as defined by the board, which shall include at least fifteen semester hours of approved surveying course work, as defined by the board, of which at least six semester hours shall be in the legal aspects of boundary surveying, or
3. Has passed at least sixty hours of college credit which shall include at least fifteen semester hours of approved surveying course work, as defined by the board, of which at least six semester hours shall be in legal aspects of boundary surveying; or
4. Has passed at least fifteen semester hours of approved surveying coursework, as defined by the board, of which at least six semester hours shall be in legal aspects of land surveying;
5. An applicant meeting the requirements of paragraph (a) of this subdivision shall have acquired at least four years of satisfactory field and office experience in land surveying under the immediate personal supervision of a professional land surveyor;
6. An applicant meeting the requirements of paragraph (b) of this subdivision shall have acquired at least five years of satisfactory field and office experience in land surveying under the immediate personal supervision of a professional land surveyor;
7. An applicant meeting the requirements of paragraph (c) of this subdivision shall have acquired at least six years of satisfactory field and office experience in land surveying under the immediate personal supervision of a professional land surveyor. Pursuant to this provision, up to one year of postsecondary education, approved by the board, may count as equivalent work experience;
8. An applicant shall pass any examinations required by the board pursuant to section 327.331;
9. Any person enrolled as a land surveyor-in-training prior to January 1, 2024, shall only be required to meet the requirements in place pursuant to their enrollment.

(L. 1983 H.B. 319, A.L. 1999 H.B. 343, A.L. 2001 H.B. 567, A.L. 2014 S.B. 809, A.L. 2022 H.B. 2149)

**Application-form-fee.**

**327.321.** Applications for licensure as a professional land surveyor shall be typewritten on prescribed forms furnished to the applicant. The application shall contain the applicant's statements showing the applicant's education, experience, results of prior land surveying examinations, if any, and such other pertinent information as the board may require. Each application shall contain a statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing same, subject to the penalties of making a false affidavit or declaration and shall be accompanied by the required fee.

(L. 1969 S.B. 117, A.L. 1981 S.B. 16, A.L. 1983 H.B. 319, A.L. 1999 H.B. 343, A.L. 2014 S.B. 809, A.L. 2018 H.B. 1719 merged with S.B. 843)

**Examinations, land surveyor-in-training, surveyor-intern, and land surveyors – content – grade required to pass – effect. –**

**327.331.** 1. After it has been determined that an applicant possesses the qualifications entitling the applicant to be examined, each applicant for examination and enrollment as a land surveyor-in-training and for examination and licensure as a professional land surveyor in Missouri shall appear before the board or its representatives for examination at the time and place specified.

2. The examination or examinations shall be of such form, content and duration as shall be determined by the board to thoroughly test the qualifications of each applicant to become enrolled as a land surveyor-intern or to become licensed as a professional land surveyor in Missouri.

3. Any applicant to be eligible for enrollment or for license must make a grade on the applicable examination of at least seventy percent.

4. Any person who passes the examination hereinabove specified shall be entitled to be enrolled as a land surveyor-intern or licensed as a professional land surveyor, as the case may be, in Missouri and shall receive a certificate of enrollment or a license, as the case may be.

(L. 1969 S.B. 117, A.L. 1981 S.B. 16, A.L. 1983 H.B. 319, A.L. 1999 H.B. 343, A.L. 2014 S.B. 809, A.L. 2022 H.B. 2149)

**Reexamination, when.**

**327.341.** If an applicant fails to make the required grade specified in section 327.331, such applicant may apply for reexamination in accordance with the guidelines established by the National Council of Examiners for Engineering and Surveying or its successor.

(L. 1969 S.B. 117, A.L. 1999 H.B. 343, A.L. 2014 S.B. 809)

**Professional license renewal--expired or suspended license, renewal procedure--professional development requirements for renewal, exception.**

**327.351.** 1. The professional license issued to every professional land surveyor in Missouri, including certificates of authority issued to corporations as provided in section 327.401, shall be renewed on or before the license or certificate renewal date provided that the required fee is paid. The license of any professional land surveyor or the certificate of authority of any such corporation which is not renewed by the renewal date shall expire on the renewal date and be void and the holder of such expired license or certificate shall have no rights or privileges thereunder, but any person or corporation whose license or certificate has expired may, within three months of the certificate renewal date or at the discretion of the board and upon payment of the required fee, be renewed, reregistered, or relicensed under such person's or corporation's original license number.

2. Each application for the renewal of a license or of a certificate of authority shall be on a form furnished to the applicant and shall be accompanied by the required fee; but no renewal fee need be paid by any professional land surveyor over the age of seventy-five.

3. As a condition for renewal of a license issued pursuant to section 327.314, a license holder shall be required to successfully complete twenty units of professional development that meet the standards established by the board regulations within the preceding two calendar years. Any license holder who completes more than twenty units of professional development within the preceding two calendar years may have the excess, not to exceed ten units, applied to the requirement for the next two-year period.

4. The board shall not renew the license of any license holder who has failed to complete the professional development requirements pursuant to subsection 3 of this section, unless such license holder can show good cause why he or she was unable to comply with such requirements. If the board determines that good cause was shown, the board shall permit the license holder to make up all outstanding required units of professional development.

5. A license holder may at any time prior to the termination of his or her license request to be classified as inactive. Inactive licenses may be maintained by payment of an annual fee determined by the board. Holders of inactive licenses shall not be required to complete professional development as required in subsection 3 of this section. Holders of inactive licenses shall not practice as professional land surveyors within this state, but may continue to use the title "professional land surveyor" or the initials "PLS" after such person's name. If the board determines that good cause was shown, the board shall permit the professional land surveyor to make up all outstanding required units of professional development.

6. If a licensee is granted inactive status, the licensee may return to active status by notifying the board in advance of such intention by paying appropriate fees as determined by the board, and by meeting all established requirements of the board including the demonstration of current knowledge, competency, and skill in the practice of land surveying as a condition of reactivation.

7. In the event an inactive licensee does not maintain a current license in any state for a five-year period immediately prior to requesting reactivation, that person may be required to take such examination as the board deems necessary to determine such person's qualifications. Such examination shall cover areas designed to demonstrate the applicant's proficiency in current methods of land surveying practice.

8. Exemption to the required professional development units shall be granted to licensees during periods of serving honorably on full-time active duty in the military service.

9. At the time of application for license renewal, each licensee shall report, on a form provided by the board, the professional development activities undertaken during the preceding renewal period to satisfy the requirements pursuant to subsection 3 of this section. The licensee shall maintain a file in which records of activities are kept, including dates, subjects, duration of program, and any other appropriate documentation, for a period of four years after the program date.

(L. 1969 S.B. 117, A.L. 1981 S.B. 16, A.L. 1983 H.B. 319, A.L. 1989 H.B. 190, et al., A.L. 1993 S.B. 27, A.L. 1999 H.B. 343, A.L. 2010 H.B. 1692, et al. merged with H.B. 2226, et al., A.L. 2014 S.B. 809)

**Recording of certain documents not properly executed by land surveyor, prohibited--penalty.**

**327.361.** 1. It shall be unlawful for the recorder of deeds of any county, or the clerk of any city or town, or the clerk or other proper officer of any school, road, drainage, or levee district or other political subdivision of this state, to file or record any map, plat or survey which has been prepared by a person other than a professional land surveyor and which does not have impressed thereon, and affixed thereto, the personal seal and signature of the professional land surveyor by whom or under whose authority and supervision the map, plat or survey was prepared.

2. Any person who violates the provisions of this section is guilty of a class C misdemeanor.

(L. 1969 S.B. 117, A.L. 1981 S.B. 16, A.L. 1999 H.B. 343)

**Surveyor exempt from trespass but liable for damages.**

**327.371.** A professional land surveyor licensed pursuant to the provisions of this chapter, together with such professional land surveyor's survey party, who in the course of a land survey finds it necessary to go upon the land of a party or parties other than the one for whom such professional land surveyor is making the survey shall not be guilty of trespass but shall be liable for any damage done to such lands or property.

(L. 1969 S.B. 117, A.L. 1999 H.B. 343)

**Board may license architect, professional engineer, professional land surveyor or professional landscape architect without examination, when.**

**327.381.** The board may license, in its discretion, any architect, professional engineer, professional land surveyor, or professional landscape architect licensed in another state or territory of the United States, province of Canada, or in another country, when such applicant has qualifications which are at least equivalent to the requirements for licensure as an architect, professional engineer, professional land surveyor, or professional landscape architect in this state, and provided further that the board may establish by rule the conditions under which it shall require any such applicant to take any examination it considers necessary, and provided further that any such applicant to take any examination it considers necessary, and provided further that any such application is accompanied by the required fee.

(L. 1969 S.B. 117, A.L. 1981 S.B. 16, A.L. 1999 H.B. 343, A.L. 2001 H.B. 567, A.L. 2014 S.B. 809, A.L. 2020 H.B. 2046)

**Professional engineering license issued, when.**

**327.392.** 1. The board shall upon application issue a professional engineering license to any individual who holds a degree at the bachelor's level or higher in engineering and who has at least twenty years of satisfactory engineering experience, and who passes part two of the examination defined in section 327.241, provided that any such application is accompanied by the required fee.

2. The board shall upon application issue a professional engineering license to any individual who holds a degree from an Engineering Accreditation Commission of the Accreditation Board for Engineering and Technology (ABET, INC.) or its equivalent and a doctorate in engineering from an institution that offers Engineering Accreditation Commission programs, and who passes part two of the examination defined in section 327.241, provided that any such application is accompanied by the required fee. The doctorate degree must be approved by the board for the candidate to qualify.

(L. 2006 H.B. 1494 merged with S.B. 819, A.L. 2014 S.B. 809)

**Right to practice not transferable--corporation, certificate of authority required exception. --**

**327.401.** 1. The right to practice as an architect or to practice as a professional engineer or to practice as a professional land surveyor or to practice as a professional landscape architect shall be deemed a personal right, based upon the qualifications of the individual, evidenced by such individual's professional license and shall not be transferable; but any architect or any professional engineer or any professional land surveyor or any professional landscape architect may practice his or her profession through the medium of, or as a member or as an employee of, a partnership or corporation if the plans, specifications, estimates, plats, reports, surveys or other like documents or instruments of the partnership or corporation are signed and stamped with the personal seal of the architect, professional engineer, professional land surveyor, or professional landscape architect who affixes his or her signature and personal seal to any such plans, specifications, estimates, plats, reports or other document or instruments shall be personally and professionally responsible therefor.

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

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

(2) The person or persons who is or are personally in charge and supervises or supervise the architectural or professional engineering or professional land surveying or professional landscape architectural activities, as the case may be, of any such corporation in this state shall be licensed and authorized to practice architecture or professional engineering or professional land surveying or professional landscape architecture, as the case may be, as provided in this chapter; and

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

The provisions of this subsection requiring corporations to obtain a certificate of authority shall not apply to any rural electrical cooperative organized under the provisions of chapter 394 or to any corporation organized on a nonprofit or cooperative basis as described in subsection 1 of section 394.200, or to any electrical corporation operating under cooperative business plan, as described in subsection 2 of section 393.110.

(L. 1969 S.B. 117, A.L. 1981 S.B. 16, A.L. 1996 H.B. 1368, A.L. 1999 H.B. 343, A.L. 2003 S.B. 478, A.L. 2014 S.B. 809, A.L. 2019 H.B. 355)

**Personal seal, how used, effect of.**

**327.411.** 1. Each architect and each professional engineer and each professional land surveyor and each professional landscape architect shall have a personal seal in a form prescribed by the board, and he or she shall affix the seal to all final technical submissions. Technical submissions shall include, but are not limited to, drawings, specifications, plats, surveys, exhibits, reports, and certifications of construction prepared by the licensee, or under such licensee's immediate personal supervision. Such licensee shall either prepare or personally supervise the preparation of all documents sealed by the licensee, and such licensee shall be held personally responsible for the contents of all such documents sealed by such licensee, whether prepared or drafted by another licensee or not.

2. The personal seal of an architect or professional engineer or professional land surveyor or professional landscape architect shall be the legal equivalent of the licensee's signature whenever and wherever used, and the owner of the seal shall be responsible for the architectural, engineering, land surveying, or landscape architectural documents, as the case may be, when the licensee places his or her personal seal on such technical submissions to be used in connection with, any architectural or engineering project, survey, or landscape architectural project. Licensees shall undertake to perform architectural, professional engineering, professional land surveying and professional landscape architectural services only when they are qualified by education, training, and experience in the specific technical areas involved.

3. Notwithstanding any provision of this section, any architect, professional engineer, professional land surveyor, or professional landscape architect may, but is not required to, attach a statement over his or her signature, authenticated by his or her personal seal, specifying the particular technical submissions, or portions thereof, intended to be authenticated by the seal, and disclaiming any responsibility for all other technical submissions relating to or intended to be used for any part or parts of the architectural or engineering project or survey or landscape architectural project.

