

HOUSE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE

FOR
HOUSE BILL NO. 1195

1 AN ACT

2 To repeal sections 209.309, 209.321, 209.322,
3 209.323, 317.011, 324.400, 324.403, 324.409,
4 324.415, 324.418, 324.421, 324.427, 324.430,
5 324.433, 328.080, 332.051, 332.071, 332.081,
6 332.111, 332.121, 334.100, 334.530, 334.540,
7 334.550, 334.655, 334.660, 334.665, 335.212,
8 335.245, 337.085, 337.507, 337.615, 337.665,
9 337.712, 339.010, 339.020, 339.030, 339.040,
10 339.060, 339.100, 339.105, 339.120, 339.130,
11 339.150, 339.160, 339.170, 339.180, 339.600,
12 339.603, 339.605, 339.606, 339.607, 339.608,
13 339.610, 339.612, 339.614, 339.617, 339.710,
14 339.760, 339.780, 339.800, 345.015, 346.135,
15 374.700, 374.705, 374.710, 374.715, 374.725,
16 374.730, 374.735, 374.740, 374.755, 374.757,
17 374.763, 374.765, 436.200, 436.205, 436.209,
18 436.212, 544.640, 544.650 620.127, and
19 620.145, RSMo, and to enact in lieu thereof
20 one hundred four new sections relating to
21 professional registration, with penalty
22 provisions.

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
24 AS FOLLOWS:

25 Section A. Sections 209.309, 209.321, 209.322, 209.323,
26 317.011, 324.400, 324.403, 324.409, 324.415, 324.418, 324.421,
27 324.427, 324.430, 324.433, 328.080, 332.051, 332.071, 332.081,
28 332.111, 332.121, 334.100, 334.530, 334.540, 334.550, 334.655,
29 334.660, 334.665, 335.212, 335.245, 337.085, 337.507, 337.615,

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

1 337.665, 337.712, 339.010, 339.020, 339.030, 339.040, 339.060,
2 339.100, 339.105, 339.120, 339.130, 339.150, 339.160, 339.170,
3 339.180, 339.600, 339.603, 339.605, 339.606, 339.607, 339.608,
4 339.610, 339.612, 339.614, 339.617, 339.710, 339.760, 339.780,
5 339.800, 345.015, 346.135, 374.700, 374.705, 374.710, 374.715,
6 374.725, 374.730, 374.735, 374.740, 374.755, 374.757, 374.763,
7 374.765, 436.200, 436.205, 436.209, 436.212, 544.640, 544.650
8 620.127, and 620.145, RSMo, are repealed and one hundred four new
9 sections enacted in lieu thereof, to be known as sections
10 209.309, 209.321, 209.322, 209.323, 317.011, 324.400, 324.402,
11 324.403, 324.409, 324.415, 324.418, 324.421, 324.427, 324.430,
12 324.433, 324.526, 328.075, 328.080, 332.032, 332.051, 332.071,
13 332.081, 332.111, 332.121, 334.100, 334.530, 334.540, 334.550,
14 334.655, 334.660, 334.665, 335.212, 335.245, 337.085, 337.507,
15 337.615, 337.665, 337.712, 339.010, 339.020, 339.030, 339.040,
16 339.060, 339.100, 339.105, 339.120, 339.130, 339.150, 339.160,
17 339.170, 339.180, 339.710, 339.760, 339.780, 339.800, 345.015,
18 346.135, 374.695, 374.700, 374.702, 374.705, 374.710, 374.715,
19 374.716, 374.717, 374.719, 374.730, 374.735, 374.740, 374.755,
20 374.757, 374.759, 374.763, 374.764, 374.783, 374.784, 374.785,
21 374.786, 374.787, 374.788, 374.789, 436.215, 436.218, 436.221,
22 436.224, 436.227, 436.230, 436.233, 436.236, 436.239, 436.242,
23 436.245, 436.248, 436.251, 436.254, 436.257, 436.260, 436.263,
24 436.266, 436.269, 436.272, 544.640, 620.127, and 620.145, to read
25 as follows:

1 209.309. 1. The board may offer provisional certification
2 to interpreters achieving a minimal level of certification
3 established by the board. A provisional certification is limited
4 to one year; during such year the interpreter must be reevaluated
5 and achieve the next higher level of certification. If an
6 evaluation slot is not available during the term of the
7 provisional license, the interpreter may be granted an extension.
8 A holder of a provisional certification may only be granted one
9 extension. A person nominated by a local public school district
10 in Missouri shall be granted a provisional public school
11 certificate when all of the following conditions are met:

12 (1) The local school district certifies that it was unable
13 to locate an interpreter certified and licensed under sections
14 209.319 to 209.339 and otherwise acceptable to the local school
15 district for employment, to accept the position;

16 (2) The local school district certifies that the person has
17 demonstrated the skills necessary for the assignment to the
18 satisfaction of the local school district;

19 (3) The local school district certifies that failure to
20 employ the person would to the best of their knowledge result in
21 noncompliance with applicable state or federal statutes or
22 regulations; and

23 (4) The person nominated certifies that he or she shall
24 begin the application process for the certification and licensure
25 requisite under sections 209.319 to 209.339 within ninety days.

1 2. Provisional public school certificates shall be issued
2 within seventy-two hours of application containing the above
3 certifications and shall remain valid for eighteen months or
4 until the person obtains the certification and licensure
5 otherwise required under sections 209.319 to 209.339.

6 3. Provisional public school certificates may be revoked
7 when the person ends his or her employment with the school
8 district or if the person commits any of the actions listed in
9 subsections 1 to 5 of section 209.317.

10 209.321. 1. No person shall represent himself or herself
11 as an interpreter or engage in the practice of interpreting as
12 defined in section 209.285 as provided in subsection 6 of this
13 section in the state of Missouri unless such person is licensed
14 as required by the provisions of sections 209.319 to 209.339.

15 2. A person registered, certified or licensed by this
16 state, another state or any recognized national certification
17 agent, acceptable to the committee that allows that person to
18 practice any other occupation or profession in this state, is not
19 considered to be interpreting if he or she is in performance of
20 the occupation or profession for which he or she is registered,
21 certified or licensed. The professions referred to in this
22 subsection include, but are not limited to, physicians,
23 psychologists, nurses, certified public accountants, architects
24 and attorneys.

25 3. A licensed interpreter shall limit his or her practice

1 to demonstrated areas of competence as documented by relevant
2 professional education, training, experience and certification.
3 An interpreter not trained in an area shall not practice in that
4 area without obtaining additional relevant professional
5 education, training and experience through an acceptable program
6 as defined by rule by the Missouri commission for the deaf and
7 hard of hearing.

8 4. A person is not considered to be interpreting pursuant
9 to the provisions of this section if, in a casual setting and as
10 defined by rule, a person is acting as an interpreter
11 gratuitously or is engaged in interpreting incidental to
12 traveling.

13 5. A person is not considered to be interpreting pursuant
14 to the provisions of this section if a person is engaged as a
15 telecommunications operator providing deaf relay service or
16 operator services for the deaf.

17 6. A person is not considered to be interpreting under the
18 provisions of this section if the person is currently enrolled in
19 an interpreter training program which has been accredited by a
20 certifying agency and approved by the committee. The training
21 program shall offer a degree in interpreting from an accredited
22 institution of higher education. Persons exempted under this
23 provision shall engage only in activities and services that
24 constitute part of a supervised course of study and shall clearly
25 designate themselves by a title of student, practicum student,

1 student interpreter, trainee, or intern.

2 7. A person holding a current certification of license from
3 another state or a recognized national certification system
4 deemed acceptable by the committee is not considered to be
5 interpreting as defined in this chapter when temporarily present
6 in the state for the purpose of providing interpreting services
7 for a convention, conference, meeting, professional group, or
8 educational field trip.

9 8. A person granted a provisional certificate to interpret
10 in a public school shall not be subject to the regular
11 certification or licensure requirements of sections 209.319 to
12 209.339.

13 209.322. The board shall recognize the following
14 certificates:

15 (1) National Registry of Interpreters for the Deaf (NRID)
16 certificates, which include Comprehensive Skills Certificate
17 (CSC), Certificate of Interpreting/Certificate of Transliteration
18 (CI/CT) and Certified Deaf Interpreter (CDI); [and]

19 (2) National Association of the Deaf (NAD) certificate
20 levels 3, 4 and 5; and

21 (3) A provisional public school certificate.

22 209.323. 1. Applications for licensure as an interpreter
23 shall be submitted to the division on forms prescribed by the
24 division and furnished to the applicant. The application shall
25 contain the applicant's statements showing the applicant's

1 education, certification by either the National Registry of
2 Interpreters for the Deaf, National Association of the Deaf or
3 Missouri Interpreter Certification System and such other
4 information as the division may require. Each application shall
5 contain a statement that it is made under oath or affirmation and
6 that the information contained in the application is true and
7 correct to the best knowledge and belief of the applicant,
8 subject to the penalties, as provided in sections 209.319 to
9 209.339, for the making of a false affidavit or declaration.
10 Each application shall be accompanied by the required application
11 fee. The application fee must be submitted in a manner as
12 required by the committee and shall not be refundable. The
13 applicant must be eighteen years of age or older.

14 2. Each license issued pursuant to the provisions of
15 sections 209.319 to 209.339 shall expire on the renewal date.
16 The division shall mail a renewal notice to the last known
17 address of each licensee prior to the [registration] license
18 renewal date. The license will expire and renewal may be denied
19 upon failure of the licensee to provide the division with the
20 information required for [registration] renewal including but not
21 limited to satisfactory evidence of current certification or to
22 pay the required [registration] renewal fee within sixty days of
23 the [registration] license renewal date. The license may be
24 reinstated within two years after the [registration] renewal
25 date, if the applicant applies for reinstatement and pays the

1 required [registration] license renewal fee plus a delinquency
2 fee as established by the committee and provides evidence of
3 current certification.

4 3. Except as provided in section 209.321, the committee
5 with assistance from the division shall issue or renew a license
6 to each person who files an application and fee as required by
7 the provisions of sections 209.319 to 209.339 and who furnishes
8 satisfactory evidence to the committee that he has complied with
9 the provisions of subsection 1 or 2 of this section.

10 4. The committee may issue a new license to replace any
11 license which is lost, destroyed or mutilated upon payment of a
12 fee as provided by the committee.

13 317.011. 1. The division of professional registration
14 shall have the power, and it shall be its duty, to accept
15 application for and issue permits to hold professional boxing,
16 sparring, professional wrestling, professional kickboxing or
17 professional full-contact karate contests in the state of
18 Missouri, and to charge a fee for the issuance of same in an
19 amount established by rule; such funds to be paid to the division
20 of professional registration which shall pay such funds into the
21 state treasury to be set apart into the athletic fund.

22 2. The provisions of section 33.080, RSMo, to the contrary
23 notwithstanding, money in this fund shall not be transferred and
24 placed to the credit of general revenue until the amount in the
25 fund at the end of the biennium exceeds two times the amount of

1 the appropriation from the fund for the preceding fiscal year or,
2 if the division requires by rule renewal less frequently than
3 yearly then three times the appropriation from the fund for the
4 preceding fiscal year. The amount, if any, in the fund which
5 shall lapse is that amount in the fund which exceeds the
6 appropriate multiple of the appropriations from the fund for the
7 preceding fiscal year.

8 3. The division of professional registration shall not
9 grant any permit to hold professional boxing, sparring,
10 professional wrestling, professional kickboxing or professional
11 full-contact karate contests in the state of Missouri except:

12 (1) Where such professional boxing, sparring, professional
13 wrestling, professional kickboxing or professional full-contact
14 karate contest is to be held under the auspices of a promoter
15 duly licensed by the division;

16 (2) Where such contest shall be of not more than fifteen
17 rounds of three minutes each duration per bout; and

18 (3) Where a fee has been paid for such permit, in an amount
19 established by rule.

20 4. In such contests a decision shall be rendered by three
21 judges licensed by the division.

22 5. Specifically exempted from the provisions of chapter
23 317, are contests or exhibitions for amateur boxing, amateur
24 kick-boxing, amateur wrestling and amateur full-contact karate.
25 However, all amateur boxing, amateur kickboxing, amateur

1 wrestling and amateur full-contact karate must be sanctioned by a
2 nationally recognized amateur sanctioning body approved by the
3 office.

4 324.400. As used in sections 324.400 to 324.439, the
5 following terms mean:

6 (1) "Council", the interior design council created in
7 section 324.406;

8 (2) "Department", the department of economic development;

9 (3) "Division", the division of professional registration
10 of the department of economic development;

11 (4) "Registered [commercial] interior designer", a design
12 professional who provides services including preparation of
13 documents and specifications relative to nonload bearing interior
14 construction, furniture, finishes, fixtures and equipment and who
15 meets the criteria of education, experience and examination as
16 provided in sections 324.400 to 324.439.

17 324.402. The state or any county, municipality, or other
18 political subdivision shall not require the use of a registered
19 interior designer for any residential building, residential
20 remodeling, residential rehabilitation, or residential
21 construction purposes.

22 324.403. No person may use the name or title, registered
23 [commercial] interior designer, in this state unless that person
24 is registered as required by sections 324.400 to 324.439.

25 Nothing in sections 324.400 to 324.439 shall be construed as

1 limiting or preventing the practice of a person's profession or
2 restricting a person from providing interior design services,
3 provided such person does not indicate to the public that such
4 person is registered as an interior designer pursuant to the
5 provisions of sections 324.400 to 324.439.

6 324.409. 1. To be a registered [commercial] interior
7 designer, a person:

8 (1) Shall take and pass or have passed the examination
9 administered by the National Council for Interior Design
10 Qualification or an equivalent examination approved by the
11 council. In addition to proof of passage of the examination, the
12 application shall provide substantial evidence to the council
13 that the applicant:

14 (a) Is a graduate of a five-year or four-year interior
15 design program from an accredited institution and has completed
16 at least two years of diversified and appropriate interior design
17 experience; or

18 (b) Has completed at least three years of an interior
19 design curriculum from an accredited institution and has
20 completed at least three years of diversified and appropriate
21 interior design experience; or

22 (c) Is a graduate of a two-year interior design program
23 from an accredited institution and has completed at least four
24 years of diversified and appropriate interior design experience;
25 or

1 (2) May qualify who is currently registered pursuant to
2 sections 327.091 to 327.171, RSMo, and section 327.401, RSMo,
3 pertaining to the practice of architecture and registered with
4 the council. Such applicant shall give authorization to the
5 council in order to verify current registration with sections
6 327.091 to 327.171, RSMo, and section 327.401, RSMo, pertaining
7 to the practice of architecture.

8 2. Verification of experience required pursuant to this
9 section shall be based on a minimum of five client references,
10 business or employment verification and five industry references,
11 submitted to the council.

12 3. The council shall verify if an applicant has complied
13 with the provisions of this section and has paid the required
14 fees, then the council shall recommend such applicant be
15 registered as a registered [commercial] interior designer by the
16 council.

17 324.415. Applications for registration as a registered
18 [commercial] interior designer shall be typewritten on forms
19 prescribed by the division and furnished to the applicant. The
20 application shall contain the applicant's statements showing the
21 applicant's education, experience, results of previous interior
22 design certification, registration or licensing examinations, if
23 any, and such other pertinent information as the council may
24 require, or architect's registration number and such other
25 pertinent information as the council may require. Each

1 application shall contain a statement that is made under oath or
2 affirmation and that the representations are true and correct to
3 the best knowledge and belief of the person signing the
4 application. The person shall be subject to the penalties for
5 making a false affidavit or declaration and shall be accompanied
6 by the required fee.

7 324.418. 1. The certificate of registration issued
8 biennially to a registered [commercial] interior designer
9 pursuant to sections 324.400 to 324.439 shall be renewed on or
10 before the certificate renewal date accompanied by the required
11 fee. The certificate of registration of a registered
12 [commercial] interior designer which is not renewed within three
13 months after the certificate renewal date shall be suspended
14 automatically, subject to the right of the holder to have the
15 suspended certificate of registration reinstated within nine
16 months of the date of suspension if the person pays the required
17 reinstatement fee. Any certificate of registration suspended and
18 not reinstated within nine months of the suspension date shall
19 expire and be void and the holder of such certificate shall have
20 no rights or privileges provided to holders of valid
21 certificates. Any person whose certificate of registration has
22 expired may, upon demonstration of current qualifications and
23 payment of required fees, be reregistered or reauthorized under
24 the person's original certificate of registration number.

25 2. Each application for the renewal or reinstatement of a

1 registration shall be on a form furnished to the applicant and
2 shall be accompanied by the required fees and proof of current
3 completion of at least one unit every two years of approved or
4 verifiable continuing education in interior design or
5 architecture, immediately prior to such renewal or reinstatement.
6 Ten contact hours constitutes one continuing education unit.
7 Five contact hours of teaching in interior design or architecture
8 constitutes one continuing education unit. One college course
9 credit in interior design or architecture constitutes one
10 continuing education unit.

11 324.421. The council shall register without examination,
12 any interior designer certified, licensed or registered in
13 another state or territory of the United States or foreign
14 country if the applicant has qualifications which are at least
15 equivalent to the requirements for registration as a registered
16 [commercial] interior designer in this state and such applicant
17 pays the required fees.

18 324.427. It is unlawful for any person to advertise or
19 indicate to the public that the person is a registered
20 [commercial] interior designer in this state, unless such person
21 is registered as a registered [commercial] interior designer by
22 the council and is in good standing pursuant to sections 324.400
23 to 324.439.

24 324.430. No person may use the designation registered
25 [commercial] interior designer in Missouri, unless the council

1 has issued a current certificate of registration certifying that
2 the person has been duly registered as a registered [commercial]
3 interior designer in Missouri and unless such registration has
4 been renewed or reinstated as provided in section 324.418.

5 324.433. The right to use the title of registered
6 [commercial] interior designer shall be deemed a personal right,
7 based upon the qualifications of the individual, evidenced by the
8 person's current certificate of registration and such certificate
9 is not transferable; except that, a registered [commercial]
10 interior designer may perform the interior designer's profession
11 through, or as a member of, or as an employee of, a partnership
12 or corporation.

13 324.526. 1. Notwithstanding any other law to the contrary,
14 the director of the division of professional registration shall
15 issue a temporary license to practice tattooing, body piercing,
16 or branding under the following requirements:

17 (1) The applicant for temporary licensure is entering the
18 state for the sole purpose of participating in a state or
19 national convention at which the applicant will be practicing the
20 profession of tattooing, body piercing, or branding;

21 (2) The applicant files a completed application with the
22 division at least two days prior to the start of the convention
23 and tenders a fee of fifty dollars; and

24 (3) The applicant is otherwise qualified for licensure
25 under sections 324.520 to 324.526 and the rule promulgated under

1 the authority of this statute.

2 2. A temporary license to practice tattooing, body
3 piercing, or branding issued under this section shall be valid
4 for a period not to exceed fourteen days and shall not be
5 renewable.

6 3. Notwithstanding the requirements of sections 620.127 and
7 620.145, RSMo, an applicant for temporary licensure under this
8 section shall not be required to provide a Social Security number
9 if the application is submitted by a citizen of a foreign country
10 who has not yet been issued a Social Security number and who
11 previously has not been licensed by any other state, United
12 States territory, or federal agency. A citizen of a foreign
13 country who applies for a temporary permit under this section
14 shall provide the division of professional registration with his
15 or her visa or passport identification number in lieu of the
16 Social Security number.

17 328.075. 1. Any person desiring to practice as an
18 apprentice for barbering in this state shall apply to the board,
19 registered as an apprentice with the board, and shall pay the
20 appropriate fees prior to beginning their apprenticeship. Barber
21 apprentices shall be of good moral character and shall be at
22 least seventeen years of age.

23 2. Any person desiring to act as an apprentice supervisor
24 for barbering in this state shall first possess a license to
25 practice the occupation of barbering, apply to the board, pay the

1 appropriate fees, complete an eight-hour apprentice supervision
2 instruction course certified by the board, and be issued a
3 certificate of registration as a barber apprentice supervisor
4 prior to supervising barber apprentices.

5 3. The board may promulgate rules establishing the criteria
6 for the supervision and training of barber apprentices.

7 4. Any rule or portion of a rule, as that term is defined
8 in section 536.010, RSMo, that is created under the authority
9 delegated in this section shall become effective only if it
10 complies with and is subject to all of the provisions of chapter
11 536, RSMo, and, if applicable, section 536.028, RSMo. This
12 section and chapter 536, RSMo, are nonseverable and if any of the
13 powers vested with the general assembly pursuant to chapter 536,
14 RSMo, to review, to delay the effective date, or to disapprove
15 and annul a rule are subsequently held unconstitutional, then the
16 grant of rulemaking authority and any rule proposed or adopted
17 after August 28, 2004, shall be invalid and void.

18 328.080. 1. Any person desiring to practice barbering in
19 this state shall make application for a certificate to the board
20 and shall pay the required barber examination fee. He or she
21 shall be present at the next regular meeting of the board for the
22 examination of applicants.

23 2. The board shall examine the applicant and, upon
24 successful completion of the examination and payment of the
25 required registration fee, shall issue to him or her a

1 certificate of registration authorizing him or her to practice
2 the trade in this state and enter his name in the register herein
3 provided for, if it finds that he or she:

4 (1) Is seventeen years of age or older and of good moral
5 character;

6 (2) Is free of contagious or infectious diseases;

7 (3) Has studied for at least one thousand hours in a period
8 of not less than six months in a properly appointed and conducted
9 barber school under the direct supervision of a licensed
10 instructor; or, if the applicant is an apprentice, the applicant
11 shall have served and completed no less than two thousand hours
12 under the direct supervision of a licensed barber apprentice
13 supervisor;

14 (4) Is possessed of requisite skill in the trade of
15 barbering to properly perform the duties thereof, including the
16 preparation of tools, shaving, haircutting and all the duties and
17 services incident thereto; and

18 (5) Has sufficient knowledge of the common diseases of the
19 face and skin to avoid the aggravation and spread thereof in the
20 practice of barbering.

21 3. The board shall be the judge of whether the barber
22 school, the barber apprenticeship, or college is properly
23 appointed and conducted under proper instruction to give
24 sufficient training in the trade.

25 4. The sufficiency of the qualifications of applicants

1 shall be determined by the board.

2 5. For the purposes of meeting the minimum requirements for
3 examination, the apprentice training shall be recognized by the
4 board for a period not to exceed five years.

5 332.032. 1. Upon unanimous consent of the members of the
6 board, the president or secretary of the board shall administer
7 oaths, subpoena witnesses, issue subpoenas duces tecum, and
8 require production of documents and records pertaining to the
9 practice of dentistry. Subpoenas, including subpoenas duces
10 tecum, shall be served by a person authorized to serve subpoenas
11 of courts of record. In lieu of requiring attendance of a person
12 to produce original documents in response to a subpoena duces
13 tecum, the board may require sworn copies of such documents to be
14 filed with it or delivered to its designated representative.

15 2. The board may enforce its subpoenas, including subpoena
16 duces tecum, by applying to a circuit court of Cole County, the
17 county of the investigation, hearing, or proceeding, or any
18 county where the person resides or may be found, for an order
19 upon any person who shall fail to obey a subpoena to show cause
20 why such subpoena should not be enforced, which such order and a
21 copy of the application therefore shall be served upon the person
22 in the same manner as a summons in a civil action, and if the
23 circuit court shall, after a hearing, determine that the subpoena
24 should be sustained and enforced, such court shall proceed to
25 enforce the subpoena in the same manner as though the subpoena

1 had been issued in a civil case in the circuit court.

2 332.051. 1. The board shall establish and maintain an
3 office at Jefferson City, Missouri, where its records and files
4 shall be kept.

5 2. Investigators employed by the board shall, among other
6 duties, have the power in the name of the board to investigate
7 alleged violations of this chapter including the right to
8 inspect, on order of the board, [dental offices, including
9 records, dental laboratories, dental equipment and instruments]
10 any person licensed to practice dentistry or entity permitted to
11 provide dental services in this state, including all facilities
12 and equipment related to the delivery of dental care or the
13 fabrication or adjustment of dental prostheses and all clinical
14 and administrative records related to the dental care of patients
15 with respect to violations of the provisions of this chapter.

16 332.071. A person or other entity "practices dentistry"
17 within the meaning of this chapter who:

18 (1) Undertakes to do or perform dental work or dental
19 services or dental operations or oral surgery, by any means or
20 methods, including the use of lasers, gratuitously or for a
21 salary or fee or other reward, paid directly or indirectly to the
22 person or to any other person or entity;

23 (2) Diagnoses or professes to diagnose, prescribes for or
24 professes to prescribe for, treats or professes to treat, any
25 disease, pain, deformity, deficiency, injury or physical

1 condition of human teeth or adjacent structures or treats or
2 professes to treat any disease or disorder or lesions of the oral
3 regions;

4 (3) Attempts to or does replace or restore a part or
5 portion of a human tooth;

6 (4) Attempts to or does extract human teeth or attempts to
7 or does correct malformations of human teeth or jaws;

8 (5) Attempts to or does adjust an appliance or appliances
9 for use in or used in connection with malposed teeth in the human
10 mouth;

11 (6) Interprets or professes to interpret or read dental
12 radiographs;

13 (7) Administers an anesthetic in connection with dental
14 services or dental operations or dental surgery;

15 (8) Undertakes to or does remove hard and soft deposits
16 from or polishes natural and restored surfaces of teeth;

17 (9) Uses or permits to be used for the person's benefit or
18 for the benefit of any other person or other entity the following
19 titles or words in connection with the person's name: "Doctor",
20 "Dentist", "Dr.", "D.D.S.", or "D.M.D.", or any other letters,
21 titles, degrees or descriptive matter which directly or
22 indirectly indicate or imply that the person is willing or able
23 to perform any type of dental service for any person or persons,
24 or uses or permits the use of for the person's benefit or for the
25 benefit of any other person or other entity any card, directory,

1 poster, sign or any other means by which the person indicates or
2 implies or represents that the person is willing or able to
3 perform any type of dental services or operation for any person;

4 (10) Directly or indirectly owns, leases, operates,
5 maintains, manages or conducts an office or establishment of any
6 kind in which dental services or dental operations of any kind
7 are performed for any purpose; but this section shall not be
8 construed to prevent owners or lessees of real estate from
9 lawfully leasing premises to those who are qualified to practice
10 dentistry within the meaning of this chapter;

11 (11) Controls, influences, attempts to control or
12 influence, or otherwise interferes with the dentist's independent
13 professional judgment regarding the diagnosis or treatment of a
14 dental disease, disorder, or physical condition;

15 (12) Constructs, supplies, reproduces or repairs any
16 prosthetic denture, bridge, artificial restoration, appliance or
17 other structure to be used or worn as a substitute for natural
18 teeth, except when one, not a registered and licensed dentist,
19 does so pursuant to a written uniform laboratory work order, in
20 the form to be prescribed by the board and copies of which shall
21 be retained by the nondentist for two years, of a dentist
22 registered and currently licensed in Missouri and which the
23 substitute in this subdivision described is constructed upon or
24 by use of casts or models made from an impression furnished by a
25 dentist registered and currently licensed in Missouri;

1 [(12)] (13) Attempts to or does place any substitute
2 described in subdivision [(11)] (12) of this section in a human
3 mouth or attempts to or professes to adjust any substitute or
4 delivers any substitute to any person other than the dentist upon
5 whose order the work in producing the substitute was performed;

6 [(13)] (14) Advertises, solicits, or offers to or does sell
7 or deliver any substitute described in subdivision [(11)] (12) of
8 this section or offers to or does sell the person's services in
9 constructing, reproducing, supplying or repairing the substitute
10 to any person other than a registered and licensed dentist in
11 Missouri;

12 [(14)] (15) Undertakes to do or perform any physical
13 evaluation of a patient in the person's office or in a hospital,
14 clinic, or other medical or dental facility prior to or incident
15 to the performance of any dental services, dental operations, or
16 dental surgery;

17 (16) Reviews examination findings, x-rays, or other patient
18 data to make judgments or decisions about the quality of dental
19 care rendered to a patient in this state.

20 332.081. 1. No person or other entity shall practice
21 dentistry in Missouri or provide dental services as defined in
22 section 332.071 unless and until the board has issued to the
23 person a certificate certifying that the person has been duly
24 registered as a dentist in Missouri or to an entity that has been
25 duly registered to provide dental services by licensed dentists

1 and dental hygienists and unless and until the board has issued
2 to the person a license, to be renewed each period, as provided
3 in this chapter, to practice dentistry or as a dental hygienist,
4 or has issued to the person or entity a permit, to be renewed
5 each period, to provide dental services in Missouri[; but].