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

(L. 1969 S.B. 117, A.L. 1999 H.B. 343, A.L. 2003 S.B. 478, A.L. 2010 H.B. 1692, et al. merged with H.B. 2226, et al., A.L. 2014 S.B. 809)

**Political subdivisions not to use unlicensed architects, professional engineers or professional land surveyors.**

**327.421.** This state and its political subdivisions including counties, cities and towns, or legally constituted boards, agencies, districts, commissions and authorities of this state shall not engage in the construction of public works involving the practice of architecture, engineering or land surveying, unless the architectural and engineering drawings, specifications and estimates and the plats and surveys have been prepared by an architect, professional engineer or professional land surveyor whose license is current and in good standing, as the case may require.

(L. 1969 S.B. 117, A.L. 1999 H.B. 343)

**Fees to be set by board, how.**

**327.431.** The board shall set the amount of the fees which this chapter authorizes and requires by rules and regulations promulgated pursuant to section 536.021, RSMo. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering this chapter.

(L. 1969 S.B. 117, A.L. 1981 S.B. 16)

**Denial, revocation, or suspension of license or certificate, grounds for.**

**327.441.** 1. The board may refuse to issue any license or certificate of authority required pursuant to this chapter for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant's right to file a complaint with the administrative hearing commission as provided by chapter 621, RSMo.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any license or certificate of authority required by this chapter or any person who has failed to renew or has surrendered such person's license or certificate of authority, for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, RSMo, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by this chapter;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state, of the United States, or of any country, for any offense directly related to the duties and responsibilities of the occupation, as set forth in section 324.012, RSMo, regardless of whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation or bribery in securing any license or certificate of authority issued pursuant to this chapter or in obtaining permission to take any examination given or required pursuant to this chapter;

(4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of any profession licensed or regulated by this chapter;

(6) Violation of, or assisting or enabling any person to violate, any provision of this chapter, or of any lawful rule or regulation adopted pursuant to this chapter;

(7) Impersonation of any person holding a license or certificate of authority, or allowing any person to use his or her license or certificate of authority, or diploma from any school;

(8) Disciplinary action against the holder of a license or a certificate of authority, or other right to practice any profession regulated by this chapter granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;

(9) A person is finally adjudged incapacitated or disabled by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by this chapter who is not licensed and currently eligible to practice pursuant to this chapter;

(11) Issuance of a professional license or a certificate of authority based upon a material mistake of fact;

(12) Failure to display a valid license or certificate of authority if so required by this chapter or any rule promulgated pursuant to this chapter;

(13) Violation of any professional trust or confidence;

(14) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed.

3. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the board may, singly or in combination, censure or place the person named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or order a civil penalty under section 327.077, RSMo, or revoke the license or certificate of authority of the person named in the complaint.

(L. 1969 S.B. 117, A.L. 1981 S.B. 16, A.L. 1983 S.B. 44 & 45, A.L. 1999 H.B. 343, A.L. 2007 H.B. 780 merged with S.B. 308, A.L. 2020 H.B. 2046)

**Disciplinary hearing for censure of license to be held, when.**

**327.442.** 1. At such time as the final trial proceedings are concluded whereby a licensee, or any person who has failed to renew or has surrendered his or her certificate of licensure or authority, has been adjudicated and found guilty, or has entered a plea of guilty or nolo contendere, in a felony prosecution pursuant to the laws of this state, the laws of any other state, territory, or the laws of the United States of America for any offense reasonably related to the qualifications, functions, or duties of a licensee pursuant to this chapter or any felony offense, an essential element of which is fraud, dishonesty, or an act of violence, or for any felony offense involving moral turpitude, whether or not sentence is imposed, the board for architects, professional engineers, professional land surveyors and professional landscape architects may hold a disciplinary hearing to singly or in combination censure or place the licensee named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke the license or certificate.

2. Anyone who has been revoked or denied a license or certificate to practice in another state may automatically be denied a license or certificate to practice in this state. However, the board for architects, professional engineers, professional land surveyors and professional landscape architects may establish other qualifications by which a person may ultimately be qualified and licensed to practice in Missouri.

(L. 2009 S.B. 296, A.L. 2014 S.B. 809)

**Charges of improper conduct, how filed, contents-administrative hearing commission to hear.**

**327.451.** 1. Any person who believes that an architect or a professional engineer or a professional land surveyor or a professional landscape architect has acted or failed to act so that his or her license or certificate of authority should, pursuant to the provisions of this chapter, be suspended or revoked, or who believes that any applicant for a license or certificate of authority pursuant to the provisions of this chapter is not entitled to a license or a certificate of authority, may file a written affidavit with the executive director of the board which the affiant shall sign and swear to and in which the affiant shall clearly set forth the reasons for the affiant's charge or charges that the license or certificate of an architect or professional engineer or professional land surveyor or professional landscape architect should be suspended or revoked or not renewed or that a license or certificate should not be issued to an applicant.

2. If the affidavit so filed does not contain statements of fact which if true would authorize, pursuant to the provisions of this chapter, suspension or revocation of the accused's license or certificate, or does not contain statements of fact which if true would authorize, pursuant to the provisions of this chapter, the refusal of the renewal of an existing license or certificate or the refusal of a license or certificate to an applicant, the board shall either dismiss the charge or charges or, within its discretion, cause an investigation to be made of the charges contained in the affidavit, after which investigation the board shall either dismiss the charge or charges or proceed against the accused by written complaint as provided in subsection 3 of this section.

3. If the affidavit contains statements of fact which if true would authorize pursuant to the provisions of this chapter the revocation or suspension of an accused's license or certificate, the board shall cause an investigation to be made of the charge or charges contained in the affidavit and unless the investigation discloses the falsity of the facts upon which the charge or charges in the affidavit are based, the board shall file with and in the administrative hearing commission a written complaint against the accused setting forth the cause or causes for which the accused's license or certificate of authority should be suspended or revoked. Thereafter, the board shall be governed by and shall proceed in accordance with the provisions of chapter 621.

4. If the charges contained in the affidavit filed with the board would constitute a cause or causes for which pursuant to the provisions of this chapter an accused's license or certificate of authority should not be renewed or a cause or causes for which pursuant to the provisions of this chapter a certificate should not be issued, the board shall cause an investigation to be made of the charge or charges and unless the investigation discloses the falsity of the facts upon which the charge or charges contained in the affidavit are based, the board shall refuse to permit an applicant to be examined upon the applicant's qualifications for licensure or shall refuse to issue or renew a license or certificate of authority, as the case may require.

5. The provisions of this section shall not be so construed as to prevent the board on its own initiative from instituting and conducting investigations and based thereon to make written complaints in and to the administrative hearing commission.

6. If for any reason the provisions of chapter 621 become inapplicable to the board, then, and in that event, the board shall proceed to charge, adjudicate and otherwise act in accordance with the provisions of chapter 536.

(L. 1969 S.B. 117, A.L. 1986 H.B. 1163, A.L. 1999 H.B. 343, A.L. 2014 S.B. 809, A.L. 2018 S.B. 975 & 1024 Revision)

**Contract with unlicensed architect, professional engineer, professional land surveyor, or professional landscape architect unenforceable by them.**

**327.461.** Every contract for architectural or engineering or land surveying or landscape architectural services entered into by any person who is not an architect or professional engineer or professional land surveyor or professional landscape architect, as the case may be, and who is not exempt from the provisions of this chapter, shall be unenforceable by the unlicensed or unauthorized person, whether in contract, quantum meruit or other legal theory, regardless of whether a benefit has been conferred.

(L. 1969 S.B. 117, A.L. 1999 H.B. 343, A.L. 2014 S.B. 809)

**Certificate of registration or authority not required, when--definitions.**

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

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

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

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

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

(1) Persons who hold a certificate of registration for the appropriate profession; or

(2) Corporations that hold current certificates of authority from the board for the appropriate profession.

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

(L. 2002 S.B. 786)

**Attorney general to assist board with legal assistance.**

**327.471.** The attorney general of Missouri shall, when requested by the board, render legal assistance in carrying out the provisions of this chapter.

(L. 1969 S.B. 117)

**Inconsistent laws repealed.**

**327.481.** Insofar as the provisions of this chapter are in conflict with or inconsistent with the provisions of any other law of this state, the provisions of this chapter shall be controlling.

(L. 1969 S.B. 117)

**Definitions.**

**327.600.** As used in sections 327.600 to 327.635, the following terms mean:

(1) "Practice of professional landscape architecture", the location and arrangement of such tangible objects and features as are necessary to the purposes specified in the definition of landscape architecture, but shall not include the design of structures or facilities with separate and self-contained purposes such as are ordinarily included in the practice of engineering or architecture, and shall not include the making of final land plats for official approval or recording;

(2) "Professional landscape architecture", the performance of professional services, including but not limited to consultations, research, analysis, planning, design, or responsible supervision in connection with feasibility studies, design surveys, formulation of graphic and written criteria to govern the planning and design of land construction programs, preparation, review, and analysis of master plans for land use and development, production of site plans, landscape grading and landscape drainage plans, irrigation plans, planting plans, and construction details, specifications, and reports for land development, design coordination, construction observation and the inspection of landscape architectural construction for the purpose of compliance with drawings and specifications.

(L. 1989 H.B. 190, et al. § 1, A.L. 2001 H.B. 567, A.L. 2014 S.B. 809)

**License required to use title of professional landscape architect.**

**327.603.** 1. No person shall practice or offer to practice, or hold himself or herself out as a professional landscape architect or as being able to practice landscape architecture in this state or to use in connection with his or her name or otherwise assume, or advertise unless he or she is licensed as required by this chapter. Nothing in sections 327.600 to 327.635 shall be construed to require licensing of employees of the state of Missouri or its political subdivisions while performing duties for the state of Missouri or a political subdivision, provided the project does not jeopardize the public health, safety and welfare. Sections 327.600 to 327.635 shall not be construed to prohibit those persons engaged in nursery occupations, gardeners, landscape contractors, home builders or residential developers from preparing planting plans and items incidental thereto, provided the project scope does not jeopardize the public health, safety and welfare; nor shall sections 327.600 to 327.635 be construed to prevent the practice of any other legally recognized profession as governed by applicable law. Nothing contained in this section shall under any circumstances be construed as in any way affecting the laws relating to the practice, licensing, certification or registration of architects, professional engineers and professional land surveyors. An architect, professional engineer or professional land surveyor licensed, certified or registered to practice his or her profession or occupation pursuant to the provisions of any law to regulate the practice of such profession or occupation is exempt from licensing as a professional landscape architect, and nothing contained in this section shall under any circumstances be construed as in anyway precluding an architect or professional engineer from performing any of the services included within the definition of the term landscape architecture in section 327.600.

2. Professional landscape architects shall be in responsible charge of all landscape architectural designs that can affect the health, safety, and welfare of the public within their scope of practice.

(L. 1989 H.B. 190, et al. § 2, A.L. 2001 H.B. 567, A.L. 2014 S.B. 809)

**Examination--authority of board--may obtain services of specially trained persons.**

**327.607.** The board shall conduct all examinations, determine which applicants have successfully passed the examinations and recommend each such applicant to the division for licensure as a professional landscape architect. The board may obtain the services of specially trained and qualified persons or organizations to assist in conducting examinations of applicants for licensure. Certification of an applicant's technical qualifications by the Council of Landscape Architectural Registration Boards (CLARB) may be accepted by this state's board as

establishing such qualifications and the applicant shall not be required to pass any further examination.

(L. 1989 H.B. 190, et al. § 4, A.L. 2001 H.B. 567, A.L. 2014 S.B. 809)

**Applicants for licensure as professional landscape architect-qualifications.**

**327.612.** Any person who has a degree in landscape architecture from an accredited school of landscape architecture, or possesses an education which in the opinion of the board equals or exceeds the education received by a graduate of an accredited school, has acquired at least three years satisfactory landscape architectural experience after acquiring such a degree, and who has taken and passed all sections of the landscape architectural registration examination administered by the Council of Landscape Architectural Registration Boards may apply to the board for licensure as a professional landscape architect.

(L. 1989 H.B. 190, et al. § 6, A.L. 2001 H.B. 567, A.L. 2014 S.B. 809, A.L. 2020 H.B. 2046, A.L. 2021 H.B. 273 merged with H.B. 476)

**Application, form, content, oath or affirmation of truth, penalties for making false affidavit, fee.**

**327.615.** Applications for licensure as a professional landscape architect shall be typewritten on forms approved by the board. The application shall contain the applicant's statements showing the applicant's education, experience, results of previous professional landscape architectural licensing examinations, if any, and such other pertinent information as the board may require. Each application shall contain a statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing the application subject to the penalties of making a false affidavit or declaration, and shall be accompanied by the required fee.

(L. 1989 H.B. 190, et al. § 7, A.L. 2001 H.B. 567, A.L. 2014 S.B. 809)

**Examination--appearance before the board--form, content, and duration of examination--passing grade fixed by the board.**

**327.617.** 1. After it has been determined that an applicant possesses the qualifications entitling the applicant to be examined, each applicant for examination and licensure as a professional landscape architect shall appear before the board or its representatives for examination at the time and place specified.