6 Nothing in this chapter shall be so construed as to make it
7 unlawful for: [a legally qualified and licensed physician or
8 surgeon, who does not practice dentistry as a specialty, from
9 extracting teeth, or to make it unlawful for a dentist licensed
10 in a state other than Missouri from making a clinical
11 demonstration before a meeting of dentists in Missouri, or to
12 make it unlawful for dental students in any accredited dental
13 school to practice dentistry under the personal direction of
14 instructors, or to make it unlawful for any duly registered and
15 licensed dental hygienist in Missouri to practice as a dental
16 hygienist as defined in section 332.091, or to make it unlawful
17 for dental assistants, certified dental assistants or expanded
18 functions dental assistants to be delegated duties as defined in
19 section 332.093, or to make it unlawful for persons to practice
20 dentistry in the United States armed services or in or for the
21 United States Public Health Service, or in or for the United
22 States Veterans Bureau, or to make it unlawful to teach in an
23 accredited dental school, or to make it unlawful for a duly
24 qualified anesthesiologist or anesthetist to administer an
25 anesthetic in connection with dental services or dental surgery.]

1 (1) A legally qualified physician or surgeon, who does not
2 practice dentistry as a specialty, from extracting teeth;

3 (2) A dentist licensed in a state other than Missouri from
4 making a clinical demonstration before a meeting of dentists in
5 Missouri;

6 (3) Dental students in any accredited dental school to
7 practice dentistry under the personal direction of instructors;

8 (4) Dental hygiene students in any accredited dental
9 hygiene school to practice dental hygiene under the personal
10 direction of instructors;

11 (5) A duly registered and licensed dental hygienist in
12 Missouri to practice dental hygiene as defined in section
13 332.091;

14 (6) A dental assistant, certified dental assistant, or
15 expanded functions dental assistant to be delegated duties as
16 defined in section 332.093;

17 (7) A duly registered dentist or dental hygienist to teach
18 in an accredited dental or dental hygiene school;

19 (8) A duly qualified anesthesiologist or nurse anesthetist
20 to administer an anesthetic in connection with dental services or
21 dental surgery; or

22 (9) A person to practice dentistry in or for:

23 (a) The United States armed forces;

24 (b) The United States Public Health Service;

25 (c) Migrant, community, or health care for the homeless

1 health centers provided in section 330 of the Public Health
2 Service Act (42 U.S.C. 254b);

3 (d) Federally qualified health centers as defined in
4 section 1905(l) (42 U.S.C. 1396d(l)) of the Social Security Act;

5 (e) Governmental entities, including county health
6 departments; or

7 (f) The United States Veterans Bureau.

8 (10) A dentist licensed in a state other than Missouri to
9 evaluate a patient or render an oral, written, or otherwise
10 documented dental opinion when providing testimony or records for
11 the purpose of a civil or criminal action before any judicial or
12 administrative proceeding of this state or other forum in this
13 state.

14 2. No corporation shall practice dentistry as defined in
15 section 332.071 unless that corporation is organized under the
16 provisions of chapter 355 or 356, RSMo, provided that a
17 corporation organized under the provisions of chapter 355, RSMo,
18 and qualifying as an organization under 26 U.S.C. Section
19 501(c)(3), may only employ dentists and dental hygienists
20 licensed in this state to render dental services to Medicaid
21 recipients, low-income individuals who have available income
22 below two hundred percent of the federal poverty level, and all
23 participants in the SCHIP program, unless such limitation is
24 contrary to or inconsistent with federal or state law or
25 regulation. This subsection shall not apply to a hospital

1 licensed pursuant to chapter 197, RSMo, that provides care and
2 treatment only to children under the age of eighteen, a federally
3 qualified health center as defined in Section 1905(1) of the
4 Social Security Act (42 U.S.C. 1396d(1)), or a migrant,
5 community, or health care for the homeless health center provided
6 for in Section 330 of the Public Health Services Act (42 U.S.C.
7 254 (b)), at which a person regulated under this chapter provides
8 dental care within the scope of his or her license or
9 registration. This subsection shall not apply to a city or
10 county health department organized pursuant to chapter 192, RSMo,
11 or chapter 205, RSMo, a social welfare board organized pursuant
12 to section 205.770, RSMo, a city health department operating
13 under a city charter, or a city-county health department, at
14 which a person regulated under this chapter provides dental care
15 within the scope of his or her license or registration. Nothing
16 in this subsection shall prohibit such children's hospital,
17 federally qualified health center, city or county health
18 department, social welfare board, city health department
19 operating under a city charter, city-county health department, or
20 migrant, community, or health care for the homeless health center
21 from employing any person regulated by this chapter. If any of
22 the entities exempted from the requirements of this subsection
23 are unable to provide services to a patient for any reason and a
24 referral to another corporation is made, the exemption shall
25 extend to any corporation which subsequently provides services to

1 the patient.

2 3. No unincorporated organization shall practice dentistry
3 as defined in section 332.071, RSMo, unless such organization is
4 exempt from federal taxation under section 501(c)(3) of the
5 Internal Revenue Code of 1986, as amended, and provides dental
6 treatment without compensation from the patient or any third
7 party on their behalf as a part of a broader program of social
8 services including food distribution. Nothing in this chapter
9 shall prohibit organizations under this subsection from employing
10 any person regulated by this chapter.

11 4. A dentist shall not enter into a contract that allows a
12 person who is not a dentist to influence or interfere with the
13 exercise of the dentist's independent professional judgment.

14 5. A not-for-profit corporation organized under the
15 provisions of chapter 355, RSMo, and qualifying as an
16 organization under 26 U.S.C. Section 501(c)(3), an unincorporated
17 organization operating pursuant to subsection 3 of this section,
18 or any other person should not direct or interfere or attempt to
19 direct or interfere with a licensed dentist's professional
20 judgment and competent practice of dentistry. Nothing in this
21 subsection shall be so construed as to make it unlawful for not-
22 for-profit organizations to enforce employment contracts,
23 corporate policy and procedure manuals, or quality improvement or
24 assurance requirements.

25 6. A not-for-profit corporation organized under the

1 provisions of chapter 355, RSMo, and qualifying as an
2 organization under 26 U.S.C. Section 501 (c)(3) or an
3 unincorporated organization operating pursuant to subsection 3 of
4 this section shall apply for a permit to employ dentists and
5 dental hygienists licensed in this state to render dental
6 services, and the corporation shall apply for the permit in
7 writing on forms provided by the Missouri dental board. The
8 board shall not charge a fee of any kind for the issuance or
9 renewal of such permit. The provisions of this subsection shall
10 not apply to a federally qualified health center as defined in
11 Section 1905(1) of the Social Security Act (42 U.S.C. 1396d(1))
12 or governmental entities, including county health departments.

13 7. Any entity that obtains a permit to render dental
14 services in this state is subject to discipline pursuant to
15 section 332.321. If the board concludes that the person or
16 entity has committed an act or is engaging in a course of conduct
17 that would be grounds for disciplinary action, the board may file
18 a complaint before the administrative hearing commission. The
19 board may refuse to issue or renew the permit of any entity for
20 one or any combination of causes stated in subsection 2 of
21 section 332.321. The board shall notify the applicant in writing
22 of the reasons for the refusal and shall advise the applicant of
23 his or her right to file a complaint with the administrative
24 hearing commission as provided by chapter 621, RSMo.

25 8. A federally qualified health center as defined in

1 Section 1905(1) of the Social Security Act (42 U.S.C. 1396d(1))
2 shall register with the board. The information provided to the
3 board as part of the registration shall include the name of the
4 health center, the non-profit status of the health center, sites
5 where dental services will be provided, and the names of all
6 persons employed by, or contracting with, the health center who
7 are required to hold a license pursuant to this chapter. The
8 registration shall be renewed every twenty-four months. The
9 board shall not charge a fee of any kind for the issuance or
10 renewal of the registration. The registration of the health
11 center shall not be subject to discipline pursuant to section
12 332.321. Nothing in this subsection shall prohibit disciplinary
13 action against a licensee of this chapter who is employed by, or
14 contracts with, such health center for the actions of the
15 licensee in connection with such employment or contract. All
16 licensed persons employed by, or contracting with, the health
17 center shall certify in writing to the board at the time of
18 issuance and renewal of the registration that the facility of the
19 health center meets the same operating standards regarding
20 cleanliness, sanitation, and professionalism as would the
21 facility of a dentist licensed by this chapter. The board shall
22 promulgate rules regarding such standards.

23 9. The board may promulgate rules and regulations to ensure
24 not-for-profit corporations are rendering care to the patient
25 populations as set forth herein, including requirements for

1 covered not-for-profit corporations to report patient census data
2 to the board. The provisions of this subsection shall not apply
3 to a federally qualified health center as defined in Section
4 1905(1) of the Social Security Act (42 U.S.C. 1396d(1)).

5 10. All not-for-profit corporations organized or operated
6 pursuant to the provisions of chapter 355, RSMo, and qualifying
7 as an organization under 26 U.S.C. Section 501(c)(3), or the
8 requirements relating to migrant, community, or health care for
9 the homeless health centers provided in Section 330 of the Public
10 Health Service Act (42 U.S.C. 254b) and federally qualified
11 health centers as defined in Section 1905(1) (42 U.S.C. 1396d(1))
12 of the Social Security Act, that employ persons who practice
13 dentistry or dental hygiene in this state shall do so in
14 accordance with the relevant laws of this state except to the
15 extent that such laws are contrary to, or inconsistent with,
16 federal statute or regulation.

17 332.111. Any person who practices dentistry as defined in
18 section 332.071, or as a dental hygienist as defined in section
19 332.091, who is not [a] duly registered and currently licensed
20 [dentist] in Missouri as hereinafter provided, [or any person who
21 practices as a dental hygienist as defined in section 332.091 who
22 is not a duly registered and currently licensed dental hygienist
23 in Missouri as hereinafter provided] is guilty of a class A
24 misdemeanor.

25 332.121. 1. Upon application by the board and the

1 necessary burden having been met, a court of general jurisdiction
2 may grant an injunction, restraining order, or other order as may
3 be appropriate to enjoin a person [or], corporation, firm, or
4 other entity from:

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

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

17 (3) Directing, interfering with, or attempting to direct or
18 interfere with a licensed dentist's professional judgment or
19 competent practice of dentistry.

20 Nothing in this subsection shall be so construed as to make it
21 unlawful for not-for-profit organizations to enforce employment
22 contracts, corporate policy and procedure manuals, or quality
23 improvement or assurance requirements.

24 2. Any such action shall be commenced either in the county

1 in which the defendant resides or in the county in which such
2 conduct occurred.

3 3. Any action brought under this section shall be in
4 addition to and not in lieu of any penalty provided by this
5 chapter and may be brought concurrently with other actions to
6 enforce this chapter.

7 334.100. 1. The board may refuse to issue or renew any
8 certificate of registration or authority, permit or license
9 required pursuant to this chapter for one or any combination of
10 causes stated in subsection 2 of this section. The board shall
11 notify the applicant in writing of the reasons for the refusal
12 and shall advise the applicant of the applicant's right to file a
13 complaint with the administrative hearing commission as provided
14 by chapter 621, RSMo. As an alternative to a refusal to issue or
15 renew any certificate, registration or authority, the board may,
16 at its discretion, issue a license which is subject to probation,
17 restriction or limitation to an applicant for licensure for any
18 one or any combination of causes stated in subsection 2 of this
19 section. The board's order of probation, limitation or
20 restriction shall contain a statement of the discipline imposed,
21 the basis therefore, the date such action shall become effective,
22 and a statement that the applicant has thirty days to request in
23 writing a hearing before the administrative hearing commission.
24 If the board issues a probationary, limited or restricted license
25 to an applicant for licensure, either party may file a written

1 petition with the administrative hearing commission within thirty
2 days of the effective date of the probationary, limited or
3 restricted license seeking review of the board's determination.
4 If no written request for a hearing is received by the
5 administrative hearing commission within the thirty-day period,
6 the right to seek review of the board's decision shall be
7 considered as waived.

8 2. The board may cause a complaint to be filed with the
9 administrative hearing commission as provided by chapter 621,
10 RSMo, against any holder of any certificate of registration or
11 authority, permit or license required by this chapter or any
12 person who has failed to renew or has surrendered the person's
13 certificate of registration or authority, permit or license for
14 any one or any combination of the following causes:

15 (1) Use of any controlled substance, as defined in chapter
16 195, RSMo, or alcoholic beverage to an extent that such use
17 impairs a person's ability to perform the work of any profession
18 licensed or regulated by this chapter;

19 (2) The person has been finally adjudicated and found
20 guilty, or entered a plea of guilty or nolo contendere, in a
21 criminal prosecution under the laws of any state or of the United
22 States, for any offense reasonably related to the qualifications,
23 functions or duties of any profession licensed or regulated
24 pursuant to this chapter, for any offense an essential element of
25 which is fraud, dishonesty or an act of violence, or for any

1 offense involving moral turpitude, whether or not sentence is
2 imposed;

3 (3) Use of fraud, deception, misrepresentation or bribery
4 in securing any certificate of registration or authority, permit
5 or license issued pursuant to this chapter or in obtaining
6 permission to take any examination given or required pursuant to
7 this chapter;

8 (4) Misconduct, fraud, misrepresentation, dishonesty,
9 unethical conduct or unprofessional conduct in the performance of
10 the functions or duties of any profession licensed or regulated
11 by this chapter, including, but not limited to, the following:

12 (a) Obtaining or attempting to obtain any fee, charge,
13 tuition or other compensation by fraud, deception or
14 misrepresentation; willfully and continually overcharging or
15 overtreating patients; or charging for visits to the physician's
16 office which did not occur unless the services were contracted
17 for in advance, or for services which were not rendered or
18 documented in the patient's records;

19 (b) Attempting, directly or indirectly, by way of
20 intimidation, coercion or deception, to obtain or retain a
21 patient or discourage the use of a second opinion or
22 consultation;

23 (c) Willfully and continually performing inappropriate or
24 unnecessary treatment, diagnostic tests or medical or surgical
25 services;

1 (d) Delegating professional responsibilities to a person
2 who is not qualified by training, skill, competency, age,
3 experience or licensure to perform such responsibilities;

4 (e) Misrepresenting that any disease, ailment or infirmity
5 can be cured by a method, procedure, treatment, medicine or
6 device;

7 (f) Performing or prescribing medical services which have
8 been declared by board rule to be of no medical or osteopathic
9 value;