2. The examination shall be of such form, content and duration as determined by the professional landscape architectural division of the board to thoroughly test the qualifications of each applicant to practice landscape architecture in Missouri.

3. An applicant to be eligible for licensure shall make a passing grade on each examination. The passing grade shall be fixed by the board but it shall never be higher than the current passing grade determined by the Council of Landscape Architectural Registration Boards.

4. Any person who passes the examination prescribed by the board shall be entitled to be licensed as a professional landscape architect in Missouri, subject to the other provisions of sections 327.600 to 327.635.

(L. 1989 H.B. 190, et al. § 8, A.L. 2001 H.B. 567, A.L. 2014 S.B. 809)

**Examination, failure to pass--reexamination, when.**

**327.619.** If an applicant fails to pass the examination, such applicant may take another examination at the next scheduled examination.

(L. 1989 H.B. 190, et al. § 9, A.L. 2014 S.B. 809)

**License renewal, fee--failure to renew, effect—reinstatement when--renewal or reregistration form and fee.**

**327.621.** 1. The professional license issued to every professional landscape architect in Missouri, and certificates of authority issued to corporations under section 327.401, shall be renewed on or before the license renewal date, provided that the required fee is paid. The board may establish, by rule, continuing education requirements as a condition to renewing the license of a professional landscape architect, provided that the board shall not require more than thirty such hours. The license of a professional landscape architect or the certificate of authority issued to any corporation which is not renewed by the renewal date shall expire on the renewal date and be void and the holder thereof shall have no rights or privileges thereunder; provided, however, any person or corporation whose license has expired under this section may within three months of the certificate renewal date or at the discretion of the board, upon payment of the fee, be renewed, relicensed, or reauthorized under such person's or such corporation's original license number.

2. Each application for the renewal of a license shall be on a form furnished to the applicant and shall be accompanied by the required fee, but no renewal fee need be paid by any professional landscape architect over the age of seventy-five.

(L. 1989 H.B. 190, et al. § 10, A.L. 2001 H.B. 567, A.L. 2007 S.B. 272, A.L. 2014 S.B. 809)

**Inactive license status permitted, when.**

**327.622.** 1. A professional landscape architect licensed in this state may apply to the board for inactive license status on a form furnished by the board. Upon receipt of the completed inactive status application form and the board's determination that the licensee meets the requirements established by rule, the board shall declare the licensee inactive and shall place the licensee on an inactive status list. A person whose license is inactive shall not offer or practice landscape architecture within this state, but may continue to use the title "professional landscape architect" or the initials "PLA" after such person's name.

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

3. In the event an inactive licensee does not maintain a current license in any state for a five-year period immediately prior to requesting reactivation, that person may be required to take an examination as the board deems necessary to determine such person's qualifications. Such

examination shall cover areas designed to demonstrate proficiency in the knowledge of current methods of landscape architecture.

(L. 2007 S.B. 272, A.L. 2014 S.B. 809)

**Licensure as professional landscape architect required to practice, exceptions.**

**327.629**. No person shall practice as a professional landscape architect in Missouri as defined in section 327.600 unless and until the board has issued to him or her a license or certificate of authority certifying that he or she has been duly licensed as a professional landscape architect in Missouri, and unless such licensure has been renewed as provided in section 327.621; provided, however, that nothing in sections 327.600 to 327.635 shall be construed to require licensing of a person or corporation who is offering, but not performing or rendering, landscape architectural services if the person or corporation is licensed to practice landscape architecture in the state or country of residence or principal place of business. No person shall hold themselves out to be a professional landscape architect unless licensed pursuant to the provisions of sections 327.600 to 327.635.

(L. 1989 H.B. 190, et al. § 14, A.L. 2001 H.B. 567, A.L. 2014 S.B. 809)

**Right to practice as professional landscape architect personal right and not transferable--may practice as member of partnership or corporation.**

**327.630.** The right to practice as a professional landscape architect shall be deemed a personal right, based upon the qualifications of the individual, evidenced by his or her license and shall not be transferable; provided, however, that any licensed professional landscape architect may practice his or her profession through the medium of, or as a member or as an employee of, a partnership or corporation.

(L. 1989 H.B. 190, et al. § 15, A.L. 2001 H.B. 567, A.L. 2014 S.B. 809)

**Laws not directive to state or political subdivision that they employ professional landscape architects.**

**327.635.** Nothing contained in sections 327.600 to 327.635 shall be considered as a directive to any state department of administration or any political subdivision thereof to employ a professional landscape architect.

(L. 1989 H.B. 190, et al. § 18, A.L. 2014 S.B. 809)

**Chapter 356 - Professional Corporations**

**Purposes.**

**356.051.** Professional corporations may be incorporated for the purpose of rendering one or more types of professional service, and services ancillary thereto, and in addition, for any purpose or purposes for which corporations may be organized under the general and business corporation law of Missouri, chapter 351, RSMo, to the extent that such combination of professional services or of professional services and business purposes is expressly permitted by the licensing authorities that regulate each of such professions. Except to the extent that such a combination is permitted by such licensing authorities, a professional corporation may be organized under sections 356.011 to 356.261 only for the purpose of rendering a single type of professional service and services ancillary thereto.

(L. 1986 H.B. 1230)

**Powers.**

**356.061.** 1. A professional corporation shall have the powers enumerated in the general business and corporation law of Missouri, chapter 351, RSMo; except that, a professional corporation may:

(1) Invest its funds in real estate, mortgages, stocks, bonds or any other type of investment, but only so long as that investment does not violate or is not inconsistent with subsection 2 of this section; and

(2) Be a promoter, general partner, stockholder, member, associate or manager only of a partnership, joint venture, professional corporation, foreign professional corporation, trust or other enterprise that is engaged only in:

(a) Rendering a professional service that is authorized to practice under its articles of incorporation; or

(b) Carrying on business permitted by the articles of incorporation of the professional corporation or in providing services ancillary thereto.

2. A professional corporation shall not engage in any profession or business other than the professions or businesses permitted by its articles of incorporation.

(L. 1986 H.B. 1230)

**Regulating name of corporation.**

**356.071.** The name of a professional corporation or of a foreign professional corporation authorized to transact business in this state shall:

(1) Contain the words "Professional Corporation" or the abbreviation "P.C." and the corporation shall identify itself with such designation in the course of rendering any professional service;

(2) Not contain any word or phrase that indicates or implies that it is organized for any purpose other than the purposes contained in its articles of incorporation;

(3) Be distinguishable from (as the preceding standards may be defined at the time of incorporation or qualification in or under the general and business corporation law of Missouri, chapter 351, RSMo) the name of any domestic corporation existing under the laws of this state or any foreign corporation authorized to transact business in this state, or a name the exclusive right to which is, at such time, reserved in the manner provided in the general and business corporation law of Missouri, chapter 351, RSMo, the not-for-profit corporation law, chapter 355, RSMo, the uniform limited partnership law, chapter 359, RSMo, the uniform partnership law relating to registered limited liability partnerships and limited liability limited partnerships, chapter 358, RSMo, or the limited liability company act, chapter 347, RSMo, or the name of an entity that has in effect a registration of its corporate name under either chapter 347, 351, 355, 358, or 359, RSMo, or any other business entity organized, reserved, or registered under the laws of this state; except that, this provision shall not apply if:

(a) Such similarity results from the use in the corporate name of the professional corporation or foreign professional corporation personal names of its shareholders or former shareholders; or

(b) The applicant files with the secretary of state either of the following:

a. If the name is the same, a change whereby a word is added to make such name distinguishable from the name of such other corporation, limited partnership or limited liability company; or

b. A certified copy of a final decree of a court of competent jurisdiction establishing the prior right of the applicant to the use of such name in this state; and

(4) Otherwise conform to any rule promulgated by any licensing authority having jurisdiction over a professional service described in the articles of incorporation of such corporation.

(L. 1986 H.B. 1230, A.L. 1993 S.B. 66 & 20, A.L. 2004 H.B. 1664)

**Corporation may render professional services, how.**

**356.081.** A professional corporation or foreign professional corporation may render a professional service in this state only through natural persons permitted to render such service in this state; but nothing in sections 356.011 to 356.261 shall be construed to require that any person who is employed by a professional corporation or foreign professional corporation be licensed to perform services for which no license is otherwise required or to prohibit the rendering of a professional service by a licensed natural person acting in his individual capacity, notwithstanding such person may be a shareholder, director, officer, employee or agent of a professional corporation or foreign professional corporation.

(L. 1986 H.B. 1230)

**Directors and officers, who may be.**

**356.091.** All of the directors of a professional corporation and all of the officers of a professional corporation other than the secretary shall be qualified persons with respect to the professional corporation.

(L. 1986 H.B. 1230)

**Corporation may purchase own shares, when.**

**356.101.** A professional corporation may purchase its own shares from a disqualified person even though its net assets are less than its stated capital, or even when by so doing its net assets would be reduced below its stated capital.

(L. 1986 H.B. 1230)

**Shares, who may hold, transferred how.**

**356.111.** 1. A professional corporation may issue shares, fractional shares, rights or options to purchase shares, and other securities only to the following:

(1) Natural persons who are authorized by law in this state, or in any other state or territory of the United States or the District of Columbia, to render a professional service permitted by the articles of incorporation of the corporation, and trustees, in trust, of revocable trust agreements, of which the trustee is a natural person who is authorized by the law of this state, or any other state or territory of the United States or the District of Columbia, to render a professional service permitted by the articles of incorporation of the corporation, and provided, that the trustee is also the settlor and beneficiary of the trust during his lifetime and that all trustees of the trust, if there are multiple trustees, are authorized by any such state to render a professional service permitted by the articles of incorporation;

(2) General partnerships in which all of the partners are licensed in one of the states or territories of the United States of America to practice a professional service permitted by the articles of incorporation of the professional corporation and in which at least one partner is authorized by a licensing authority of this state to render in this state a professional service permitted by the articles of incorporation of the corporation;

(3) Professional corporations or foreign professional corporations authorized by law in this state to render a professional service permitted by the articles of incorporation of the corporation;

(4) Limited liability companies in which all of the members are licensed in one of the states or territories of the United States of America to practice a professional service permitted by the articles of incorporation of the professional corporation and in which at least one member is authorized by a licensing authority of this state to render in this state a professional service permitted by the articles of incorporation of the corporation.

2. Where deemed necessary by the licensing authority for any profession in order to prevent violations of the ethical standards of such profession, the licensing authority may by rule further restrict, condition or abridge the authority of a professional corporation to issue shares, but no such rule shall, of itself, have the effect of causing a shareholder of a professional corporation at the time such rule becomes effective to become a disqualified person. All shares issued in violation of this section or any rule adopted under this section shall be void.

3. A shareholder of a professional corporation may transfer or pledge shares, fractional shares and rights or options to purchase shares of the corporation only to natural persons, general partnerships, trustees, in trust, of certain revocable trust agreements as described in subdivision (1) of subsection 1 of this section, and professional corporations or foreign professional corporations qualified under sections 356.011 to 356.261 to hold shares issued directly to them by such professional corporation. Any transfer of shares in violation of this subsection shall be void; except that, nothing contained in this subsection shall prohibit the transfer of shares of a professional corporation by operation of law or court decree.

4. Every certificate representing shares of stock of a professional corporation shall state conspicuously upon its face that the shares represented thereby are subject to restrictions on transfer imposed by sections 356.011 to 356.261 and are subject to such further restrictions on transfer as may be imposed from time to time pursuant to sections 356.011 to 356.261 by any licensing authority governing the practice of a professional service permitted by the articles of incorporation of the corporation.

(L. 1986 H.B. 1230, A.L. 1991 H.B. 219, A.L. 1993 S.B. 66 & 20)

Effective 12-1-93

**Proxies and voting trusts, valid when.**

**356.121.** No proxy for voting shares of a professional corporation shall be valid unless it shall be given to a qualified person. A voting trust with respect to shares of a professional corporation shall not be valid unless all the trustees and beneficiaries thereof are qualified persons; except that, a voting trust may be validly continued for a period of six months after the death of a deceased beneficiary or for a period of six months after a beneficiary has become a disqualified person.

(L. 1986 H.B. 1230)

**Securities law not applicable, exception.**

**356.131.** The Missouri uniform securities law, chapter 409, RSMo, shall not be applicable to nor govern any transaction relating to any securities of a professional corporation or a foreign professional corporation; except that, the antifraud provisions of section 409.101, RSMo, or any successor law to section 409.101, RSMo, and the procedural, enforcement, remedy and penalty provisions of chapter 409, RSMo, relating thereto, shall be fully applicable to the transfer of securities issued by a professional corporation or a foreign professional corporation if such provisions would otherwise be applicable to such transfers.

(L. 1986 H.B. 1230)

**Disqualifying event, corporation may purchase its own shares, procedure.**

**356.141.** 1. Upon the death of a shareholder in a professional corporation, or if a shareholder in a professional corporation becomes a disqualified person, or if shares of a professional corporation are transferred by operation of law or court decree to a disqualified person, then the shares of such deceased shareholder or of such disqualified person may be transferred to a qualified person and, if not so transferred, shall be purchased or redeemed by the corporation to the extent of funds that may be legally made available for such purchase under sections 356.011 to 356.261, according to the procedures set forth in this section.