10 (g) Final disciplinary action by any professional medical
11 or osteopathic association or society or licensed hospital or
12 medical staff of such hospital in this or any other state or
13 territory, whether agreed to voluntarily or not, and including,
14 but not limited to, any removal, suspension, limitation, or
15 restriction of the person's license or staff or hospital
16 privileges, failure to renew such privileges or license for
17 cause, or other final disciplinary action, if the action was in
18 any way related to unprofessional conduct, professional
19 incompetence, malpractice or any other violation of any provision
20 of this chapter;

21 (h) Signing a blank prescription form; or dispensing,
22 prescribing, administering or otherwise distributing any drug,
23 controlled substance or other treatment without sufficient
24 examination, or for other than medically accepted therapeutic or
25 experimental or investigative purposes duly authorized by a state

1 or federal agency, or not in the course of professional practice,
2 or not in good faith to relieve pain and suffering, or not to
3 cure an ailment, physical infirmity or disease, except as
4 authorized in section 334.104;

5 (i) Exercising influence within a physician-patient
6 relationship for purposes of engaging a patient in sexual
7 activity;

8 (j) Terminating the medical care of a patient without
9 adequate notice or without making other arrangements for the
10 continued care of the patient;

11 (k) Failing to furnish details of a patient's medical
12 records to other treating physicians or hospitals upon proper
13 request; or failing to comply with any other law relating to
14 medical records;

15 (l) Failure of any applicant or licensee, other than the
16 licensee subject to the investigation, to cooperate with the
17 board during any investigation;

18 (m) Failure to comply with any subpoena or subpoena duces
19 tecum from the board or an order of the board;

20 (n) Failure to timely pay license renewal fees specified in
21 this chapter;

22 (o) Violating a probation agreement with this board or any
23 other licensing agency;

24 (p) Failing to inform the board of the physician's current
25 residence and business address;

1 (q) Advertising by an applicant or licensee which is false
2 or misleading, or which violates any rule of the board, or which
3 claims without substantiation the positive cure of any disease,
4 or professional superiority to or greater skill than that
5 possessed by any other physician. An applicant or licensee shall
6 also be in violation of this provision if the applicant or
7 licensee has a financial interest in any organization,
8 corporation or association which issues or conducts such
9 advertising;

10 (5) Any conduct or practice which is or might be harmful or
11 dangerous to the mental or physical health of a patient or the
12 public; or incompetency, gross negligence or repeated negligence
13 in the performance of the functions or duties of any profession
14 licensed or regulated by this chapter. For the purposes of this
15 subdivision, "repeated negligence" means the failure, on more
16 than one occasion, to use that degree of skill and learning
17 ordinarily used under the same or similar circumstances by the
18 member of the applicant's or licensee's profession;

19 (6) Violation of, or attempting to violate, directly or
20 indirectly, or assisting or enabling any person to violate, any
21 provision of this chapter, or of any lawful rule or regulation
22 adopted pursuant to this chapter;

23 (7) Impersonation of any person holding a certificate of
24 registration or authority, permit or license or allowing any
25 person to use his or her certificate of registration or

1 authority, permit, license or diploma from any school;

2 (8) Revocation, suspension, restriction, modification,
3 limitation, reprimand, warning, censure, probation or other final
4 disciplinary action against the holder of or applicant for a
5 license or other right to practice any profession regulated by
6 this chapter by another state, territory, federal agency or
7 country, whether or not voluntarily agreed to by the licensee or
8 applicant, including, but not limited to, the denial of
9 licensure, surrender of the license, allowing the license to
10 expire or lapse, or discontinuing or limiting the practice of
11 medicine while subject to an investigation or while actually
12 under investigation by any licensing authority, medical facility,
13 branch of the armed forces of the United States of America,
14 insurance company, court, agency of the state or federal
15 government, or employer;

16 (9) A person is finally adjudged incapacitated or disabled
17 by a court of competent jurisdiction;

18 (10) Assisting or enabling any person to practice or offer
19 to practice any profession licensed or regulated by this chapter
20 who is not registered and currently eligible to practice pursuant
21 to this chapter; or knowingly performing any act which in any way
22 aids, assists, procures, advises, or encourages any person to
23 practice medicine who is not registered and currently eligible to
24 practice pursuant to this chapter. A physician who works in
25 accordance with standing orders or protocols or in accordance

1 with the provisions of section 334.104 shall not be in violation
2 of this subdivision;

3 (11) Issuance of a certificate of registration or
4 authority, permit or license based upon a material mistake of
5 fact;

6 (12) Failure to display a valid certificate or license if
7 so required by this chapter or any rule promulgated pursuant to
8 this chapter;

9 (13) Violation of the drug laws or rules and regulations of
10 this state, any other state or the federal government;

11 (14) Knowingly making, or causing to be made, or aiding, or
12 abetting in the making of, a false statement in any birth, death
13 or other certificate or document executed in connection with the
14 practice of the person's profession;

15 (15) Soliciting patronage in person or by agents or
16 representatives, or by any other means or manner, under the
17 person's own name or under the name of another person or concern,
18 actual or pretended, in such a manner as to confuse, deceive, or
19 mislead the public as to the need or necessity for or
20 appropriateness of health care services for all patients, or the
21 qualifications of an individual person or persons to diagnose,
22 render, or perform health care services;

23 (16) Using, or permitting the use of, the person's name
24 under the designation of "Doctor", "Dr.", "M.D.", or "D.O.", or
25 any similar designation with reference to the commercial

1 exploitation of any goods, wares or merchandise;

2 (17) Knowingly making or causing to be made a false
3 statement or misrepresentation of a material fact, with intent to
4 defraud, for payment pursuant to the provisions of chapter 208,
5 RSMo, or chapter 630, RSMo, or for payment from Title XVIII or
6 Title XIX of the federal Medicare program;

7 (18) Failure or refusal to properly guard against
8 contagious, infectious or communicable diseases or the spread
9 thereof; maintaining an unsanitary office or performing
10 professional services under unsanitary conditions; or failure to
11 report the existence of an unsanitary condition in the office of
12 a physician or in any health care facility to the board, in
13 writing, within thirty days after the discovery thereof;

14 (19) Any candidate for licensure or person licensed to
15 practice as a physical therapist, paying or offering to pay a
16 referral fee or, notwithstanding section 334.010 to the contrary,
17 practicing or offering to practice professional physical therapy
18 independent of the prescription and direction of a person
19 licensed and registered as a physician and surgeon pursuant to
20 this chapter, as a dentist pursuant to chapter 332, RSMo, or as a
21 podiatrist pursuant to chapter 330, RSMo, or any similarly
22 validly licensed and registered person practicing in another
23 jurisdiction, whose license is in good standing;

24 (20) Any candidate for licensure or person licensed to
25 practice as a physical therapist, treating or attempting to treat

1 ailments or other health conditions of human beings other than by
2 professional physical therapy and as authorized by sections
3 334.500 to 334.620;

4 (21) Any person licensed to practice as a physician or
5 surgeon, requiring, as a condition of the physician-patient
6 relationship, that the patient receive prescribed drugs, devices
7 or other professional services directly from facilities of that
8 physician's office or other entities under that physician's
9 ownership or control. A physician shall provide the patient with
10 a prescription which may be taken to the facility selected by the
11 patient and a physician knowingly failing to disclose to a
12 patient on a form approved by the advisory commission for
13 professional physical therapists as established by section
14 334.625 which is dated and signed by a patient or guardian
15 acknowledging that the patient or guardian has read and
16 understands that the physician has a pecuniary interest in a
17 physical therapy or rehabilitation service providing prescribed
18 treatment and that the prescribed treatment is available on a
19 competitive basis. This subdivision shall not apply to a
20 referral by one physician to another physician within a group of
21 physicians practicing together;

22 (22) A pattern of personal use or consumption of any
23 controlled substance unless it is prescribed, dispensed or
24 administered by another physician who is authorized by law to do
25 so;

1 (23) Revocation, suspension, limitation or restriction of
2 any kind whatsoever of any controlled substance authority,
3 whether agreed to voluntarily or not;

4 (24) For a physician to operate, conduct, manage, or
5 establish an abortion facility, or for a physician to perform an
6 abortion in an abortion facility, if such facility comes under
7 the definition of an ambulatory surgical center pursuant to
8 sections 197.200 to 197.240, RSMo, and such facility has failed
9 to obtain or renew a license as an ambulatory surgical center;

10 (25) Being unable to practice as a physician and surgeon or
11 with a specialty with reasonable skill and safety to patients by
12 reasons of medical or osteopathic incompetency, or because of
13 illness, drunkenness, excessive use of drugs, narcotics,
14 chemicals, or as a result of any mental or physical condition.
15 The following shall apply to this subdivision:

16 (a) In enforcing this subdivision the board shall, after a
17 hearing by the board, upon a finding of probable cause, require a
18 physician to submit to a reexamination for the purpose of
19 establishing his or her competency to practice as a physician or
20 surgeon or with a specialty conducted in accordance with rules
21 adopted for this purpose by the board, including rules to allow
22 the examination of the pattern and practice of such physician's
23 or surgeon's professional conduct, or to submit to a mental or
24 physical examination or combination thereof by at least three
25 physicians, one selected by the physician compelled to take the

1 examination, one selected by the board, and one selected by the
2 two physicians so selected who are graduates of a professional
3 school approved and accredited as reputable by the association
4 which has approved and accredited as reputable the professional
5 school from which the licentiate graduated. However, if the
6 physician is a graduate of a medical school not accredited by the
7 American Medical Association or American Osteopathic Association,
8 then each party shall choose any physician who is a graduate of a
9 medical school accredited by the American Medical Association or
10 the American Osteopathic Association;

11 (b) For the purpose of this subdivision, every physician
12 licensed pursuant to this chapter is deemed to have consented to
13 submit to a mental or physical examination when directed in
14 writing by the board and further to have waived all objections to
15 the admissibility of the examining physician's testimony or
16 examination reports on the ground that the examining physician's
17 testimony or examination is privileged;

18 (c) In addition to ordering a physical or mental
19 examination to determine competency, the board may,
20 notwithstanding any other law limiting access to medical or other
21 health data, obtain medical data and health records relating to a
22 physician or applicant without the physician's or applicant's
23 consent;

24 (d) Written notice of the reexamination or the physical or
25 mental examination shall be sent to the physician, by registered

1 mail, addressed to the physician at the physician's last known
2 address. Failure of a physician to designate an examining
3 physician to the board or failure to submit to the examination
4 when directed shall constitute an admission of the allegations
5 against the physician, in which case the board may enter a final
6 order without the presentation of evidence, unless the failure
7 was due to circumstances beyond the physician's control. A
8 physician whose right to practice has been affected under this
9 subdivision shall, at reasonable intervals, be afforded an
10 opportunity to demonstrate that the physician can resume the
11 competent practice as a physician and surgeon with reasonable
12 skill and safety to patients;

13 (e) In any proceeding pursuant to this subdivision neither
14 the record of proceedings nor the orders entered by the board
15 shall be used against a physician in any other proceeding.
16 Proceedings under this subdivision shall be conducted by the
17 board without the filing of a complaint with the administrative
18 hearing commission;

19 (f) When the board finds any person unqualified because of
20 any of the grounds set forth in this subdivision, it may enter an
21 order imposing one or more of the disciplinary measures set forth
22 in subsection 4 of this section.

23 3. Collaborative practice arrangements, protocols and
24 standing orders shall be in writing and signed and dated by a
25 physician prior to their implementation.

1 4. After the filing of such complaint before the
2 administrative hearing commission, the proceedings shall be
3 conducted in accordance with the provisions of chapter 621, RSMo.
4 Upon a finding by the administrative hearing commission that the
5 grounds, provided in subsection 2 of this section, for
6 disciplinary action are met, the board may, singly or in
7 combination, warn, censure or place the person named in the
8 complaint on probation on such terms and conditions as the board
9 deems appropriate for a period not to exceed ten years, or may
10 suspend the person's license, certificate or permit for a period
11 not to exceed three years, or restrict or limit the person's
12 license, certificate or permit for an indefinite period of time,
13 or revoke the person's license, certificate, or permit, or
14 administer a public or private reprimand, or deny the person's
15 application for a license, or permanently withhold issuance of a
16 license or require the person to submit to the care, counseling
17 or treatment of physicians designated by the board at the expense
18 of the individual to be examined, or require the person to attend
19 such continuing educational courses and pass such examinations as
20 the board may direct.

21 5. In any order of revocation, the board may provide that
22 the person may not apply for reinstatement of the person's
23 license for a period of time ranging from two to seven years
24 following the date of the order of revocation. All stay orders
25 shall toll this time period.

1 6. Before restoring to good standing a license, certificate
2 or permit issued pursuant to this chapter which has been in a
3 revoked, suspended or inactive state for any cause for more than
4 two years, the board may require the applicant to attend such
5 continuing medical education courses and pass such examinations
6 as the board may direct.

7 7. In any investigation, hearing or other proceeding to
8 determine a licensee's or applicant's fitness to practice, any
9 record relating to any patient of the licensee or applicant shall
10 be discoverable by the board and admissible into evidence,
11 regardless of any statutory or common law privilege which such
12 licensee, applicant, record custodian or patient might otherwise
13 invoke. In addition, no such licensee, applicant, or record
14 custodian may withhold records or testimony bearing upon a
15 licensee's or applicant's fitness to practice on the ground of
16 privilege between such licensee, applicant or record custodian
17 and a patient.

18 334.530. 1. A candidate for license to practice as a
19 physical therapist shall be at least twenty-one years of age. A
20 candidate shall furnish evidence of such person's good moral
21 character and the person's educational qualifications by
22 submitting satisfactory evidence of completion of a program of
23 physical therapy education approved as reputable by the board. A
24 candidate who presents satisfactory evidence of the person's
25 graduation from a school of physical therapy approved as

1 reputable by the American Medical Association or, if graduated
2 before 1936, by the American Physical Therapy Association, or if
3 graduated after 1988, the Commission on Accreditation for
4 Physical Therapy Education or its successor, is deemed to have
5 complied with the educational qualifications of this subsection.

6 2. Persons desiring to practice as physical therapists in
7 this state shall appear before the board at such time and place
8 as the board may direct and be examined as to their fitness to
9 engage in such practice. Applications for examination shall be
10 in writing, on a form furnished by the board and shall include
11 evidence satisfactory to the board that the applicant possesses
12 the qualifications set forth in subsection 1 of this section.
13 Each application shall contain a statement that it is made under
14 oath or affirmation and that its representations are true and
15 correct to the best knowledge and belief of the person signing
16 the statement, subject to the penalties of making a false
17 affidavit or declaration. [The board shall not issue a permanent
18 license to practice as a physical therapist or allow any person
19 to sit for the Missouri state board examination for physical
20 therapists who has failed three or more times any physical
21 therapist licensing examination administered in one or more
22 states or territories of the United States or the District of
23 Columbia.]