2. The articles of incorporation or bylaws of the professional corporation may establish a price for or may authorize a procedure to set the price and the terms of purchase of the shares of a deceased shareholder or disqualified person. The professional corporation, and one or more shareholders therein, also may agree on a price for or a procedure to set the price and the terms of purchase of the shares of a deceased shareholder or a disqualified person by a private agreement in writing, which agreement shall be binding only on the corporation and the agreeing shareholders. If the articles of incorporation or bylaws do not provide a procedure to set the price and the terms of purchase of shares of a deceased shareholder or disqualified person and if no such private written agreement is in effect as to that shareholder or disqualified person, then at any time after such death, disqualification or transfer, the professional corporation and the personal representative of the estate of a deceased shareholder or the shareholder or transferee may agree as to the price and the terms of purchase of the shares of the deceased shareholder or disqualified person. If such a price is so agreed upon, payment therefore shall be made by the professional corporation within thirty days, or such other period as the parties may fix by agreement, after the date of the agreement as to the price thereof, upon surrender and endorsement to the corporation of the certificate or certificates representing such shares. Upon payment of the price established pursuant to the articles of incorporation or bylaws or of the price so agreed to, the deceased shareholder, the disqualified person or the transferee shall cease to have any interest in such shares.

3. If the articles of incorporation or bylaws do not provide a price or a procedure to establish the price for the shares and if no private written agreement as to the price for or a procedure to set the price of such shares is in effect, then within thirty days after such death, disqualification or transfer, the professional corporation shall provide to the personal representative of the estate of a deceased shareholder, or to the shareholder or transferee, a balance sheet of the professional corporation as of the latest available date and not more than twelve months prior to the date of death, disqualification or transfer, and a profit and loss statement of such professional corporation for the twelve-month period ended on the date of such balance sheet.

4. If the articles of incorporation or bylaws do not provide a price or a procedure to establish the price for such shares, and if no private written agreement as to the price for or a procedure to set the price of such shares is in effect, and if within ninety days after such death, disqualification or transfer the estate of such disqualified person or such disqualified person and the professional corporation do not agree on the price to be paid for such shares, then either the estate, the disqualified person or the professional corporation may file a petition in any court of competent jurisdiction in the county in this state where the registered office of the professional corporation is located requesting that the fair value of such shares be found and determined. If such petition is filed by the professional corporation, then the estate or disqualified person, wherever residing, shall be made a party to the proceeding as an action against his shares quasi in rem, and a copy of the petition shall be served on the estate or disqualified person in person if a resident of this state, and shall be served by registered or certified mail on the estate or disqualified person if a nonresident. Service on nonresidents shall also be made by publication as provided by law. The jurisdiction of the court shall be plenary and exclusive. The estate or disqualified person shall be entitled to judgment against the professional corporation for the amount of the fair value of the shares as of the date of death, disqualification or transfer upon surrender and endorsement to the professional corporation of the certificate or certificates representing such shares. The court may order that the judgment be paid in such installments as the court may determine to be fair and equitable in all the circumstances to all parties. The court may appoint one or more persons as appraisers to receive evidence and recommend a decision on the question of fair value. The appraisers shall have such power and authority as shall be specified in the order of their appointment, or an amendment thereof. The judgment shall include an allowance for interest at such rate as the court may find to be fair and equitable in all the circumstances to all parties, from the date of death, disqualification or transfer.

5. The costs and expenses of any proceeding brought under this section shall be determined by the court and shall be assessed against the professional corporation; but, upon request of the professional corporation, all or any part of such costs and expenses may be apportioned and assessed as the court may deem equitable against the estate or disqualified person if the court shall find that the action of such estate or disqualified person in failing to reach an agreement on the fair value of the stock was arbitrary or vexatious or not in good faith. Such expenses shall include reasonable compensation for and reasonable expenses of the appraisers, but shall exclude the fees and expenses of counsel for and experts employed by any party. If the court determines that the fair value of the shares as determined materially exceeds the amount that the professional corporation offered to pay therefore, or if no such offer was made, then upon request of the estate or disqualified person, the court in its discretion may award to the estate or disqualified person such sum as the court may determine to be reasonable compensation to any counsel or expert or experts employed by the estate or disqualified person in the proceeding.

6. If a purchase, redemption or transfer of the shares of a deceased or disqualified shareholder or of a transferee who is a disqualified person is not completed within twelve months after the death of the deceased shareholder or within six months after the disqualification or transfer, as the case may be, then the shares of the deceased shareholder or disqualified person are automatically canceled, and the professional corporation shall forthwith record that cancellation of the shares on its books, and thereafter the estate or disqualified person shall have no further interest as a shareholder in the professional corporation other than his, her or its right to payment for such shares or his, her or its right to initiate and pursue a proceeding for determination of the fair value of those shares under this section.

7. Shares acquired by a professional corporation pursuant to payment of the agreed price therefore or to payment of the judgment entered therefore, as in this section provided, may be held and disposed of by such professional corporation as in the case of other treasury shares.

8. This section shall not be deemed to require the purchase of shares of a disqualified person where the period of such disqualification is for less than six months from the date of disqualification or transfer.

9. Any provision regarding purchase, redemption or transfer of shares of a professional corporation contained in the articles of incorporation or the bylaws of the professional corporation, or in any private written agreement relating thereto, shall be specifically enforceable in the courts of this state and shall preempt the right such estate or disqualified person or the professional corporation to bring an action pursuant to this section.

10. Nothing contained in this section shall prevent or relieve a professional corporation from paying pension benefits or other deferred compensation for services rendered to or on behalf of a former shareholder as otherwise permitted by law.

(L. 1986 H.B. 1230)

**Disqualifying event, effect.**

**356.151.** Upon the occurrence of any event that causes any shareholder of a professional corporation to become a disqualified person, the shareholder shall not be entitled to hold any office or be a director in the corporation, render any professional service of any kind for the corporation or its customers or clients, or receive dividends on or be entitled to vote such shares, except with respect to acceptance of the provisions of chapter 351, RSMo, or granting consent to purchase by a qualified person.

(L. 1986 H.B. 1230)

**Rights and obligations of unqualified persons acquiring shares by foreclosure.**

**356.161.** If any shares of stock in a professional corporation are acquired by any person who is a disqualified person in foreclosure of a pledge or otherwise, the then owner of the shares shall hold them subject to the same rights and obligations and the professional corporation shall be subject to the same rights and obligations under sections 356.011 to 356.261 as if the then owner of the shares had become a disqualified person.

(L. 1986 H.B. 1230)

**Liability for negligent or wrongful acts or omissions.**

**356.171.** 1. Every individual who renders a professional service as an employee of a professional corporation or a foreign professional corporation shall be liable for any negligent or wrongful act or omission in which he or she personally participates to the same extent as if he or she rendered such service in his or her individual capacity. An employee of a professional corporation or a foreign professional corporation shall not be liable for the conduct of other employees in which he or she did not personally participate, unless he or she was negligent in appointing, supervising, or participating in the activity in question with that employee.

2. Every professional corporation and foreign professional corporation whose employees perform professional services within the scope of their employment or of their apparent authority to act for the professional corporation or foreign professional corporation shall be liable to the same extent as its employees.

3. Except as otherwise provided by law, the personal liability of a shareholder of a professional corporation or foreign professional corporation in his or her capacity as such shall be no greater in any respect than that of a shareholder of a corporation organized under the general and business corporation law of Missouri, chapter 351, RSMo.

(L. 1986 H.B. 1230)

**Privileged communications.**

**356.181.** Any privilege applicable to communications between a person rendering professional services and the person receiving such services recognized under the laws of this state, whether statutory or deriving from common law, shall remain inviolate and shall extend to a professional corporation or a foreign professional corporation, and its employees, in relation to professional services rendered to clients of the professional corporation or foreign professional corporation in all cases in which it shall be applicable to communications between a natural person rendering professional services on behalf of the professional corporation or foreign professional corporation and the person receiving such services.

(L. 1986 H.B. 1230)

**Law not to be construed to restrict licensing authorities--additional rules.**

**356.191.** Nothing in sections 356.011 to 356.261 shall restrict or limit in any manner the authority and duty of any licensing authority for the licensing of individual persons rendering any professional service or the practice of the profession that is within the jurisdiction of the licensing authority, notwithstanding that the person is an officer, director, shareholder or employee of a professional corporation or a foreign professional corporation and rendering any professional service or engaging in the practice of the profession through such corporation. Each licensing authority may adopt and enforce, pursuant to applicable law, any additional rules and regulations governing the practice of each profession as it deems to be necessary to enforce and comply with the provisions of sections 356.011 to 356.261 and the law applicable to each profession.

(L. 1986 H.B. 1230)

**Election to function as general and business corporation--how made--dissenting shareholder's rights.**

**356.201.** 1. Subject to the restrictions of applicable licensing authorities a professional corporation may elect, at any time, upon the vote of the owners of a majority of the issued and outstanding voting securities of the professional corporation, to amend its articles of incorporation so as to prohibit its continued operation under sections 356.011 to 356.261 and to substitute therefore authority to function as a corporation under chapter 351, RSMo, and to remove the words "Professional Corporation" or the letters "P.C." from its corporate name. If such election is made, an amendment to the articles of incorporation shall be filed in accordance with the requirements of chapter 351, RSMo, setting forth the purposes for which the corporation shall continue in operation and its new corporate name, together with any other amendments necessary to allow the corporation to comply with the requirements of chapter 351, RSMo. A copy of any such amendment shall be filed with each licensing authority that regulates any professional service that the professional corporation is authorized to perform. Thereafter, the corporation shall no longer be subject to the provisions of sections 356.011 to 356.261\*.

2. If a professional corporation elects to accept the provisions of chapter 351, RSMo, any dissenting shareholder shall have all of the rights granted to a shareholder dissenting to the sale or exchange of all or substantially all of the property and assets of a corporation, pursuant to the provisions of chapter 351, RSMo.

3. If a professional corporation shall cease to render professional services, it shall amend its articles of incorporation in the manner required under subsection 1 of this section and shall conform in full to the requirements of chapter 351, RSMo. The corporation may then continue in existence as a corporation organized under chapter 351, RSMo, and shall no longer be subject to the provisions of sections 356.011 to 356.261\*.

(L. 1986 H.B. 1230)

\*Original rolls contain the words "of this act".

**Registration report--filed when, contents--form--fee--penalties for failure to file or making false declarations.**

**356.211.** 1. Each professional corporation and each foreign professional corporation shall file with the secretary of state a corporate registration report pursuant to section 351.120 or 351.122. The corporate registration report shall set forth the following information: the names and residence or physical business addresses of all officers, directors and shareholders of that professional corporation as of the date of the report.

2. The report shall be made on a form to be prescribed and furnished by the secretary of state, and shall be executed by an officer of the corporation or authorized person.

3. A filing fee in the amount set out in section 351.122 or 351.125 shall be paid with the filing of each report, and no other fees shall be charged therefor; except that, penalty fees may be imposed by the secretary of state for late filings. The report shall be filed subject to the time requirements of section 351.120 or 351.122.

4. If a professional corporation or foreign professional corporation shall fail to file a report qualifying with the provisions of this section when such a filing is due, then the corporation shall be subject to the provisions of chapter 351 that are applicable to a corporation that has failed to timely file the corporate registration report required to be filed under chapter 351.

(L. 1986 H.B. 1230, A.L. 1990 H.B. 1361, A.L. 2002 S.B. 895, A.L. 2003 H.B. 600, A.L. 2004 H.B. 1664, , A.L. 2009 H.B. 481)

**Merger or consolidation with another corporation, when.**

**356.221.** 1. A professional corporation may merge or consolidate with another corporation, domestic or foreign, only if every shareholder of each corporation is qualified to be a shareholder of the surviving or new corporation under the laws applying to that surviving or new corporation.

2. Upon the merger or consolidation of a professional corporation, if the surviving or new corporation, as the case may be, is to render professional services in this state, it shall be in full compliance with the provisions of sections 356.011 to 356.261 immediately after the merger or consolidation. Otherwise, that corporation shall not thereafter be subject to the provisions of sections 356.011 to 356.261 and shall not provide professional services in this state.

(L. 1986 H.B. 1230)

**Certificates of authority, required, exceptions--foreign corporations may be granted certificates of authority, requirements.**

**356.231.** 1. No foreign professional corporation shall have the right to transact business of providing professional services in this state until it shall have procured a certificate of authority to do so from the secretary of state. However, no such corporation shall be required to obtain a certificate of authority to transact business in this state solely because it conducts any of the following activities in this state:

(1) Maintaining or defending any action or suit or any administrative or arbitration proceeding directly involving the corporation, or effecting the settlement thereof or the settlement of claims or disputes;

(2) Holding meetings of its directors or shareholders or carrying on other activities concerning its internal affairs;

(3) Maintaining bank accounts;

(4) Borrowing money or creating evidences of debt, mortgage or lien on or other security interest in real or personal property;

(5) Securing or collecting debts or enforcing any rights in property securing the same;

(6) Conducting an isolated transaction that is not repeated on any type of recurring or regular basis.