24 3. The examination of qualified candidates for licenses to
25 practice physical therapy shall include a written examination and

1 shall embrace the subjects taught in reputable programs of
2 physical therapy education, sufficiently strict to test the
3 qualifications of the candidates as practitioners. [The
4 examination shall be given by the board at least once each year
5 and shall be administered to all candidates, and the examination
6 given at any particular time shall be the same for all candidates
7 and the same subjects shall be included and the same questions
8 shall be asked. Candidates shall be required to achieve a
9 passing score, as determined by the board, on an examination
10 before being issued a license.]

11 4. The examination shall embrace, in relation to the human
12 being, the subjects of anatomy, chemistry, kinesiology,
13 pathology, physics, physiology, psychology, physical therapy
14 theory and procedures as related to medicine, surgery and
15 psychiatry, and such other subjects, including medical ethics, as
16 the board deems useful to test the fitness of the candidate to
17 practice physical therapy.

18 [5. Examination grades or scores shall be preserved by the
19 board subject to public inspection. Examination papers retained
20 by the board shall be subject to public inspection for a period
21 of three years, after which they may be destroyed.]

22 334.540. 1. The board shall issue a license to any
23 physical therapist who is licensed in another jurisdiction and
24 who has had no violations, suspensions or revocations of a
25 license to practice physical therapy in any jurisdiction,

1 provided that, such person is licensed in a jurisdiction whose
2 requirements are substantially equal to, or greater than, the
3 requirements for licensure of physical therapists in Missouri at
4 the time the applicant applies for licensure.

5 2. Every applicant for a license pursuant to this section,
6 upon making application and showing the necessary qualifications
7 as provided in subsection 1 of this section, shall be required to
8 pay the same fee as the fee required to be paid by applicants who
9 apply to take the examination before the board. Within the
10 limits provided in this section, the board may negotiate
11 reciprocal compacts with licensing boards of other states for the
12 admission of licensed practitioners from Missouri in other
13 states.

14 [3. Notwithstanding the provisions of subsections 1 and 2
15 of this section, the board shall not issue a license to any
16 applicant who has failed three or more times any physical
17 therapist licensing examination administered in one or more
18 states or territories of the United States or the District of
19 Columbia.]

20 334.550. [1. Upon the applicant paying a temporary license
21 fee, the board shall issue without examination a temporary
22 license to practice physical therapy for a period of time not to
23 extend beyond the time when the results of the next examination
24 are announced to any person who meets the qualifications of
25 subsection 1 of section 334.530; provided that, the applicant has

1 not previously been examined in one or more states or territories
2 of the United States or the District of Columbia. The temporary
3 license may be renewed at the discretion of the board and payment
4 of the temporary license fee.

5 2. The board may once renew a temporary license issued
6 pursuant to this section if the licensee fails to sit for the
7 next scheduled examination; provided that, the applicant shows
8 good and exceptional cause for failing to sit for the
9 examination. The applicant shall state the good and exceptional
10 cause in writing and shall verify such statement by oath. The
11 board shall define good and exceptional cause by rules and
12 regulations.

13 3. The board may issue a temporary license to any
14 first-time applicant for licensure by examination if such person
15 submits an agreement-to-supervise form which is signed by the
16 applicant's supervising physical therapist.] An applicant who has
17 not been previously examined in another jurisdiction and meets
18 the qualifications of subsection 1 of section 334.530, may pay a
19 temporary license fee and submit an agreement-to-supervise form,
20 which is signed by the applicant's supervising physical
21 therapist, to the board and obtain without examination a
22 nonrenewable temporary license. Such temporary licensee may only
23 engage in the practice of physical therapy under the supervision
24 of a licensed physical therapist. The board shall define the
25 scope of such supervision by rules and regulations. The

1 temporary license shall expire on either the date the applicant
2 receives the results of the applicant's initial examination or
3 within ninety days of its issuance, whichever occurs first.

4 334.655. 1. A candidate for licensure to practice as a
5 physical therapist assistant shall be at least nineteen years of
6 age. A candidate shall furnish evidence of the person's good
7 moral character and of the person's educational qualifications.
8 The educational requirements for licensure as a physical
9 therapist assistant are:

10 (1) A certificate of graduation from an accredited high
11 school or its equivalent; and

12 (2) Satisfactory evidence of completion of an associate
13 degree program of physical therapy education accredited by the
14 commission on accreditation of physical therapy education.

15 2. Persons desiring to practice as a physical therapist
16 assistant in this state shall appear before the board at such
17 time and place as the board may direct and be examined as to the
18 person's fitness to engage in such practice. Applications for
19 examination shall be in writing, on a form furnished by the board
20 and shall include evidence satisfactory to the board that the
21 applicant possesses the qualifications provided in subsection 1
22 of this section. Each application shall contain a statement that
23 the statement is made under oath of affirmation and that its
24 representations are true and correct to the best knowledge and
25 belief of the person signing the statement, subject to the

1 penalties of making a false affidavit or declaration.

2 3. The examination of qualified candidates for licensure to
3 practice as physical therapist assistants shall embrace a written
4 examination and which shall cover the curriculum taught in
5 accredited associate degree programs of physical therapy
6 assistant education. Such examination shall be sufficient to
7 test the qualification of the candidates as practitioners. [The
8 examination shall be given by the board at least once each year.
9 The board shall not issue a license to practice as a physical
10 therapist assistant or allow any person to sit for the Missouri
11 state board examination for physical therapist assistants who has
12 failed three or more times any physical therapist licensing
13 examination administered in one or more states or territories of
14 the United States or the District of Columbia. The examination
15 given at any particular time shall be the same for all candidates
16 and the same curriculum shall be included and the same questions
17 shall be asked.]

18 4. The examination shall include, as related to the human
19 body, the subjects of anatomy, kinesiology, pathology,
20 physiology, psychology, physical therapy theory and procedures as
21 related to medicine and such other subjects, including medical
22 ethics, as the board deems useful to test the fitness of the
23 candidate to practice as a physical therapist assistant.

24 5. [Examination grades or scores shall be preserved by the
25 board subject to public inspection. Examination papers retained

1 by the board shall be subject to public inspection for a period
2 of three years and thereafter may be destroyed.

3 6.] The board shall license without examination any legally
4 qualified person who is a resident of this state and who was
5 actively engaged in practice as a physical therapist assistant on
6 August 28, 1993. The board may license such person pursuant to
7 this subsection until ninety days after the effective date of
8 this section.

9 [7.] 6. A candidate to practice as a physical therapist
10 assistant who does not meet the educational qualifications may
11 submit to the board an application for examination if such person
12 can furnish written evidence to the board that the person has
13 been employed in this state for at least three of the last five
14 years under the supervision of a licensed physical therapist and
15 such person possesses the knowledge and training equivalent to
16 that obtained in an accredited school. The board may license
17 such persons pursuant to this subsection until ninety days after
18 rules developed by the state board of healing arts regarding
19 physical therapist assistant licensing become effective.

20 334.660. The board shall license without examination
21 legally qualified persons who hold certificates of licensure,
22 registration or certification in any state or territory of the
23 United States or the District of Columbia, who have had no
24 violations, suspensions or revocations of such license,
25 registration or certification, if such persons have passed a

1 written examination to practice as a physical therapist assistant
2 that was substantially equal to the examination requirements of
3 this state and in all other aspects, including education, the
4 requirements for such certificates of licensure, registration or
5 certification were, at the date of issuance, substantially equal
6 to the requirements for licensure in this state. [The board
7 shall not issue a license to any applicant who has failed three
8 or more times any physical therapist assistant licensing
9 examination administered in one or more states or territories of
10 the United States or the District of Columbia.] Every applicant
11 for a license pursuant to this section, upon making application
12 and providing documentation of the necessary qualifications as
13 provided in this section, shall pay the same fee required of
14 applicants to take the examination before the board. Within the
15 limits of this section, the board may negotiate reciprocal
16 contracts with licensing boards of other states for the admission
17 of licensed practitioners from Missouri in other states.

18 334.665. [Upon the applicant paying a temporary fee, the
19 board shall issue, without examination, a temporary license to
20 practice as a physical therapist assistant for a period of time
21 not to exceed beyond the time when the results of the next
22 examination are announced to any person who meets the
23 qualifications of section 334.655. The temporary license may be
24 renewed at the discretion of the board and upon payment of a
25 temporary license fee.] An applicant who has not been previously

1 examined in another jurisdiction and meets the qualifications of
2 subsection 1 of section 334.655 may pay a temporary license fee
3 and submit an agreement-to-supervise form which is signed by the
4 applicant's supervising physical therapist to the board and
5 obtain without examination a nonrenewable temporary license.
6 Such temporary licensee may only practice under the supervision
7 of a licensed physical therapist. The board shall define the
8 scope of such supervision by rules and regulations. The
9 temporary license shall expire on either the date the applicant
10 receives the results of the applicant's initial examination or
11 within ninety days of its issuance, whichever occurs first.

12 335.212. As used in sections 335.212 to 335.242, the
13 following terms mean:

14 (1) "Board", the Missouri state board of nursing;

15 (2) "Department", the Missouri department of health and
16 senior services;

17 (3) "Director", director of the Missouri department of
18 health and senior services;

19 (4) "Eligible student", a resident who has made application
20 to be a full-time student in a formal course of instruction
21 leading to an associate degree, a diploma, a bachelor of science,
22 or a master of science in nursing or leading to the completion of
23 educational requirements for a licensed practical nurse;

24 (5) "Participating school", an institution within this
25 state which is approved by the board for participation in the

1 professional and practical nursing student loan program
2 established by sections 335.212 to 335.242, having a nursing
3 department and offering a course of instruction based on nursing
4 theory and clinical nursing experience;

5 (6) "Qualified applicant", an eligible student approved by
6 the board for participation in the professional and practical
7 nursing student loan program established by sections 335.212 to
8 335.242;

9 (7) "Qualified employment", employment on a full-time basis
10 in Missouri in a position requiring licensure as a licensed
11 practical nurse or registered professional nurse in any hospital
12 as defined in section 197.020, RSMo, or public or nonprofit
13 agency, institution, or organization located in an area of need
14 as determined by the department of health and senior services.
15 Any forgiveness of such principal and interest for any qualified
16 applicant engaged in qualified employment on a less than
17 full-time basis may be prorated to reflect the amounts provided
18 in this section;

19 (8) "Resident", any person who has lived in this state for
20 one or more years for any purpose other than the attending of an
21 educational institution located within this state.

22 335.245. As used in sections 335.245 to 335.259, the
23 following terms mean:

24 (1) "Department", the Missouri department of health and
25 senior services;

1 (2) "Eligible applicant", a Missouri licensed nurse who has
2 attained either an associate degree, a diploma, a bachelor of
3 science, or graduate degree in nursing from an accredited
4 institution approved by the board of nursing or a student nurse
5 in the final year of a full-time baccalaureate school of nursing
6 leading to a baccalaureate degree or graduate nursing program
7 leading to a master's degree in nursing and has agreed to serve
8 in an area of defined need as established by the department;

9 (3) "Participating school", an institution within this
10 state which grants an associate degree in nursing, grants a
11 bachelor or master of science degree in nursing or provides a
12 diploma nursing program which is accredited by the state board of
13 nursing, or a regionally accredited institution in this state
14 which provides a bachelor of science completion program for
15 registered professional nurses;

16 (4) "Qualified employment", employment on a full-time basis
17 in Missouri in a position requiring licensure as a licensed
18 practical nurse or registered professional nurse in any hospital
19 as defined in section 197.020, RSMo, or public or nonprofit
20 agency, institution, or organization located in an area of need
21 as determined by the department of health and senior services.
22 Any forgiveness of such principal and interest for any qualified
23 applicant engaged in qualified employment on a less than
24 full-time basis may be prorated to reflect the amounts provided
25 in this section.

1 337.085. 1. There is hereby established in the state
2 treasury a fund to be known as the "State Committee of
3 Psychologists Fund". All fees of any kind and character
4 authorized under sections 337.010 to 337.090 to be charged by the
5 committee or division shall be collected by the director of the
6 division of professional registration and shall be transmitted to
7 the department of revenue for deposit in the state treasury for
8 credit to this fund. Such funds, upon appropriation, shall be
9 disbursed only in payment of expenses of maintaining the
10 committee and for the enforcement of the provisions of law
11 concerning professions regulated by the committee. No other
12 money shall be paid out of the state treasury for carrying out
13 these provisions. Warrants shall be issued on the state
14 treasurer for payment out of the fund.

15 2. The provisions of section 33.080, RSMo, to the contrary
16 notwithstanding, money in this fund shall not be transferred and
17 placed to the credit of general revenue until the amount in the
18 fund at the end of the biennium exceeds two times the amount of
19 the appropriation from the committee's fund for the preceding
20 fiscal year or, if the committee requires by rule renewal less
21 frequently than yearly then three times the appropriation from
22 the committee's fund for the preceding fiscal year. The amount,
23 if any, in the fund which shall lapse is that amount in the fund
24 which exceeds the appropriate multiple of the appropriations from
25 the committee's fund for the preceding fiscal year.

1 3. All funds pertaining to the Missouri state committee of
2 psychologists deposited in the state treasury to the credit of
3 the committee of registration for the healing arts fund shall be
4 transferred from that fund to the state committee of
5 psychologists fund by the division director.

6 337.507. 1. Applications for examination and licensure as
7 a professional counselor shall be in writing, submitted to the
8 division on forms prescribed by the division and furnished to the
9 applicant. The application shall contain the applicant's
10 statements showing his education, experience and such other
11 information as the division may require. Each application shall
12 contain a statement that it is made under oath or affirmation and
13 that the information contained therein is true and correct to the
14 best knowledge and belief of the applicant, subject to the
15 penalties provided for the making of a false affidavit or
16 declaration. Each application shall be accompanied by the fees
17 required by the committee.

18 2. The division shall mail a renewal notice to the last
19 known address of each licensee prior to the registration renewal
20 date. Failure to provide the division with the information
21 required for registration, or to pay the registration fee after
22 such notice shall effect a revocation of the license after a
23 period of sixty days from the registration renewal date. The
24 license shall be restored if, within two years of the
25 registration date, the applicant provides written application and

1 the payment of the registration fee and a delinquency fee.

2 3. A new certificate to replace any certificate lost,
3 destroyed or mutilated may be issued subject to the rules of the
4 committee, upon payment of a fee.