2. A foreign professional corporation shall be entitled to procure from the secretary of state a certificate of authority to transact business in this state only if:

(1) The name of the corporation meets the requirements of sections 356.011 to 356.261;

(2) The corporation is organized only for purposes for which a professional corporation organized under sections 356.011 to 356.261 may be organized; and

(3) All the shareholders, at least a majority of the directors and all the officers other than the secretary and treasurer of the corporation are qualified persons with respect to the corporation.

(L. 1986 H.B. 1230)

**Additional fee-expiration date.**

**356.233.** The secretary of state may collect an additional fee of five dollars on each and every fee required in this chapter. All fees collected as provided in this section shall be deposited in the state treasury and credited to the secretary of state's technology trust fund account. The provisions of this section shall expire on December 31, 2026.

(L. 1994 S.B. 635, A.L. 2001 H.B. 453 merged with S.B. 288, A.L. 2008 S.B. 1150, A.L. 2017 S.B. 95, A.L. 2020 S.B. 631)

Expires 12-31-26

**Foreign professional corporations, application for certificate of authority, contents.**

**356.241.** The application of a foreign professional corporation for a certificate of authority for the purpose of rendering professional services in this state shall include a statement that all the shareholders, at least a majority of the directors and all the officers other than the secretary and treasurer are licensed in one or more states or territories of the United States or the District of Columbia to render a professional service described in the statement of purposes of the corporation.

(L. 1986 H.B. 1230)

**Forfeiture of corporate rights, when--duties of licensing authority.**

**356.251.** The certificate of incorporation of a professional corporation or the certificate of authority of a foreign professional corporation may be forfeited by the secretary of state if the corporation fails to comply with the provisions of sections 356.011 to 356.261 which are applicable to it or if the secretary of state determines or is informed by the licensing authority that the corporation fails or has failed to comply with the requirements of the licensing authority that allow the corporation to practice any professional service as a corporation under sections 356.011 to 356.261. Each licensing authority in this state shall promptly certify to the secretary of state the names of all such corporations that have given cause for forfeiture as provided in sections 356.011 to 356.261, together with the facts pertinent thereto. Whenever a licensing authority shall so certify the name of a corporation to the secretary of state as having given cause for forfeiture of the corporation's certificate of incorporation or certificate of authority as provided in sections 356.011 to 356.261, then the licensing authority shall concurrently mail to the corporation at its registered office in this state a notice that such certification has been made.

(L. 1986 H.B. 1230)

**Application of law.**

**356.261.** On and after August 13, 1986, the provisions of sections 356.011 to 356.261 shall apply in full to all corporations previously subject to any law which was a predecessor to sections 356.011 to 356.261.

(L. 1986 H.B. 1230)

**Chapter 429 - Statutory Liens Against Real Estate**

**Lien authorized for architectural, professional engineering, land survey, or landscape architecture--extent of lien--priority --defenses.**

**429.015.** 1. Every registered architect or corporation registered to practice architecture, every registered professional engineer or corporation registered to practice professional engineering, every registered landscape architect or corporation registered to practice landscape architecture, and every registered land surveyor or corporation registered to practice land surveying, who does any landscape architectural, architectural, engineering or land surveying work upon or performs any landscape architectural, architectural, engineering or land surveying service directly connected with the erection or repair of any building or other improvement upon land under or by virtue of any contract with the owner or lessee thereof, or such owner's or lessee's agent, trustee, contractor or subcontractor, or without a contract if ordered by a city, town, village or county having a charter form of government to abate the conditions that caused a structure on that property to be deemed a dangerous building under local ordinances pursuant to section 67.410, upon complying with the provisions of this chapter, shall have for such person's landscape architectural, architectural, engineering or land surveying work or service so done or performed, a lien upon the building or other improvements and upon the land belonging to the owner or lessee on which the building or improvements are situated, to the extent of three acres. If the building or other improvement is upon any lot of land in any town, city or village, then the lien shall be upon such building or other improvements, and the lot or land upon which the building or other improvements are situated, to secure the payment for the landscape architectural, architectural, engineering or land surveying work or service so done or performed. For purposes of this section, a corporation engaged in the practice of architecture, engineering, landscape architecture, or land surveying, shall be deemed to be registered if the corporation itself is registered under the laws of this state to practice architecture, engineering or land surveying.

2. Every mechanic or other person who shall do or perform any work or labor upon or furnish any material or machinery for the digging of a well to obtain water under or by virtue of any contract with the owner or lessee thereof, or such owner's or lessee's agent, trustee, contractor or subcontractor, upon complying with the provisions of sections 429.010 to 429.340 shall have for such person's work or labor done, or materials or machinery furnished, a lien upon the land belonging to such owner or lessee on which the same are situated, to the extent of three acres, to secure the payment of such work or labor done, or materials or machinery furnished as aforesaid.

3. Every mechanic or other person who shall do or perform any work or labor upon, or furnish any material, fixtures, engine, boiler or machinery, for the purpose of demolishing or razing a building or structure under or by virtue of any contract with the owner or lessee thereof, or such owner's or lessee's agent, trustee, contractor or subcontractor, or without a contract if ordered by a city, town, village or county having a charter form of government to abate the conditions that caused a structure on that property to be deemed a dangerous building under local ordinances pursuant to section 67.410, upon complying with the provisions of sections 429.010 to 429.340, shall have for such person's work or labor done, or materials, fixtures, engine, boiler or machinery furnished, a lien upon the land belonging to such owner or lessee on which the same are situated, to the extent of three acres. If the building or buildings to be demolished or razed are upon any lot of land in any town, city or village, then the lien shall be upon the lot or lots or land upon which the building or other improvements are situated, to secure the payment for the labor and materials performed.

4. The provisions of sections 429.030 to 429.060 and sections 429.080 to 429.430\* applicable to liens of mechanics and other persons shall apply to and govern the procedure with respect to the liens provided for in subsections 1, 2 and 3 of this section.

5. Any design professional or corporation authorized to have lien rights under subsection 1 of this section shall have a lien upon the building or other improvement and upon the land, whether or not actual construction of the planned work or improvement has commenced if:

(1) The owner or lessee thereof, or such owner's or lessee's agent or trustee, contracted for such professional services directly with the design professional or corporation asserting the lien; and

(2) The owner or lessee is the owner or lessee of such real property either at the time the contract is made or at the time the lien is filed.

6. Priority between a design professional or corporation lien claimant and any other mechanic's lien claimant shall be determined pursuant to the provisions of section 429.260 on a pro rata basis.

7. In any civil action, the owner or lessee may assert defenses which include that the actual construction of the planned work or improvement has not been performed in compliance with the professional services contract, is impracticable or is economically infeasible.

8. The agreement is in writing.

(L. 1971 S.B. 217, A.L. 1988 H.B. 1711, A.L. 1989 H.B. 190, et al., A.L. 1990 S.B. 808 & 672, A.L. 1992 H.B. 1434 & 1490, A.L. 1997 S.B. 171, , A.L. 2011 S.B. 325)

\*Section 429.430 was repealed by H.B. 1634, 1978.

**Chapter 442 – Titles and Conveyance of Real Estate**

**Descriptions of subdivided property, contents.**

**442.135.** 1. If a property is subdivided and a new property description is created, such property description shall include the name, and professional license number, if applicable, of the person that created the property description.

2. No person shall submit for recording a conveyance of any property under subsection 1 of this section unless the property description of such property contains the information required in subsection 1 of this section.

(L. 2019 S. B. 36)

**Chapter 445 - Plats**

**Plats of cities, towns, villages--shall show what.**

**445.010.** 1. Whenever any city, town or village, or any addition to any city, town or village, shall be laid out, the proprietor of such city, town or village, or addition, shall cause to be made out an accurate map or plat thereof, particularly setting forth and describing:

(1) All parcels of ground within such town, village or addition reserved for public purposes by their boundaries, course and extent, whether they be intended for avenues, streets, lanes, alleys, commons or other public uses; and

(2) All lots for sale, by numbers, and their precise length and width.

2. And the streets of all such additions to cities, towns or villages, or of plats of ground, except plats for cemetery purposes, shall conform to the streets of such city, town or village, so that the streets and avenues of such additions or plats shall, as near as may be, run parallel with or be continuations on a straight line of the streets of said city, town or village, and all taxes against the property proposed to be platted shall be paid.

(RSMo 1939 § 12804)

Prior revisions: 1929 § 11180; 1919 § 9283; 1909 § 10290

CROSS REFERENCES:

Commissioners in partition suit to divide land into lots, when, map shall be filed, 528.270, 528.330, 528.550, 528.560

Estate may be divided into town lots and platted, when, 473.533

**Plat, how drawn--shall show what.**

**445.020.** Every plat hereafter constructed, which is authorized or required by law to be recorded, or intended to form part of any proceedings for the partition of real estate, shall be drawn to a scale, the scale to be noted on the plat, have written on its face as its title, and show the block, section, United States survey, or part thereof, it purports to represent. If the land platted be less than a whole block, section, or United States survey, the plat shall be corrected in such manner as to show the position of such land relatively to the remainder of the block, section, or United States survey, as the case may be; and if such land be intersected by a quarter-section, section, or United States survey line, such line shall be indicated on the plat and distinguished by suitable words and figures, and shall be done in such manner that the precise location of the land purported to be platted can be determined on inspecting the plat; provided, however, that the provisions of this section shall not apply to any plat issued by authority of the United States, or the state of Missouri.

(RSMo 1939 § 12808)

Prior revisions: 1929 § 11184; 1919 § 9286; 1909 § 10293

**Plat to be acknowledged and recorded--acceptance by city.**

**445.030.** Such map or plat shall be acknowledged by the proprietor before some official authorized by law to take acknowledgments of conveyances of real estate, and recorded in the office of the recorder of deeds of the county in which the land platted is situated; provided, however, that if such map or plat be of land situated within the corporate limits of any incorporated city, town or village, it shall not be placed of record until it shall have been submitted to and approved by the common council of such city, town or village, by ordinance, duly passed and approved by the mayor, and such approval endorsed upon such map or plat under the hand of the clerk and the seal of such city, town, or village; nor until all taxes against the same shall have been paid; and before approving such plat, the common council may, in its discretion, require such changes or alterations thereon as may be found necessary to make such map or plat conform to any zoning or street development plan which may have been adopted or appear desirable, and to the requirements of the duly enacted ordinances of such city, town or village, appertaining to the laying out and platting of subdivisions of land within their corporate limits.

(RSMo 1939 § 12805, A.L. 1943 p. 830)

Prior revisions: 1929 § 11181; 1919 § 9284; 1909 § 10291

**Duty of recorder when plat delivered--certified copies to be evidence.**

**445.040.** 1. It shall also be the duty of the recorder to record all plats delivered to him for record, in a book to be called a "plat book", and, when necessary to preserve uniformity, he shall reduce the scale of the original plat, and on each copy so made he shall endorse the following certificate under his hand:

"This plat is truly copied from the original. (Signed) ...., recorder."

2. Copies of the record of plats from said plat book, properly certified under the hand and official seal of the recorder, shall be evidence in all courts of justice.

(RSMo 1939 § 12807)

Prior revisions: 1929 § 11183; 1919 § 9285; 1909 § 10292

**When new county established or county lines changed, plat to be recorded, where.**

**445.050.** When any such maps or plats shall be recorded, and by reason of the establishment of any new county, or the alteration of any new county lines, the city, town or village shall fall within a different county, such recorder shall transmit a certified copy of such plat or map to the recorder of the county, within which such city, town or village may be situated.

(RSMo 1939 § 12812)

Prior revisions: 1929 § 11188; 1919 § 9290; 1909 § 10297

**Legalizing any plat of city or town, or addition or subdivision, after having been recorded for ten years--to be received in all courts of state.**

**445.060.** Any recorded plat or plan of any town or city, and of any addition thereto or subdivision thereof, or/and any recorded survey or plat or plan of any town or city and of any addition thereto or subdivision thereof or part of same made by the county surveyor of the county in which said town, city, addition or subdivision is located, which was not properly or fully made, certified or executed or was not properly or fully acknowledged, according to law, at the time of the making, certifying, executing or acknowledgment of same, according to law, but which shows or describes the real estate correctly or in such a manner that the lines of same may or can be laid or located from such plat, plan or survey upon the ground, and has been recorded in the recorder's office or in the records of the surveyor's office of the county in which the law directs it shall be recorded, for ten years, shall have the same force and effect as though properly and fully made, certified, executed or acknowledged, according to law, and shall be received in evidence in all courts of the state, in any cause, and shall be prima facie evidence of the correctness of same and of the showing thereof.

(RSMo 1939 § 12806)

Prior revision: 1929 § 11182

**Penalty for selling lots before plat recorded--plat shall vest fee, when.**

**445.070.** 1. If any person shall sell or offer for sale any lot within any city, town or village, or any addition thereto, before the plat thereof be made out, acknowledged and recorded, as aforesaid, such person shall forfeit a sum not exceeding three hundred dollars for every lot which he shall sell or offer to sell.

2. Such maps or plats of such cities, towns, villages and additions made, acknowledged, certified and recorded, shall be a sufficient conveyance to vest the fee of such parcels of land as are therein named, described or intended for public uses in such city, town or village, when incorporated, in trust and for the uses therein named, expressed or intended, and for no other use or purpose.

3. If such city, town or village shall not be incorporated, then the fee of such lands conveyed as aforesaid shall be vested in the proper county in like trust, and for the uses and purposes aforesaid, and none other.

(RSMo 1939 § 12809)

Prior revisions: 1929 § 11185; 1919 § 9287; 1909 § 10294

**Penalty for recording an imperfect plat.**

**445.080.** If any person, his agent or attorney, shall cause a map or plat of any such city, town, village or addition thereto to be recorded, which does not set forth and describe all parcels of ground which have been or shall be promised or set apart for public uses, such persons shall forfeit double the value of the ground so promised or pretended to have been set apart for public uses, and not set forth on the plat. The forfeitures arising under this chapter may be recovered by civil action, with costs, in the name of the county to the use of the school fund of the incorporated city, town or village in which the land lies, or the county, as the case may be.

(RSMo 1939 § 12810)

Prior revisions: 1929 § 11186; 1919 § 9288; 1909 § 10295

**Persons incurring penalty may be proceeded against, how.**

**445.090.** The property and effects of the person incurring such forfeiture may be proceeded against, by attachment or otherwise, in like manner and for the like causes as in ordinary cases.

(RSMo 1939 § 12811)

Prior revisions: 1929 § 11187; 1919 § 9289; 1909 § 10296

**Plans, plats or replats--unlawful to receive or record such plan unless approved (cities of 400,000).**

**445.100.** 1. In all cities that now have or hereafter may have four hundred thousand inhabitants or over, all plans, plats or replats of land laid out in building lots and streets, alleys, or other portions of the same intended to be dedicated to public or private use, or for the use of purchasers or owners of lots fronting thereon or adjacent thereto, and located within the city limits, shall be submitted to the board or body having charge of the design, construction and maintenance of city streets and approved by it before they shall be recorded.

2. And it shall be unlawful to receive or record such plan in any public office unless the same shall bear thereon, by endorsement or otherwise, the approval of the board or body having charge of the design, construction and maintenance of city streets.

3. The approval of the board or body having charge of the design, construction and maintenance of city streets shall be deemed an acceptance of the proposed dedication for public or private use as the case may be; but shall not impose any duty upon the city concerning the maintenance or improvement of any such dedicated parts, until the proper authorities of the city shall have made actual appropriation of the same by entry, use or improvement; and owners and purchasers shall be deemed to have notice of the published plans, maps and reports of the board or body having charge of the design, construction and maintenance of city streets affecting such property within its jurisdiction.

(RSMo 1939 § 12817)

Prior revision: 1929 § 11193

**Unlawful to sell, trade or otherwise convey unless plan, plat or replat shall have been recorded (cities of 400,000).**

**445.110.** In all cities that now have or hereafter may have four hundred thousand inhabitants or over, it shall be unlawful to sell, trade or otherwise convey or to offer to sell, trade or otherwise convey any lot or parcel of land as a part of or in conformity with any plan, plat or replat of any subdivision or portion of the city unless said plan, plat or replat shall have first been recorded in the office of the recorder of deeds of said city.

(RSMo 1939 § 12818)

Prior revision: 1929 § 11194

**Penalty for violation of certain provisions.**

**445.120.** Any person violating the provisions of sections 445.100 to 445.120 shall be guilty of a misdemeanor and shall be subject to a fine of not less than one hundred dollars nor more than five hundred dollars, or to imprisonment not exceeding one year, or both.

(RSMo 1939 § 12819)

Prior revision: 1929 § 11195

**Chapter 446 - Establishment and Evidence of Boundaries and Titles to Land**

**Decayed corners--surveyed when.**

**446.010.** Any person, his agent or attorney, owning or being interested in any tract of land within this state, any corner or corners of which shall be in a decayed or perishable condition, may require the surveyor of the county to make a survey thereof.

(RSMo 1939 § 1971)

Prior revisions: 1929 § 1807; 1919 § 5494; 1909 § 6437

**Surveyor's notes--contents.**

**446.020.** Such surveyor shall note particularly in his field notes the corner from which he starts the survey and to which he traces the lines, noting the condition of the corner trees, if any, marking particularly every object of note, over or by which the lines may pass; also the falling off distance, and the variation at which side lines shall have been surveyed.

(RSMo 1939 § 1972)

Prior revisions: 1929 § 1808; 1919 § 5495; 1909 § 6438

**Surveyor--duties--fees.**

**446.030.** He shall cause to be planted, by the person requiring such survey, at each corner desired to be established, a stone or post, and shall mark and describe witness trees, if within a reasonable distance, noting in his field notes the course and distance to them; he shall note also the names of his chainmen, flagmen and other persons present at the planting of any corner stone or post; and he shall record a copy of his field notes in a book to be kept by him for that purpose, and certify the same, and shall deliver a certified copy of such field notes to any person requiring it, for which copy he shall receive at the rate of fifteen cents for every hundred words.

(RSMo 1939 § 1973)

Prior revisions: 1929 § 1809; 1919 § 5496; 1909 § 6439

**Destroyed corners, how established.**

**446.040.** When the corner or corners of any survey shall have been destroyed or obliterated by time or accident, the owner of such survey, or of any other lands, the title of which may be affected by the loss of any such corner, or if the corner is a corner of the United States Public Land Survey, the state land surveyor may call on a judge of the circuit court, other than a municipal judge, of the county in which the land shall be situate, for the purpose of establishing such corners by testimony.

(RSMo 1939 § 1974, A. 1949 S.B. 1126, A.L. 1978 H.B. 1634, A.L. 1981 H.B. 414)

Prior revisions: 1929 § 1810; 1919 § 5497; 1909 § 6440

CROSS REFERENCE:

Corners lost, reestablished, rules, 60.315

**Attendance of surveyor and witnesses--judge's duty.**

**446.050.** Such judge shall, upon application, issue his warrant to the sheriff of the county to cause to come before him, at a place on the land and on a day to be designated in the warrant, the county surveyor and such witnesses, as well without as within the county, as the person demanding such warrant, or other persons interested, may require.

(RSMo 1939 § 1975, A. 1949 S.B. 1126, A.L. 1978 H.B. 1634)

Prior revisions: 1929 § 1811; 1919 § 5498; 1909 § 6441

Effective 1-2-79

**Examination of witnesses.**

**446.060.** Such judge shall, on the day appointed, proceed to the place designated, and there, in the presence of the county surveyor, examine the witnesses summoned, and others attending, touching the existence or situation of such destroyed or obliterated corners, or any other matter in relation to the entry or survey of such lands, or of the corners or boundaries of any adjoining lands, when the same may be necessary or conducive to the accomplishment of the object of the application.

(RSMo 1939 § 1976, A. 1949 S.B. 1126, A.L. 1978 H.B. 1634)

Prior revisions: 1929 § 1812; 1919 § 5499; 1909 § 6442

Effective 1-2-79

**Adjournment.**

**446.070.** Such judge shall have power to adjourn from day to day, when the same may be necessary to the accomplishment of the examination.

(RSMo 1939 § 1977, A. 1949 S.B. 1126, A.L. 1978 H.B. 1634)

Prior revisions: 1929 § 1813; 1919 § 5500; 1909 § 6443

Effective 1-2-79

**Examination reduced to writing.**

**446.080.** Such judge shall reduce the examination of the witnesses to writing, which shall be signed and sworn to by the deponents, and, being certified and signed by the judge, shall be by him delivered to the county surveyor.

(RSMo 1939 § 1978, A. 1949 S.B. 1126, A.L. 1978 H.B. 1634)

Prior revisions: 1929 § 1814; 1919 § 5501; 1909 § 6444

Effective 1-2-79

**Notice to take depositions, how given.**

**446.090.** The party applying for the establishment of any corner or corners shall give notice, in writing, of the time and place of taking such depositions, to every person or persons who may be the owner of any interest in the lands adjoining such corner or corners, his or their agent or attorney, at least thirty days before the taking of the same. In case the person interested be a minor or disabled as defined in chapter 475, RSMo, the notice shall be served on the conservator of such minor or disabled person. The publication of such notice in some newspaper printed in the county, at least three weeks consecutively, the last insertion to be twenty days before the day of taking depositions, shall be sufficient notice to nonresidents of the state and all other persons.

(RSMo 1939 § 1979, A.L. 1983 S.B. 44 & 45)

Prior revisions: 1929 § 1815; 1919 § 5502; 1909 § 6445

**Evidence of notice.**

**446.100.** Satisfactory evidence of such notice shall be required by the judge before he proceeds to take such depositions, which shall appear in his certificate annexed to the depositions.

(RSMo 1939 § 1980, A. 1949 S.B. 1126, A.L. 1978 H.B. 1634)

Prior revisions: 1929 § 1816; 1919 § 5503; 1909 § 6446

Effective 1-2-79

**Surveyors to re-mark decayed corners, when.**

**446.110.** The county surveyor shall, if required by the party owning or being interested in such survey make a survey thereof, and cause to be planted a stone or post at each of the decayed or obliterated corners, and shall be governed in his survey, and in planting such stone or post at the corners, by the depositions which shall have been taken and delivered to him in relation thereto.

(RSMo 1939 § 1981)

Prior revisions: 1929 § 1817; 1919 § 5504; 1909 § 6447

CROSS REFERENCE:

Corners lost, reestablishment, rules, [60.315](http://www.moga.mo.gov/mostatutes/stathtml/06000003151.html)

**Plat and certificate of survey.**

**446.120.** Such surveyor shall make out a plat and certificate of such survey, noting therein the corners at which he shall have planted stones or posts, the names of the chainmen, markers and others present at the planting of the same, and that the same was done in accordance with the testimony contained in the depositions.

(RSMo 1939 § 1982)

Prior revisions: 1929 § 1818; 1919 § 5505; 1909 § 6448

**Plat and certificate recorded.**

**446.130.** He shall record such plat and certificate in a book to be by him kept and provided for that purpose, and shall deliver the original, with any depositions delivered to him, duly certified, to the recorder of the county.

(RSMo 1939 § 1983)

Prior revisions: 1929 § 1819; 1919 § 5506; 1909 § 6449

**Duty of recorder.**

**446.140.** The recorder to whom such plats and certificates and depositions shall be delivered shall record the same in a book to be by him provided and kept for that purpose, and shall deliver the original to him at whose instance the survey was made.

(RSMo 1939 § 1984)

Prior revisions: 1929 § 1820; 1919 § 5507; 1909 § 6450

**Plats, certificates and depositions in evidence.**

**446.150.** Plats and certificates of surveys and depositions to establish corners, or certified copies of the record thereof, when the same shall have been made or taken in conformity to the provisions of sections 446.010 to 446.180, may be used and received in evidence in all cases to which they may relate, subject to exceptions for irrelevancy or incompetency.

(RSMo 1939 § 1985)

Prior revisions: 1929 § 1821; 1919 § 5508; 1909 § 6451

CROSS REFERENCE:

Surveys as legal evidence, RSMo 60.150

**Examination of witness through interpreter.**

**446.160.** When any witness examined under sections 446.010 to 446.180 cannot clearly understand and speak the English language, his examination shall be made through a competent interpreter, duly sworn correctly to translate into his language to him all questions put to him, and his answers thereto, into the English language; and the officer taking his deposition shall reduce the questions and answers to writing, in the English language, which, being distinctly translated to him by said interpreter, shall be sworn to and subscribed by said witness.

(RSMo 1939 § 1987)

Prior revisions: 1929 § 1823; 1919 § 5510; 1909 § 6453

**Costs, how paid.**

**446.170.** All fees and costs attending the proceedings under sections 446.010 to 446.170 shall, in the first instance, be paid by the party on whose application the same shall be had, who may recover from persons who shall use or be benefited by the same their equal proportion of the expenses incurred in obtaining it.

(RSMo 1939 § 1986)

Prior revisions: 1929 § 1822; 1919 § 5509; 1909 § 6452

**Land patent not issued by state, owner may acquire, requirements.**

**446.175.** 1. Any person owning land for which a patent should have been issued by the state but was not may acquire a patent for such land by:

(1) Proving, by affidavits or otherwise, to the satisfaction of the secretary of state, that he, or someone under whom he claims title, purchased the land for which the patent is sought from the state and that the state has been paid for such land; and

(2) Proving, by affidavits of two disinterested householders of the township in which the land for which a patent is sought is located, that he, and those under whom he claims title, have been in open, notorious, exclusive, continuous, adverse, and hostile possession of all of such land for the period of ten years immediately prior to the time of applying for a patent under this section, and that during such time no other person has ever set up or made any claim to such land, or any portion thereof, which is hostile or adverse to the title of the applicant and those under whom he claims title.