5 4. The committee shall set the amount of the fees which
6 sections 337.500 to 337.540 authorize and require by rules and
7 regulations promulgated pursuant to section 536.021, RSMo. The
8 fees shall be set at a level to produce revenue which shall not
9 substantially exceed the cost and expense of administering the
10 provisions of sections 337.500 to 337.540. All fees provided for
11 in sections 337.500 to 337.540 shall be collected by the director
12 who shall deposit the same with the state treasurer in a fund to
13 be known as the "Committee of Professional Counselors Fund".

14 5. The provisions of section 33.080, RSMo, to the contrary
15 notwithstanding, money in this fund shall not be transferred and
16 placed to the credit of general revenue until the amount in the
17 fund at the end of the biennium exceeds two times the amount of
18 the appropriation from the committee's fund for the preceding
19 fiscal year or, if the committee requires by rule renewal less
20 frequently than yearly then three times the appropriation from
21 the committee's fund for the preceding fiscal year. The amount,
22 if any, in the fund which shall lapse is that amount in the fund
23 which exceeds the appropriate multiple of the appropriations from
24 the committee's fund for the preceding fiscal year.

25 6. The committee shall hold public examinations at least

1 two times per year, at such times and places as may be fixed by
2 the committee, notice of such examinations to be given to each
3 applicant at least ten days prior thereto.

4 337.615. 1. Each applicant for licensure as a clinical
5 social worker shall furnish evidence to the committee that:

6 (1) The applicant has a master's degree from a college or
7 university program of social work accredited by the council of
8 social work education or a doctorate degree from a school of
9 social work acceptable to the committee;

10 (2) The applicant has twenty-four months of supervised
11 clinical experience acceptable to the committee, as defined by
12 rule;

13 (3) The applicant has achieved a passing score, as defined
14 by the committee, on an examination approved by the committee.
15 The eligibility requirements for such examination shall be
16 promulgated by rule of the committee;

17 (4) The applicant is at least eighteen years of age, is of
18 good moral character, is a United States citizen or has status as
19 a legal resident alien, and has not been convicted of a felony
20 during the ten years immediately prior to application for
21 licensure.

22 2. Any person [not a resident of this state] holding a
23 valid unrevoked and unexpired license, certificate or
24 registration from another state or territory of the United States
25 having substantially the same requirements as this state for

1 clinical social workers may be granted a license to engage in the
2 person's occupation in this state upon application to the
3 committee accompanied by the appropriate fee as established by
4 the committee pursuant to section 337.612.

5 3. The committee shall issue a license to each person who
6 files an application and fee as required by the provisions of
7 sections 337.600 to 337.639 and who furnishes evidence
8 satisfactory to the committee that the applicant has complied
9 with the provisions of subdivisions (1) to (4) of subsection 1 of
10 this section or with the provisions of subsection 2 of this
11 section. The committee shall issue a provisional clinical social
12 worker license to any applicant who meets all requirements of
13 subdivisions (1), (3) and (4) of subsection 1 of this section,
14 but who has not completed the twenty-four months of supervised
15 clinical experience required by subdivision (2) of subsection 1
16 of this section, and such applicant may reapply for licensure as
17 a clinical social worker upon completion of the twenty-four
18 months of supervised clinical experience.

19 337.665. 1. Each applicant for licensure as a
20 baccalaureate social worker shall furnish evidence to the
21 committee that:

22 (1) The applicant has a baccalaureate degree in social work
23 from an accredited social work degree program approved by the
24 council of social work education;

25 (2) The applicant has achieved a passing score, as defined

1 by the committee, on an examination approved by the committee.
2 The eligibility requirements for such examination shall be
3 determined by the state committee for social work;

4 (3) The applicant has completed three thousand hours of
5 supervised baccalaureate experience with a licensed clinical
6 social worker or licensed baccalaureate social worker in no less
7 than twenty-four and no more than forty-eight consecutive
8 calendar months;

9 (4) The applicant is at least eighteen years of age, is of
10 good moral character, is a United States citizen or has status as
11 a legal resident alien, and has not been convicted of a felony
12 during the ten years immediately prior to application for
13 licensure;

14 (5) The applicant has submitted a written application on
15 forms prescribed by the state board;

16 (6) The applicant has submitted the required licensing fee,
17 as determined by the division.

18 2. Any applicant who answers in the affirmative to any
19 question on the application that relates to possible grounds for
20 denial of licensure pursuant to section 337.680 shall submit a
21 sworn affidavit setting forth in detail the facts which explain
22 such answer and copies of appropriate documents related to such
23 answer.

24 3. Any person [not a resident of this state] holding a
25 valid unrevoked and unexpired license, certificate or

1 registration from another state or territory of the United States
2 having substantially the same requirements as this state for
3 baccalaureate social workers may be granted a license to engage
4 in the person's occupation in this state upon application to the
5 committee accompanied by the appropriate fee as established by
6 the committee pursuant to section 337.662.

7 4. The committee shall issue a license to each person who
8 files an application and fee as required by the provisions of
9 sections 337.650 to 337.689 and who furnishes evidence
10 satisfactory to the committee that the applicant has complied
11 with the provisions of subsection 1 of this section or with the
12 provisions of subsection 2 of this section. The committee shall
13 issue a one-time provisional baccalaureate social worker license
14 to any applicant who meets all requirements of subdivisions (1),
15 (2), (4), (5) and (6) of subsection 1 of this section, but who
16 has not completed the supervised baccalaureate experience
17 required by subdivision (3) of subsection 1 of this section, and
18 such applicant may apply for licensure as a baccalaureate social
19 worker upon completion of the supervised baccalaureate
20 experience.

21 337.712. 1. Applications for licensure as a marital and
22 family therapist shall be in writing, submitted to the division
23 on forms prescribed by the division and furnished to the
24 applicant. The application shall contain the applicant's
25 statements showing the applicant's education, experience and such

1 other information as the division may require. Each application
2 shall contain a statement that it is made under oath or
3 affirmation and that the information contained therein is true
4 and correct to the best knowledge and belief of the applicant,
5 subject to the penalties provided for the making of a false
6 affidavit or declaration. Each application shall be accompanied
7 by the fees required by the division.

8 2. The division shall mail a renewal notice to the last
9 known address of each licensee prior to the licensure renewal
10 date. Failure to provide the division with the information
11 required for license, or to pay the licensure fee after such
12 notice shall effect a revocation of the license after a period of
13 sixty days from the licensure renewal date. The license shall be
14 restored if, within two years of the licensure date, the
15 applicant provides written application and the payment of the
16 licensure fee and a delinquency fee.

17 3. A new certificate to replace any certificate lost,
18 destroyed or mutilated may be issued subject to the rules of the
19 division upon payment of a fee.

20 4. The division shall set the amount of the fees
21 authorized. The fees shall be set at a level to produce revenue
22 which shall not substantially exceed the cost and expense of
23 administering the provisions of sections 337.700 to 337.739. All
24 fees provided for in sections 337.700 to 337.739 shall be
25 collected by the director who shall deposit the same with the

1 state treasurer to a fund to be known as the "Marital and Family
2 Therapists' Fund".

3 5. The provisions of section 33.080, RSMo, to the contrary
4 notwithstanding, money in this fund shall not be transferred and
5 placed to the credit of general revenue until the amount in the
6 fund at the end of the biennium exceeds two times the amount of
7 the appropriations from the marital and family therapists' fund
8 for the preceding fiscal year or, if the division requires by
9 rule renewal less frequently than yearly then three times the
10 appropriation from the fund for the preceding fiscal year. The
11 amount, if any, in the fund which shall lapse is that amount in
12 the fund which exceeds the appropriate multiple of the
13 appropriations from the marital and family therapists' fund for
14 the preceding fiscal year.

15 339.010. 1. A "real estate broker" is any person,
16 partnership, association, or corporation, foreign or domestic
17 who, for another, and for a compensation or valuable
18 consideration, [as a whole or partial vocation,] does, or
19 attempts to do, any or all of the following:

20 (1) Sells, exchanges, purchases, rents, or leases real
21 estate;

22 (2) Offers to sell, exchange, purchase, rent or lease real
23 estate;

24 (3) Negotiates or offers or agrees to negotiate the sale,
25 exchange, purchase, rental or leasing of real estate;

1 (4) Lists or offers or agrees to list real estate for sale,
2 lease, rental or exchange;

3 (5) Buys, sells, offers to buy or sell or otherwise deals
4 in options on real estate or improvements thereon;

5 (6) Advertises or holds himself or herself out as a
6 licensed real estate broker while engaged in the business of
7 buying, selling, exchanging, renting, or leasing real estate;

8 (7) Assists or directs in the procuring of prospects,
9 calculated to result in the sale, exchange, leasing or rental of
10 real estate;

11 (8) Assists or directs in the negotiation of any
12 transaction calculated or intended to result in the sale,
13 exchange, leasing or rental of real estate;

14 (9) Engages in the business of charging to an unlicensed
15 person an advance fee in connection with any contract whereby the
16 real estate broker undertakes to promote the sale of that
17 person's real estate through its listing in a publication issued
18 for such purpose intended to be circulated to the general public;

19 (10) Performs any of the foregoing acts as an employee of,
20 or on behalf of, the owner of real estate, or interest therein,
21 or improvements affixed thereon, for compensation.

22 2. A "real estate salesperson" is any person, who for a
23 compensation or valuable consideration becomes associated, either
24 as an independent contractor or employee, either directly or
25 indirectly, with a real estate broker to do any of the things

1 above mentioned[, as a whole or partial vocation]. The
2 provisions of sections 339.010 to 339.180 and sections 339.710 to
3 339.860 shall not be construed to deny a real estate salesperson
4 who is compensated solely by commission the right to be
5 associated with a broker as an independent contractor.

6 3. The term "commission" as used in sections 339.010 to
7 339.180 and sections 339.710 to 339.860 means the Missouri real
8 estate commission.

9 4. "Real estate" for the purposes of sections 339.010 to
10 339.180 and sections 339.710 to 339.860 shall mean, and include,
11 leaseholds, as well as any other interest or estate in land,
12 whether corporeal, incorporeal, freehold or nonfreehold, and
13 [whether] the real estate is situated in this state [or
14 elsewhere].

15 5. The provisions of sections 339.010 to 339.180 and
16 sections 339.710 to 339.860 shall not apply to:

17 (1) Any person, partnership, association, or corporation
18 who as owner [or], lessor, or lessee shall perform any of the
19 acts described in subsection 1 of this section with reference to
20 property owned or leased by them, or to the regular employees
21 thereof, provided such owner [or], lessor, or lessee is not
22 engaged in the real estate business [as a vocation];

23 (2) Any licensed attorney-at-law;

24 (3) An auctioneer employed by the owner of the property;

25 (4) Any person acting as receiver, trustee in bankruptcy,

1 administrator, executor, or guardian or while acting under a
2 court order or under the authority of a will, trust instrument or
3 deed of trust or as a witness in any judicial proceeding or other
4 proceeding conducted by the state or any governmental subdivision
5 or agency;

6 (5) Any person employed or retained to manage real property
7 by, for, or on behalf of, the agent or the owner, of any real
8 estate shall be exempt from holding a license, if the person is
9 limited to one or more of the following activities:

10 (a) Delivery of a lease application, a lease, or any
11 amendment thereof, to any person;

12 (b) Receiving a lease application, lease, or amendment
13 thereof, a security deposit, rental payment, or any related
14 payment, for delivery to, and made payable to, a broker or owner;

15 (c) Showing a rental unit to any person, as long as the
16 employee is acting under the direct instructions of the broker or
17 owner, including the execution of leases or rental agreements;

18 (d) Conveying information prepared by a broker or owner
19 about a rental unit, a lease, an application for lease, or the
20 status of a security deposit, or the payment of rent, by any
21 person;

22 (e) Assisting in the performance of brokers' or owners'
23 functions, administrative, clerical or maintenance tasks;

24 (f) If the person described in this section is employed or
25 retained by, for, or on behalf of a real estate broker, the real

1 estate broker shall be subject to discipline under this chapter
2 for any conduct of the person that violates this chapter or the
3 regulations promulgated thereunder;

4 (6) Any officer or employee of a federal agency or the
5 state government or any political subdivision thereof performing
6 official duties;

7 (7) Railroads and other public utilities regulated by the
8 state of Missouri, or their subsidiaries or affiliated
9 corporations, or to the officers or regular employees thereof,
10 unless performance of any of the acts described in subsection 1
11 of this section is in connection with the sale, purchase, lease
12 or other disposition of real estate or investment therein
13 unrelated to the principal business activity of such railroad or
14 other public utility or affiliated or subsidiary corporation
15 thereof;

16 (8) Any bank, trust company, savings and loan association,
17 credit union, insurance company, mortgage banker, or farm loan
18 association organized under the laws of this state or of the
19 United States when engaged in the transaction of business on its
20 own behalf and not for others;

21 (9) Any newspaper [or], magazine [or], periodical [of
22 general circulation], or Internet site whereby the advertising of
23 real estate is incidental to [the] its operation [of that
24 publication] or to any form of communications regulated or
25 licensed by the Federal Communications Commission or any

1 successor agency or commission;

2 (10) Any developer selling Missouri land owned by the
3 developer [if such developer has on file with the commission a
4 certified copy of a currently effective statement of record on
5 file with the Office of Interstate Land Sales pursuant to
6 Sections 1704 through 1706 of Title 15 of the United States Code
7 or a current statement from the Office of Interstate Land Sales
8 of the United States Department of Housing and Urban Development
9 approving the documentation (together with a copy of such
10 documentation) submitted to that office with respect to real
11 estate falling within the scope of subsection 1702(a)(10) of
12 Title 15 of the United States Code];

13 (11) Any employee acting on behalf of a nonprofit
14 community, or regional economic development association, agency
15 or corporation which has as its principal purpose the general
16 promotion and economic advancement of the community at large,
17 provided that such entity:

18 (a) Does not offer such property for sale, lease, rental or
19 exchange on behalf of another person or entity;

20 (b) Does not list or offer or agree to list such property
21 for sale, lease, rental or exchange; or

22 (c) Receives no fee, commission or compensation, either
23 monetary or in kind, that is directly related to sale or disposal
24 of such properties. An economic developer's normal annual
25 compensation shall be excluded from consideration as commission

1 or compensation related to sale or disposal of such properties;
2 or

3 (12) Any neighborhood association, as that term is defined
4 in section 441.500, RSMo, that without compensation, either
5 monetary or in kind, provides to prospective purchasers or
6 lessors of property the asking price, location, and contact
7 information regarding properties in and near the association's
8 neighborhood, including any publication of such information in a
9 newsletter, [web] Internet site, or other medium.