2. When an applicant has complied with subdivisions (1) and (2) of subsection 1 of this section, the secretary of state shall issue the patent requested.

3. The provisions of this section shall only apply when the records in the office of the secretary of state show that the land in question is state land which has not been disposed of to any other person and when all documents and proofs required by this section have been filed in the land department of the secretary of state and preserved among the records thereof.

(L. 1983 S.B. 109)

**Erroneous descriptions in patents--correction.**

**446.180.** 1. Whenever an error has been made in the description of land in any patent, the person to whom such patent was issued, or any person who has acquired title to the land intended to be described in such erroneous patent by mesne conveyances from the person to whom such erroneous patent was issued, may have a new patent issued correctly describing such land by:

(1) Proving, by affidavits or otherwise, to the satisfaction of the secretary of state, that he, or someone under whom he claims title, purchased the land for which a corrected patent is sought from the state and that the state has been paid for such land; and

(2) Filing an affidavit that he makes no claim to the land erroneously described in the patent sought to be corrected and that neither he, nor anyone by, through, or under whom he claims title, has ever made any claim to such land by virtue of or under such erroneous patent.

2. When an applicant has complied with subdivisions (1) and (2) of subsection 1 of this section, the secretary of state shall make the correction requested. A new patent correctly describing the land to which the applicant claims title shall be issued to such applicant when he delivers the erroneous patent or a certified copy thereof to the secretary of state, or proves to the secretary of state, by affidavits of two disinterested householders of the township in which the land to be described in the corrected patent is located, that he, and those under whom he claims title, have been in the open, notorious, exclusive, continuous, adverse, and hostile possession of all of such land for the period of ten years immediately prior to the time of filing an application under this section, and that during such time no other person has ever set up or made any claim to such land, or any portion thereof, which is hostile or adverse to the title of the applicant and those under whom he claims title; and executes a deed releasing the erroneously patented land to the state.

3. The provisions of this section shall only apply when the records in the office of the secretary of state show that the land in question is state land which has not been disposed of to any other

person and when all documents and proofs required by this section have been filed in the land department of the secretary of state and preserved among the records thereof.

(RSMo 1939 § 12715, A.L. 1983 S.B. 109)

Prior revisions: 1929 § 11091; 1919 § 6955; 1909 § 7959

**Lost or destroyed records--replacement--evidentiary effect.**

**446.190.** 1. In all of the counties of this state in which, at any time heretofore, the official records and records affecting the title to real estate therein, shall have been, by fire, war or other catastrophe, lost, destroyed, or injured so as to have become illegible, and whenever, hereafter, such records of any county, or the city of St. Louis, shall have been so lost, destroyed, or injured, it shall be the duty of the circuit judges of the circuit court of such county, in conjunction with the commissioners of the county commission of such county, or if in the city of St. Louis the duty of the circuit judges thereof, to examine into the state of such records; and in the event that they find any abstracts, copies, minutes, or extracts therefrom, existing after such loss, destruction or injury, and that said abstracts, copies, minutes or extracts were fairly made, before such loss, destruction, or injury by any person, persons or corporation, in the ordinary and usual course of business, and that said abstracts, copies, minutes or extracts contain a material and substantial part of said records so lost, destroyed or injured as aforesaid, the said judges shall certify the facts in regard to the loss, destruction or injury of such records, and in regard to such abstracts, copies, minutes or extracts therefrom, as such facts may be found by them; and if they are of the opinion that such abstracts, minutes, copies and extracts tend to show a connected chain of title to the lands in such county or city, they shall file such certificate, finding or opinion with the clerk of the circuit court thereof, which certificate shall be signed by said judges and have impressed thereon the seal of the county commission of such county, or if in the city of St. Louis, the seal of the circuit court thereof; and thereupon, said abstracts, minutes, copies and extracts, or authenticated copies thereof, shall be admissible as prima facie evidence in all courts and places in this state, and in all courts held within this state, and in all inquiries, wherein the facts shown by such abstracts, minutes, copies, or extracts may be pertinent.

2. And it shall be the duty of the owner, owners, keeper or custodian of such abstracts, minutes, copies or extracts, to furnish to all persons or corporations so requesting, upon being paid or tendered the charges and fees herein provided for, certified copies of the same, or any part thereof. Said certificate to be made by such owner, owners, keeper, or custodian, shall state that the paper or instrument to which it is appended or attached contains a true and correct copy of the entries set out in said abstracts, minutes, copies, or extracts, designating the same by the name of the compiler or maker thereof, when possible, to which the said filed certificate of the said circuit judge, or judges, and county commissioners relate; said certificates shall be signed by the maker thereof and sworn to by him before some officer who is authorized by the laws of this state to take and certify acknowledgments to instruments for the conveyance of real estate.

3. And it shall be the duty of the owner, owners, keeper, or custodian of such abstracts, minutes, copies or extracts, upon being paid or tendered the fees and charges herein provided for, to produce the same in court, and the courts of this state, and the courts held within this state may compel the production of the same in court, by subpoena duces tecum, as in other cases.

4. In all cases in which any abstracts, minutes, copies and extracts, or copies thereof, which are made admissible in evidence under the provisions of sections 446.190 to 446.220, shall be required to be used in evidence, all deeds, conveyances, or other instruments appearing thereby to have been executed by any person or corporation, or in which they appear to have joined, shall be presumed to have been duly witnessed, executed and acknowledged, unless the contrary appear therein; and all sales under powers of attorney, judgments, decrees or other legal proceedings, shall be presumed to be regular and correct, unless the contrary appear, and any person or corporation alleging any defect or irregularity in any such conveyance, sale, judgment or decree, or other legal proceeding, shall be held bound to prove the same; provided, that nothing contained in this section shall be construed to impair the effect of said injured, lost or destroyed records as notice.

(RSMo 1939 § 1949, A.L. 1978 H.B. 1634)

Prior revisions: 1929 § 1785; 1919 § 5472; 1909 § 6415

Effective 1-2-79

**Certificate of judges entered of record--received in evidence.**

**446.200.** 1. The certificate provided for by section 446.190 to be made and filed by the said judges of the circuit court and the commissioners of the county commission, or by the judges of the circuit court of the city of St. Louis, shall be by the said clerk of the circuit court entered and spread upon the records of the circuit court of the county, the said records of which have been so lost, destroyed or injured.

2. Thereupon, the said clerk of the circuit court of such county shall make out from said circuit court records, and transmit to the recorder of deeds of such county a certified copy of such certificate, so made and filed by said judges or commissioners, and the recorder of deeds shall, thereupon, record such certified copy of said certificate in the land record books of his office.

3. And a certified copy of said judges' certificate, under the hand and official seal of the clerk of the circuit court of such county, shall be received in all of the courts of this state, and in all of the courts held within this state, and in all places and inquiries within this state wherein said matters and things may be pertinent, as prima facie evidence of the facts and recitals set out and contained in said certificate of said judges or commissioners.

(RSMo 1939 § 1950)

Prior revisions: 1929 § 1786; 1919 § 5473; 1909 § 6416

**Abstract of title to lands received in evidence, when.**

**446.210.** In all cases, and in all suits, trials and actions, in any of the courts of this state, and in any of the courts held within this state, in any proceeding relating to, or affecting the title to lands, or any interest therein, or any lien or encumbrance thereon, any party to such case, suit, trial or action shall be permitted to offer and introduce as evidence therein, and all of the said courts shall receive as competent evidence therein, any abstract of title, or land title abstract book, or books, which are fair upon their face, and which are shown to have been made by any person, in the usual and ordinary course of business, prior to the loss, injury or destruction of the official records, or parts thereof, of the county wherein the lands affected by such suit, trial or action lie; provided, that before such abstract, or land title abstract books shall be admissible, the party desiring to offer the same, or his agent, or attorney, shall, orally, in court, or by an affidavit filed in the cause, state under oath, that the originals of the deeds, conveyances or

instruments affecting the title, or some part thereof, are lost, destroyed, or so injured as to be illegible, or that the said originals are not within the power of the party to produce, and that the record of such deeds, conveyances and instruments has been lost, destroyed or burned.

(RSMo 1939 § 1951)

Prior revisions: 1929 § 1787; 1919 § 5474; 1909 § 6417

**Fees allowed to owners of abstracts.**

**446.220.** The owner, owners, keeper or custodian of any such abstracts or land title abstract books shall be allowed to charge for the services rendered under the provisions of sections 446.190 to 446.220 the following fees only:

For the first entry, or remove in the chain of title, in any copy of an abstract $1.00.

For each additional entry therein $0.50.

For certificate and authentication to copy of abstract $0.50.

For producing abstract books in court as evidence, in any court held in the county wherein the custodian of the abstracts resides, for each day $3.50.

For producing abstract books in court as evidence, in any court held outside of the county wherein the custodian of the abstract resides, for each day, and for each day spent in going and returning $5.00.

For mileage in going to and returning from court, per mile $0.05.

(RSMo 1939 § 1952)

Prior revisions: 1929 § 1788; 1919 § 5475; 1909 § 6418

**Certain titles confirmed.**

**446.230.** Whenever the title in fee to any lands shall be vested in the state of Missouri, under the provisions of an act of Congress entitled "An act to vest in the several states and territories the title in fee of the lands which have been or may be certified to them", approved August 3, 1854, the same shall inure to and be vested in the purchaser from the state in all cases where such lands have been sold; and all patents or conveyances executed by the governor for lands sold by the state are hereby confirmed, and all the title the state now has or hereafter may acquire, by virtue of the above recited act, to the land so sold, is hereby granted to the purchaser, his heirs or assigns, as fully as the same could be done by issuance of a new patent.

(RSMo 1939 § 1847)

Prior revisions: 1929 § 1683; 1919 § 5370; 1909 § 6415

**Duty of register of lands, evidence.**

**446.240.** The register of lands shall procure suitable books and record therein all letters and instructions received from the land department at Washington concerning lands granted to this state, and shall also record in such books all lists of lands certified by the commissioner of such land office, under the provisions of the act recited in section 446.230, as belonging to the state;

and copies of such record, certified by the register of lands, shall be prima facie evidence of the facts therein stated.

(RSMo 1939 § 1848)

Prior revisions: 1929 § 1684; 1919 § 5371; 1909 § 6316

CROSS REFERENCES:

Copies of patents evidence, when, RSMo 59.390

Patents to be evidence of title, RSMo 241.120

**New Madrid certificates and patents prima facie evidence.**

**446.250.** When, in any action for the recovery of the possession of premises, any land shall be claimed by virtue of a location in lieu of other lands injured by earthquakes, the certificate of new location granted by the recorder of land titles, and the patent issued in consequence, shall be only prima facie evidence of title in the grantee therein named, subject to be rebutted as herein prescribed.

(RSMo 1939 § 1539)

Prior revisions: 1929 § 1375; 1919 § 1825; 1909 § 2392

**Rebutted, how.**

**446.260.** It shall be lawful for the adverse party to rebut such evidence by proof that the grantee in such certificate or patent named was not, at the time the same or either of them issued, the owner of the injured lands in lieu of which the said certificate or patent issued, and the title to the land located by virtue of such certificate or patent shall be determined according to the rights of the parties to the land, as located by virtue thereof.

(RSMo 1939 § 1540)

Prior revisions: 1929 § 1376; 1919 § 1826; 1909 § 2393

**New Madrid certificates.**

**446.270.** Copies of certificates granted by the recorder of land titles, under the act of Congress for the relief of the sufferers by earthquakes in the county of New Madrid, and all other books and papers, which by law are required to be deposited or kept at his office, duly certified by him, shall be received as evidence.

(RSMo 1939 § 1832)

Prior revisions: 1929 § 1668; 1919 § 5355; 1909 § 6300

**Confirmations of land titles--copies.**

**446.280.** Copies of confirmations had before the board of commissioners for the adjustment of land claims within this state, or before the recorder of land titles, duly certified by the recorder of land titles, or by the person who shall by law have the custody of the books and papers containing such confirmations, shall be received as evidence.

(RSMo 1939 § 1831)

Prior revisions: 1929 § 1667; 1919 § 5354; 1909 § 6299

**French and Spanish grants.**

**446.290.** All grants and concessions of land, all warrants, orders, plats and certificates of survey made and signed by the proper officers of the French or Spanish government, which shall have been filed in the office of the recorder of land titles, by virtue of any law of the United States, and all deeds, conveyances and evidences of title made before, and signed by such officers of the French or Spanish government, which shall have been filed and recorded as aforesaid, being certified by such recorder to have been recorded in his office, shall be received in evidence without further proof.

(RSMo 1939 § 1833)

Prior revisions: 1929 § 1669; 1919 § 5356; 1909 § 6301

**Copies from Livre Terrein.**

**446.300.** Copies of all petitions, grants, orders and returns of survey, and other evidences of title, contained in any land book, commonly called Livre Terrein, and copies of all such other records of the French or Spanish government, and of such evidences of title mentioned in the preceding section, as are by law required to be deposited in the office of the recorder of land titles, duly certified by him, shall be received in evidence, with like effect as the original.