10 339.020. It shall be unlawful for any person, partnership,
11 association, or corporation, foreign or domestic, to act as a
12 real estate broker or real estate salesperson, or to advertise or
13 assume to act as such without a license first procured from the
14 commission.

15 339.030. A corporation, partnership, or association shall
16 be granted a license when individual licenses have been issued to
17 every member, partner or officer of such partnership,
18 association, or corporation who actively participates in its
19 brokerage business and to every person who acts as a salesperson
20 for such partnership, association, or corporation and when the
21 required fee is paid.

22 339.040. 1. Licenses shall be granted only to persons who
23 present, and corporations, associations, or partnerships whose
24 officers, associates, or partners present, satisfactory proof to
25 the commission that they:

1 (1) Are persons of good moral character; and

2 (2) Bear a good reputation for honesty, integrity, and fair
3 dealing; and

4 (3) Are competent to transact the business of a broker or
5 salesperson in such a manner as to safeguard the interest of the
6 public.

7 2. In order to determine an applicant's qualifications to
8 receive a license under sections 339.010 to 339.180 and sections
9 339.710 to 339.860, the commission shall hold oral or written
10 examinations at such times and places as the commission may
11 determine.

12 3. Each applicant for a broker or salesperson license shall
13 be at least eighteen years of age and shall pay the broker
14 examination fee or the salesperson examination fee.

15 4. Each applicant for a broker license shall be required to
16 have satisfactorily completed the salesperson license examination
17 prescribed by the commission. For the purposes of this section
18 only, the commission may permit a person who is not associated
19 with a licensed broker to take the salesperson examination.

20 5. Each application for a broker license shall include a
21 certificate from the applicant's broker or brokers that the
22 applicant has been actively engaged in the real estate business
23 as a licensed salesperson for at least one year immediately
24 preceding the date of application, or, in lieu thereof, shall
25 include a certificate from a school accredited by the commission

1 under the provisions of section 339.045 that the applicant has,
2 within six months prior to the date of application, successfully
3 completed the prescribed broker curriculum or broker
4 correspondence course offered by such school, except that the
5 commission may waive all or part of the educational requirements
6 set forth in this subsection when an applicant presents proof of
7 other educational background or experience acceptable to the
8 commission.

9 6. Each application for a salesperson license shall include
10 a certificate from a school accredited by the commission under
11 the provisions of section 339.045 that the applicant has, within
12 six months prior to the date of application, successfully
13 completed the prescribed salesperson curriculum or salesperson
14 correspondence course offered by such school, except that the
15 commission may waive all or part of the educational requirements
16 set forth in this subsection when an applicant presents proof of
17 other educational background or experience acceptable to the
18 commission.

19 7. ~~【The commission shall require】~~ The commission may issue
20 a temporary work permit pending final review and printing of the
21 license to an applicant who appears to have satisfied the
22 requirements for licenses. The commission may, at its
23 discretion, withdraw the work permit at any time.

24 8. Every active broker, salesperson, officer ~~【or】~~, partner
25 ~~【to present upon license renewal】~~, or associate shall provide

1 upon request to the commission evidence that during the two years
2 preceding he or she has completed twelve hours of real estate
3 instruction in courses approved by the commission. The
4 commission may, by rule and regulation, provide for individual
5 waiver of this requirement.

6 [8.] 9. Each entity that provides continuing education
7 required under the provisions of subsection [7] 8 of this section
8 may make available [videotapes and audiotapes of] instruction
9 courses that the entity conducts through means of distance
10 delivery. The commission shall by rule set standards for [the
11 production of] such [taped] courses[, which may include the
12 requirement that individuals purchasing such tapes also purchase
13 an accompanying written study document. The commission shall
14 authorize individuals required to complete instruction under the
15 provisions of this subsection to fulfill such continuing
16 education requirements by utilizing such videotape and audiotape
17 courses]. The commission may by regulation require the
18 individual completing such [videotape or audiotape] distance
19 delivered course to complete an examination on the contents of
20 the course. Such examination shall be designed to ensure that
21 the licensee displays adequate knowledge of the subject matter of
22 the course, and shall be designed by the entity producing the
23 [taped] course and approved by the commission.

24 [9.] 10. In the event of the death or incapacity of a
25 licensed broker, or of one or more of the licensed partners [or],

1 officers, or associates of a real estate partnership [or],
2 corporation, or association whereby the affairs of the broker,
3 partnership, or corporation cannot be carried on, the commission
4 may issue, without examination or fee, to the legal
5 representative or representatives of the deceased or
6 incapacitated individual, or to another individual approved by
7 the commission, a temporary broker license which shall authorize
8 such individual to continue for a period to be designated by the
9 commission to transact business for the sole purpose of winding
10 up the affairs of the broker, partnership or corporation under
11 the supervision of the commission.

12 339.060. 1. The commission shall set the amount of the
13 fees which sections 339.010 to 339.180 and sections 339.710 to
14 339.860 authorize and require by rules and regulations
15 promulgated pursuant to section 536.021, RSMo. The fees shall be
16 set at a level to produce revenue which shall not substantially
17 exceed the cost and expense of administering sections 339.010 to
18 339.180 and sections 339.710 to 339.860.

19 2. Every license granted under sections 339.010 to 339.180
20 and sections 339.710 to 339.860 shall be renewed each licensing
21 period and the commission shall issue a new license upon receipt
22 of the [written] properly completed application of the applicant
23 and the required renewal fee.

24 339.100. 1. The commission may, upon its own motion, and
25 shall upon receipt of a written complaint filed by any person,

1 investigate any [business transaction] real estate-related
2 activity of a [person, partnership or corporation] licensee
3 licensed under sections 339.010 to 339.180 and sections 339.710
4 to 339.860 or an individual or entity acting as or representing
5 themselves as a real estate licensee. In conducting such
6 investigation, if the questioned activity or written complaint
7 involves an affiliated licensee, the commission may forward a
8 copy of the information received to the affiliated licensee's
9 designated broker. The commission shall have the power to hold
10 an investigatory hearing to determine whether there is a
11 probability [that the licensee has performed or attempted to
12 perform any act or practice declared unlawful pursuant to] of a
13 violation of sections 339.010 to 339.180 and sections 339.710 to
14 339.860. [In conducting such a hearing,] The commission shall
15 have the power to issue a subpoena to compel the production of
16 records and papers bearing on the complaint. The commission
17 shall have the power to issue a subpoena and to compel any person
18 in this state to come before the commission to offer testimony or
19 any material specified in the subpoena. Subpoenas and subpoenas
20 duces tecum issued pursuant to this section shall be served in
21 the same manner as subpoenas in a criminal case. The fees and
22 mileage of witnesses shall be the same as that allowed in the
23 circuit court in civil cases.

24 2. The commission may cause a complaint to be filed with
25 the administrative hearing commission as provided by [law when

1 the commission believes there is a probability that a licensee
2 has performed or attempted to perform any] the provisions of
3 chapter 621, RSMo, against any person or entity licensed under
4 this chapter or any licensee who has failed to renew or has
5 surrendered his or her individual or entity license for any one
6 or any combination of the following acts:

7 (1) Failure to maintain and deposit in a special account,
8 separate and apart from his or her personal or other business
9 accounts, all moneys belonging to others entrusted to him or her
10 while acting as a real estate broker[, or as escrow agent,] or as
11 the temporary custodian of the funds of others, until the
12 transaction involved is consummated or terminated, unless all
13 parties having an interest in the funds have agreed otherwise in
14 writing;

15 (2) Making substantial misrepresentations or false promises
16 or suppression, concealment or omission of material facts in the
17 conduct of his or her business or pursuing a flagrant and
18 continued course of misrepresentation through agents,
19 salespersons, advertising or otherwise in any transaction;

20 (3) Failing within a reasonable time to account for or to
21 remit any moneys, valuable documents or other property, coming
22 into his or her possession, which belongs to others;

23 (4) Representing to any lender, guaranteeing agency, or any
24 other interested party, either verbally or through the
25 preparation of false documents, an amount in excess of the true

1 and actual sale price of the real estate or terms differing from
2 those actually agreed upon;

3 (5) Failure to timely deliver[, immediately at the time of
4 signing,] a duplicate original of any and all instruments to any
5 party or parties executing the same where the instruments have
6 been prepared by the licensee or under his or her supervision or
7 are within his or her control, including, but not limited to, the
8 instruments relating to the employment of the licensee or to any
9 matter pertaining to the consummation of a lease, listing
10 agreement or the purchase, sale, exchange or lease of property,
11 or any type of real estate transaction in which he or she may
12 participate as a licensee;

13 (6) Acting for more than one party in a transaction without
14 the knowledge of all parties for whom he or she acts, or
15 accepting a commission or valuable consideration for services
16 from more than one party in a real estate transaction without the
17 knowledge of all parties to the transaction;

18 (7) Paying a commission or valuable consideration to any
19 person for acts or services performed in violation of sections
20 339.010 to 339.180 and sections 339.710 to 339.860;

21 (8) Guaranteeing or having authorized or permitted any
22 licensee to guarantee future profits which may result from the
23 resale of real property;

24 (9) Having been finally adjudicated and been found guilty
25 of the violation of any state or federal statute which governs

1 the sale or rental of real property or the conduct of the real
2 estate business as defined in subsection 1 of section 339.010;

3 (10) Obtaining a certificate or registration of authority,
4 permit or license for himself or herself or anyone else by false
5 or fraudulent representation, fraud or deceit;

6 (11) Representing a real estate broker other than the
7 broker with whom associated without the express [knowledge and]
8 written consent of [that] the broker[, or] with whom associated;

9 (12) Accepting a commission or valuable consideration for
10 the performance of any of the acts referred to in section 339.010
11 from any person except the broker with whom associated at the
12 time the commission or valuable consideration was earned;

13 ~~[(12)]~~ (13) Using prizes, money, gifts or other valuable
14 consideration as inducement to secure customers or clients to
15 purchase, lease, sell or list property when the awarding of such
16 prizes, money, gifts or other valuable consideration is
17 conditioned upon the purchase, lease, sale or listing; or
18 soliciting, selling or offering for sale real property by
19 offering free lots, or conducting lotteries or contests, or
20 offering prizes for the purpose of influencing a purchaser or
21 prospective purchaser of real property;

22 ~~[(13)]~~ (14) Placing a sign on or advertising any property
23 offering it for sale or rent without the written consent of the
24 owner or his or her duly authorized agent;

25 ~~[(14)]~~ (15) Violation of, or attempting to violate,

1 directly or indirectly, or assisting or enabling any person to
2 violate, any provision of sections 339.010 to 339.180 and
3 sections 339.710 to 339.860, or of any lawful rule adopted
4 pursuant to sections 339.010 to 339.180 and sections 339.710 to
5 339.860;

6 [(15)] (16) Committing any act which would otherwise be
7 grounds for the commission to refuse to issue a license under
8 section 339.040;

9 [(16)] (17) Failure to [submit] timely inform seller of all
10 written [bona fide] offers [to a seller when such offers are
11 received prior to the seller accepting an offer in writing and
12 until the licensee has knowledge of such acceptance] unless
13 otherwise instructed in writing by the seller;

14 [(17)] (18) Been finally adjudicated and found guilty, or
15 entered a plea of guilty or nolo contendere, in a criminal
16 prosecution under the laws of this state or any other state or of
17 the United States, for any offense reasonably related to the
18 qualifications, functions or duties of any profession licensed or
19 regulated under this chapter, for any offense an essential
20 element of which is fraud, dishonesty or an act of violence, or
21 for any offense involving moral turpitude, whether or not
22 sentence is imposed;

23 [(18)] (19) Any other conduct which constitutes
24 untrustworthy, improper or fraudulent business dealings, [or]
25 demonstrates bad faith or [gross] incompetence, misconduct, or

1 gross negligence;

2 [(19)] (20) Disciplinary action against the holder of a
3 license or other right to practice any profession regulated under
4 sections 339.010 to 339.180 and sections 339.710 to 339.860
5 granted by another state, territory, federal agency, or country
6 upon grounds for which revocation, suspension, or probation is
7 authorized in this state;

8 [(20)] (21) Been found by a court of competent jurisdiction
9 of having used any controlled substance, as defined in chapter
10 195, RSMo, to the extent that such use impairs a person's ability
11 to perform the work of any profession licensed or regulated by
12 sections 339.010 to 339.180 and sections 339.710 to 339.860;

13 [(21)] (22) Been finally adjudged insane or incompetent by
14 a court of competent jurisdiction;

15 [(22)] (23) Assisting or enabling any person to practice or
16 offer to practice any profession licensed or regulated under
17 sections 339.010 to 339.180 and sections 339.710 to 339.860 who
18 is not registered and currently eligible to practice under
19 sections 339.010 to 339.180 and sections 339.710 to 339.860;

20 [(23)] (24) Use of any advertisement or solicitation which
21 is knowingly false, misleading or deceptive to the general public
22 or persons to whom the advertisement or solicitation is primarily
23 directed.

24 3. After the filing of such complaint, the proceedings will
25 be conducted in accordance with the provisions of law relating to

1 the administrative hearing commission. A finding of the
2 administrative hearing commissioner that the licensee has
3 performed or attempted to perform one or more of the foregoing
4 acts shall be grounds for the suspension or revocation of his
5 license by the commission, or the placing of the licensee on
6 probation on such terms and conditions as the real estate
7 commission shall deem appropriate.

8 4. The commission may prepare a digest of the decisions of
9 the administrative hearing commission which concern complaints
10 against licensed brokers or salespersons and cause such digests
11 to be mailed to all licensees periodically. Such digests may
12 also contain reports as to new or changed rules adopted by the
13 commission and other information of significance to licensees.

14 339.105. 1. Each broker who holds funds belonging to
15 another shall maintain such funds in a separate bank account in a
16 financial institution which shall be designated an escrow or
17 trust account. This requirement includes funds in which he or
18 she may have some future interest or claim. Such funds shall be
19 deposited promptly unless all parties having an interest in the
20 funds have agreed otherwise in writing. No broker shall
21 commingle his or her personal funds or other funds in this
22 account with the exception that a broker may deposit and keep a
23 sum not to exceed one thousand dollars in the account from his or
24 her personal funds, which sum shall be specifically identified
25 and deposited to cover service charges related to the account.