(RSMo 1939 § 1834)

Prior revisions: 1929 § 1670; 1919 § 5357; 1909 § 6302

**French and Spanish archives, evidence.**

**446.310.** When any such conveyance or other evidences of title, as mentioned in section 446.290 shall have belonged to the archives of the French or Spanish government, and shall have been deposited in the office of the recorder of any county, and therein recorded, it shall, being duly certified by such recorder, be received in evidence without further proof.

(RSMo 1939 § 1835)

Prior revisions: 1929 § 1671; 1919 § 5358; 1909 § 6303

**French and Spanish archives, copies of.**

**446.320.** A copy of any such conveyance or evidence of title, among the archives of the French or Spanish government, deposited in pursuance of law, in the office of the recorder of any county, and therein recorded, and a copy of any record of the French or Spanish government, so deposited in such office, being duly certified by him, shall be received in evidence with like effect as the original.

(RSMo 1939 § 1836)

Prior revisions: 1929 § 1672; 1919 § 5359; 1909 § 6304

**Copies of record of original archives.**

**446.330.** Whenever it shall appear that the original of any of the records, archives or other evidences mentioned in sections 446.290 to 446.320, after having been deposited and recorded in the office of the recorder of land titles, or of the recorder of any county, in pursuance of law, cannot be found therein, or has been lost or destroyed, or that neither the original nor a duly certified copy thereof can be obtained by the parties wishing to use it, a copy of the record of such original, duly certified by the officer having charge of such record, shall be received in evidence.

(RSMo 1939 § 1837)

Prior revisions: 1929 § 1673; 1919 § 5360; 1909 § 6305

**Archives of recorder's office of St. Louis, evidence.**

**446.340.** Certified copies of the records of the ancient archives deposited in the office of the recorder of the county or city of St. Louis, consisting of deeds, mortgages, marriage contracts, settlements, adjudications and other instruments of writing relating to or affecting titles to real estate, and which were received from the French or Spanish authorities of Louisiana, and which have been or may hereafter be recorded, as directed by law, shall be received in evidence in all courts of this state.

(RSMo 1939 § 1849)

Prior revisions: 1929 § 1685; 1919 § 5372; 1909 § 6317

**Copies of plats, surveys--United States surveyor's office.**

**446.350.** Copies of plats, surveys, entries, New Madrid certificates and locations, and of all other papers which are by law required to be deposited or kept in the office of the surveyor of the lands of the United States in this state, duly certified by such surveyor, shall be received as evidence.

(RSMo 1939 § 1838)

Prior revisions: 1929 § 1674; 1919 § 5361; 1909 § 6306

CROSS REFERENCES:

Copies of entries on book of United States land office to be received in evidence, RSMo 490.200

Copies of letters received by the register of any United States land office from superior officer received in evidence, RSMo 490.210

**Chapter 448 - Condominium Property**

**Title of law.**

**448.005.** Sections 448.005 to 448.210 shall be known and may be cited as the "Condominium Property Act".

(L. 1983 H.B. 177)

**Definitions.**

**448.010.** As used in sections 448.005 to 448.210, unless the context otherwise requires, the following terms mean:

(1) "Common elements", all portions of the property except the units;

(2) "Declaration", the instrument and amendments thereto by which the property is submitted to the provisions of sections 448.005 to 448.210, as hereinafter provided, and the declaration as from time to time amended;

(3) "Developer", the person, firm, or corporation who establishes a condominium through the recording of a declaration, bylaws, and plat. In the event the developer transfers the property prior to completion of the construction program, the developer shall include any transferee who acquires the property for purposes of completing the construction as shown on the plat or amended plats;

(4) "Majority" or "majority of the unit owners", the owners of more than fifty percent in the aggregate in interest of the undivided ownership of the common elements. Any specified percentage of the unit owners means such percentage in the aggregate in interest of the undivided ownership;

(5) "Parcel", the lot or lots, tract or tracts of land, including additional tracts added by subsequent amendment described in the declaration or amendments thereto, submitted to the provisions of sections 448.005 to 448.210;

(6) "Person", a natural individual, corporation, partnership, trustee or other legal entity capable of holding title to real property;

(7) "Plat", a plat or plats of survey or surveys together with amendments thereto of the parcel or parcels and of all units which are proposed for inclusion in the property or properties submitted to the provisions of sections 448.005 to 448.210, which plat or plats may consist of a three-dimensional horizontal and vertical delineation of all such units;

(8) "Property", all the land, property or properties and space comprising the parcel or parcels, all improvements and structures erected, constructed or contained therein or thereon, including the building and all easements, rights and appurtenances belonging thereto, and all fixtures and equipment intended for the mutual use, benefit or enjoyment of the unit owners, submitted to the provisions of sections 448.005 to 448.210;

(9) "Record", to record in the office of the recorder of deeds of the county wherein the property is located;

(10) "Unit", a part of the property including one or more rooms, occupying one or more floors or a part or parts thereof, designed and intended for any type of independent use, and having lawful access to a public way;

(11) "Unit owner", the person or persons whose estates or interests, individually or collectively, aggregate fee simple absolute ownership of a unit.

(L. 1963 p. 648 § 2, A.L. 1969 H.B. 767, A.L. 1983 H.B. 177)

**Property submitted to condominium law by declaration.**

**448.020.** Whenever the owners in fee simple of a parcel intend to submit such property to the provisions of sections 448.005 to 448.210, they shall do so by recording a declaration, duly executed and acknowledged, expressly stating such intent and setting forth the particulars enumerated in section 448.030.

(L. 1963 p. 648 § 3, A.L. 1983 H.B. 177)

**Declaration, contents--amendments.**

**448.030.** 1. The declaration shall set forth the following particulars:

(1) The legal description of the parcel or parcels;

(2) The legal description of each unit, which may consist of the identifying number or symbol of the unit as shown on the plat;

(3) The percentage of ownership interest in the common elements allocated to each unit. The percentages shall be computed by taking as a basis the value of each unit in relation to the value of the property as a whole, and having once been determined and set forth as herein provided, such percentages shall remain constant unless thereafter changed by agreement of all unit owners; except that, if there is a change in the number of units or in the size or dimensions of any units, the developer shall determine the changes required in the percentages of ownership by virtue of the changes in the number of units or in the size or dimensions of any units, and shall file of record in the office of the recorder of deeds in which the declaration was filed an instrument setting forth the changes in percentages of ownership;

(4) Such other lawful provisions not inconsistent with the provisions of sections 448.005 to 448.210 as the owners or developers may deem desirable in order to promote and preserve the cooperative aspect of ownership of the property and to facilitate the proper administration thereof.

2. The developer with the consent of all unit owners may file an amendment or amendments to the declaration to include an additional parcel or parcels or to delete any parcel or portion thereof and to change the number of units and to amend the percentage of ownership interests in the common elements allocated to each unit, but no amendment shall be made to include a parcel or parcels which are not contiguous to the parcel or parcels described in either the original declaration or amendments thereto. Parcels shall be considered to be contiguous although separated by roads or easements.

(L. 1963 p. 648 § 4, A.L. 1969 H.B. 767, A.L. 1983 H.B. 177)

**Declaration and plat to be recorded--plat, contents--amendment may be recorded, when.**

**448.040.** Simultaneously with the recording of the declaration there shall be recorded a plat as defined in section 448.010, which plat shall be made by a registered Missouri land surveyor and shall set forth all angular and linear data along the exterior boundaries of the parcel; the linear measurements and location, with reference to the exterior boundaries, of the building or buildings located or to be located on the parcel; and the elevations or proposed elevations at, above, or below official datum of the finished or unfinished interior surfaces of the floors and ceilings and the linear measurements of the actual or proposed finished or unfinished interior surfaces of the perimeter walls, and lateral extensions thereof, of every unit or proposed unit in the building or buildings, and the locations or proposed locations of such wall surfaces with respect to the exterior boundaries of the parcel projected vertically upward. Every such unit shall be identified on the plat by a distinguishing number or other symbol. If the plat is recorded as a separate document, a statement shall appear thereon identifying it with the declaration provided for in section 448.030, which statement shall be signed and acknowledged by the same persons executing the declaration. An amendment or amendments to a plat may be recorded by the developer to include an additional parcel or parcels and additional units or to delete any parcel or parcels and reduce the number of units or to reflect accurately any changes in the locations, elevations, measurements or dimensions of any prior recorded plat, provided all the unit owners have consented thereto.

(L. 1963 p. 648 § 5, A.L. 1969 H.B. 767)

**448.2-109. Plats and plans.** - 1. Plats and plans are a part of the declaration. Separate plans are not required by sections 448.1-101 to 448-4-120 if all the information required by the section is contained in the plat. Each plat and plan shall be clear and legible and contain a certification that the plat or plan contains all information required by this section. All surveys and plats required by this section shall be made in compliance with the minimum standards for property boundary surveys as established by rule of the department of natural resources.

2. Each plat shall show:

1. The name and a survey or general schematic map of the entire condominium;
2. The location and dimensions of all real estate not subject to development rights, or subject only to the development right to withdraw, and the location and dimensions of all existing improvements within that real estate;
3. A legally sufficient description of any real estate subject to development rights, labeled to identify the rights applicable to each parcel;
4. The extent of any encroachments by or upon any portion of the condominium;
5. To the extent feasible, a legally sufficient description of all easements serving or burdening any portion of the condominium;
6. The location and dimensions of any vertical unit boundaries not shown or projected on plans recorded pursuant to subsection 4 of this section and that unit’s identifying number;
7. The location with reference to an established datum of any horizontal unit boundaries not shown or projected on plans recorded pursuant to subsection 4 of this section and the unit’s identifying number;
8. A legally sufficient description of any real estate in which the unit owners will own only an estate for years, labeled as “leasehold real estate”;
9. The distance between noncontiguous parcels of real estate comprising the condominium;
10. The location and dimensions of limited common elements, including porches, balconies and patios, other than parking spaces and the other limited common elements described in subdivisions (2) and (4) of section 448.2-102;
11. In the case of real estate not subject to development rights, all other matters customarily shown on land surveys.

3. A plat may also show the intended location and dimensions of any contemplated improvement to be constructed anywhere within the condominium. Any contemplated improvement shown must be labeled either “SHALL BE BUILT” or “NEED NOT BE BUILT”.

4. To the extent not shown or projected on the plats plans of the units shall show or project:

1. The location and dimensions of the vertical boundaries of each unit, and each unit’s identifying number;
2. Any horizontal unit boundaries, with reference to established datum, and each unit’s identifying number; and
3. To the extent not shown or projected on the plats, any units in which the declarant has reserved the right to create additional units or common elements, identified appropriately.

5. Unless the declaration provides otherwise, the horizontal boundaries of part of a unit located outside of a building have the same elevation as the horizontal boundaries of the inside part, and need not be depicted on the plats and plans.

6. Upon exercising any development right, the declarant shall record either new plats and plans necessary to conform to requirements of subsections 1, 2, and 4 of this section, or new certifications of plats and plans previously recorded if those plats and plans otherwise conform to the requirements of subsections 1, 2, and 4.

7. Any certification of a plat required by this section shall be made by a registered and licensed surveyor, and any certification of a plan required by subsection 2 of section 448.2-101 shall be made by an architect or engineer.

8. A plat shall be amended to show alterations to the boundaries of any unit, common element, or, pursuant to subdivision (10) of subsection 2 of this section, limited common element.

(L. 1983 H.B. 177, A.L. 1988 H.B. 1184)

**Chapter 516 – Statutes of Limitation**

**Surveys of land error or omissions--action must be brought when.**

**516.098.** Except where fraud is involved, no action to recover damages for an error or omission in the survey of land, nor any action for contribution or indemnity for damages sustained on account of an error or omission may be brought against any person performing the survey more than ten years from the completion of the survey. .

(L. 1989 H.B. 190, et al., A.L. 2011 S.B. 325.)

**Chapter 523 – Blanket Easements Void, When - Definitions.**

**523.282.** 1. Any blanket easement created after December 31, 2006, shall be void as against public policy and wholly unenforceable. For the purposes of this section, the term **“blanket easement”** shall mean an easement in real property acquired by condemnation or negotiations in lieu of the exercise thereof where the instrument or order of condemnation, by its terms, allows the easement holder to locate its facilities at an undefined location on, over, under, or across the burdened property.

2. Notwithstanding the provisions of subsection 1 of this section to the contrary, the term “blanket easement” shall not apply to any instrument containing language that upon completion of the initial structure explicitly fixes the burden, scope of use, and footprint within the express terms of the instrument and also contains an express statement that the location of the burden shall be fixed to the degree occupied by the initial structure upon completion of such structure. Nothing in this section shall prohibit the expansion or upgrade of the initially completed structure provided that the purpose or purposes and footprint of said expansion or upgrade were explicitly described in the original terms of the instrument.

(L . 2006 H.B. 1944)