1 2. Each broker shall notify the commission [of the name] of
2 his or her intent not to maintain an escrow account, or the name
3 of the financial institution in which each escrow or trust
4 account is maintained, the name and number of each such account,
5 and shall file written authorization directed to each financial
6 institution to allow the commission or its authorized
7 representative to examine each such account; such notification
8 and authorization shall be submitted on forms provided therefor
9 by the commission. A broker shall notify the commission within
10 ten business days of any change of his or her intent to maintain
11 an escrow account, the financial institution, account numbers, or
12 change in account status.

13 3. In conjunction with each escrow or trust account a
14 broker shall maintain books, records, contracts and other
15 necessary documents so that the adequacy of said account may be
16 determined at any time. The account and other records shall be
17 provided to the commission and its duly authorized agents for
18 inspection at all times during regular business hours at the
19 broker's usual place of business.

20 4. Whenever the ownership of any escrow moneys received by
21 a broker pursuant to this section is in dispute by the parties to
22 a real estate sales transaction, the broker shall report and
23 deliver the moneys to the state treasurer within three hundred
24 sixty-five days of the date of the initial projected closing date
25 in compliance with sections 447.500 to 447.595, RSMo. The

1 parties to a real estate sales transaction may agree in writing
2 that the funds are not in dispute and shall notify the broker who
3 is holding the funds.

4 5. A broker shall not be entitled to any money or other
5 money paid to him or her in connection with any real estate sales
6 transaction as part or all of his or her commission or fee until
7 the transaction has been consummated or terminated, unless agreed
8 in writing by all parties to the transaction.

9 6. When, through investigations or otherwise, the
10 commission has reasonable cause to believe that a licensee has
11 acted, is acting or is about to act in violation of this section,
12 the commission may, through the attorney general or any
13 assistants designated by the attorney general, proceed in the
14 name of the commission to institute suit to enjoin any act or
15 acts in violation of this section.

16 7. Any such suit shall be commenced in either the county in
17 which the defendant resides or in the county in which the
18 defendant has acted, is acting or is about to act in violation of
19 this section.

20 8. In such proceeding, the court shall have power to issue
21 such temporary restraining or injunction orders, without bond,
22 which are necessary to protect the public interest. Any action
23 brought under this section shall be in addition to and not in
24 lieu of any other provisions of this chapter. In such action,
25 the commission or the state need not allege or prove that there

1 is no adequate remedy at law or that any individual has suffered
2 any economic injury as a result of the activity sought to be
3 enjoined.

4 339.120. 1. There is hereby created the "Missouri Real
5 Estate Commission", to consist of seven persons, citizens of the
6 United States and residents of this state for at least one year
7 prior to their appointment, for the purpose of carrying out and
8 enforcing the provisions of sections 339.010 to 339.180 and
9 sections 339.710 to 339.860. The commission shall be appointed
10 by the governor with the advice and consent of the senate. All
11 members, except one voting public member, of the commission must
12 have had at least ten years' experience as a real estate broker
13 prior to their appointment. The terms of the members of the
14 commission shall be for five years, and until their successors
15 are appointed and qualified. Members to fill vacancies shall be
16 appointed by the governor for the unexpired term. The president
17 of the Missouri Association of Realtors in office at the time
18 shall, at least ninety days prior to the expiration of the term
19 of the board member, other than the public member, or as soon as
20 feasible after the vacancy on the board otherwise occurs, submit
21 to the director of the division of professional registration a
22 list of five Realtors qualified and willing to fill the vacancy
23 in question, with the request and recommendation that the
24 governor appoint one of the five persons so listed, and with the
25 list so submitted, the president of the Missouri Association of

1 Realtors shall include in his or her letter of transmittal a
2 description of the method by which the names were chosen by that
3 association. The commission shall organize annually by selecting
4 from its members a chairman. The commission may do all things
5 necessary and convenient for carrying into effect the provisions
6 of sections 339.010 to 339.180 and sections 339.710 to 339.860,
7 and may promulgate necessary rules compatible with the provisions
8 of sections 339.010 to 339.180 and sections 339.710 to 339.860.
9 Each member of the commission shall receive as compensation an
10 amount set by the commission not to exceed [fifty] seventy-five
11 dollars for each day devoted to the affairs of the commission,
12 and shall be entitled to reimbursement of his or her expenses
13 necessarily incurred in the discharge of his or her official
14 duties. The governor may remove any commissioner for cause.

15 2. The public member shall be at the time of his or her
16 appointment a citizen of the United States; a resident of this
17 state for a period of one year and a registered voter; a person
18 who is not and never was a member of any profession licensed or
19 regulated pursuant to sections 339.010 to 339.180 and sections
20 339.710 to 339.860 or the spouse of such person; and a person who
21 does not have and never has had a material, financial interest in
22 either the providing of the professional services regulated by
23 sections 339.010 to 339.180 and sections 339.710 to 339.860, or
24 an activity or organization directly related to any profession
25 licensed or regulated pursuant to sections 339.010 to 339.180 and

1 sections 339.710 to 339.860. All members, including public
2 members, shall be chosen from lists submitted by the director of
3 the division of professional registration. The duties of the
4 public member shall not include the determination of the
5 technical requirements to be met for licensure or whether any
6 person meets such technical requirements or of the technical
7 competence or technical judgment of a licensee or a candidate for
8 licensure.

9 3. The commission shall employ such board personnel, as
10 defined in subdivision (4) of subsection 15 of section 620.010,
11 RSMo, as it shall deem necessary to discharge the duties imposed
12 by the provisions of sections 339.010 to 339.180 and sections
13 339.710 to 339.860.

14 4. Any rule or portion of a rule, as that term is defined
15 in section 536.010, RSMo, that is created under the authority
16 delegated in sections 339.010 to 339.180 and sections 339.710 to
17 339.860 shall become effective only if it complies with and is
18 subject to all of the provisions of chapter 536, RSMo, and, if
19 applicable, section 536.028, RSMo. All rulemaking authority
20 delegated prior to August 28, 1999, is of no force and effect and
21 repealed. Nothing in this section shall be interpreted to repeal
22 or affect the validity of any rule filed or adopted prior to
23 August 28, 1999, if it fully complied with all applicable
24 provisions of law. This section and chapter 536, RSMo, are
25 nonseverable and if any of the powers vested with the general

1 assembly pursuant to chapter 536, RSMo, to review, to delay the
2 effective date or to disapprove and annul a rule are subsequently
3 held unconstitutional, then the grant of rulemaking authority and
4 any rule proposed or adopted after August 28, 1999, shall be
5 invalid and void.

6 339.130. The commission may sue and be sued in its official
7 name, and shall have a seal which shall be affixed to [all
8 licenses,] certified copies of records and papers on file, and to
9 such other instruments as the commission may direct, and all
10 courts shall take judicial notice of such seal. Copies of
11 records and proceedings of the commission, and of all papers on
12 file in its office, certified under the said seal shall be
13 received as evidence in all courts of record. The office of the
14 commission shall be at Jefferson City.

15 339.150. 1. No real estate broker shall knowingly employ
16 or engage any person to perform any service to the broker for
17 which licensure as a real estate broker or a real estate sales
18 person is required pursuant to sections 339.010 to 339.180 and
19 sections 339.710 to 339.860, unless such a person is a licensed
20 real estate salesperson or a licensed real estate broker as
21 required by section 339.020, or a person regularly engaged in the
22 real estate brokerage business outside of the state of Missouri.
23 Any such action shall be unlawful as provided by section 339.100
24 and shall be grounds for investigation, complaint, proceedings
25 and discipline as provided by section 339.100.

1 2. No real estate licensee shall pay any part of a fee,
2 commission or other compensation received by the licensee to any
3 person for any service rendered by such person to the licensee in
4 buying, selling, exchanging, leasing, renting or negotiating a
5 loan upon any real estate, unless such a person is a licensed
6 real estate salesperson regularly associated with such a broker,
7 or a licensed real estate broker, or a person regularly engaged
8 in the real estate brokerage business outside of the state of
9 Missouri.

10 3. Notwithstanding the provisions of subsections 1 and 2 of
11 this section, any real estate broker who shall refuse to pay any
12 person for services rendered by such person to the broker, with
13 the consent, knowledge and acquiescence of the broker that such
14 person was not licensed as required by section 339.020, in
15 buying, selling, exchanging, leasing, renting or negotiating a
16 loan upon any real estate for which services a license is
17 required, and who is employed or engaged by such broker to
18 perform such services, shall be liable to such person for the
19 reasonable value of the same or similar services rendered to the
20 broker, regardless of whether or not the person possesses or
21 holds any particular license, permit or certification at the time
22 the service was performed. Any such person may bring a civil
23 action for the reasonable value of his services rendered to a
24 broker notwithstanding the provisions of section 339.160.

25 339.160. No person, partnership, corporation, or

1 association engaged within this state in the business or acting
2 in the capacity of a real estate broker or real estate
3 salesperson shall bring or maintain an action in any court in
4 this state for the recovery of compensation for services rendered
5 in the buying, selling, exchanging, leasing, renting or
6 negotiating a loan upon any real estate without alleging and
7 proving that such person, partnership, corporation, or
8 association was a licensed real estate broker or salesperson at
9 the time when the alleged cause of action arose.

10 339.170. Any person or corporation knowingly violating any
11 provision of sections 339.010 to 339.180 and sections 339.710 to
12 339.860 shall be guilty of a class B misdemeanor. Any officer or
13 agent of a corporation, or member or agent of a partnership or
14 association, who shall knowingly and personally participate in or
15 be an accessory to any violation of sections 339.010 to 339.180
16 and sections 339.710 to 339.860, shall be guilty of a class B
17 misdemeanor. This section shall not be construed to release any
18 person from civil liability or criminal prosecution under any
19 other law of this state. The commission may cause complaint to
20 be filed for violation of section 339.020 in any court of
21 competent jurisdiction, and perform such other acts as may be
22 necessary to enforce the provisions hereof.

23 339.180. 1. It shall be unlawful for any person or
24 entity not licensed under this chapter to perform any act for
25 which a real estate [broker or salesperson] license is required.

1 Upon application by the [board] commission, and the necessary
2 burden having been met, a court of general jurisdiction may grant
3 an injunction, restraining order or other order as may be
4 appropriate to enjoin a person or entity from:

5 (1) Offering to engage or engaging in the performance of
6 any acts or practices for which a [certificate of registration or
7 authority,] permit or license is required by this chapter upon a
8 showing that such acts or practices were performed or offered to
9 be performed without a [certificate of registration or
10 authority,] permit or license; or

11 (2) Engaging in any practice or business authorized by a
12 [certificate of registration or authority,] permit or license
13 issued pursuant to this chapter upon a showing that the holder
14 presents a substantial probability of serious danger to the
15 health, safety or welfare of any [resident of this state or
16 client or patient of the licensee] person with, or who is
17 considering obtaining, a legal interest in real property in this
18 state.

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

22 3. Any action brought under this section shall be in
23 addition to and not in lieu of any penalty provided by this
24 chapter and may be brought concurrently with other actions to
25 enforce this chapter.

1 339.710. For purposes of sections 339.710 to 339.860, the
2 following terms mean:

3 (1) "Adverse material fact", a fact related to the
4 [physical condition of the] property not reasonably ascertainable
5 or known to a party which negatively affects the value of the
6 property. Adverse material facts may include matters pertaining
7 to:

8 (a) Environmental hazards affecting the property;

9 (b) Physical condition of the property which adversely
10 affects the value of the property;

11 (c) Material defects in the property;

12 (d) Material defects in the title to the property;

13 (e) Material limitation of the party's ability to perform
14 under the terms of the contract;

15 (2) "Affiliated licensee", any broker or salesperson who
16 works under the supervision of a designated broker;

17 (3) "Agent", a person or entity acting pursuant to the
18 provisions of this chapter;

19 (4) "Broker disclosure form", the current form prescribed
20 by the commission for presentation to a seller, landlord, buyer
21 or tenant who has not entered into a written agreement for
22 brokerage services;

23 (5) "Brokerage relationship", the relationship created
24 between a designated broker, the broker's affiliated licensees,
25 and a client relating to the performance of services of a broker

1 as defined in section 339.010, and sections 339.710 to 339.860.

2 If a designated broker makes an appointment of an affiliated
3 licensee or affiliated licensees pursuant to section 339.820,
4 such brokerage relationships are created between the appointed
5 licensee or licensees and the client. Nothing in this
6 subdivision shall:

7 (a) Alleviate the designated broker from duties of
8 supervision of the appointed licensee or licensees; or

9 (b) Alter the designated broker's underlying contractual
10 agreement with the client;

11 (6) "Client", a seller, landlord, buyer, or tenant who has
12 entered into a brokerage relationship with a licensee pursuant to
13 sections 339.710 to 339.860;

14 (7) "Commercial real estate", any real estate other than
15 real estate containing one to four residential units, real estate
16 on which no buildings or structures are located, or real estate
17 classified as agricultural and horticultural property for
18 assessment purposes pursuant to section 137.016, RSMo.

19 Commercial real estate does not include single family residential
20 units including condominiums, townhouses, or homes in a
21 subdivision when that real estate is sold, leased, or otherwise
22 conveyed on a unit-by-unit basis even though the units may be
23 part of a larger building or parcel of real estate containing
24 more than four units;

25 (8) "Commission", the Missouri real estate commission;

1 (9) "Confidential information", information obtained by the
2 licensee from the client and designated as confidential by the
3 client, information made confidential by sections 339.710 to
4 339.860 or any other statute or regulation, or written
5 instructions from the client unless the information is made
6 public or becomes public by the words or conduct of the client to
7 whom the information pertains or by a source other than the
8 licensee;

9 (10) "Customer", an actual or potential seller, landlord,
10 buyer, or tenant in a real estate transaction in which a licensee
11 is involved but who has not entered into a brokerage relationship
12 with [a] the licensee;

13 (11) "Designated agent", a licensee named by a designated
14 broker as the limited agent of a client as provided for in
15 section 339.820;

16 (12) "Designated broker", any individual licensed as a
17 broker who is operating pursuant to the definition of "real
18 estate broker" as defined in section 339.010, or any individual
19 licensed as a broker who is appointed by a partnership,
20 association, limited liability corporation, or a corporation
21 engaged in the real estate brokerage business to be responsible
22 for the acts of the partnership, association, limited liability
23 corporation, or corporation. Every real estate partnership,
24 association, or limited liability corporation, or corporation
25 shall appoint a designated broker;

1 (13) "Designated transaction broker", a licensee named by a
2 designated broker or deemed appointed by a designated broker as
3 the transaction broker for a client pursuant to section 339.820;

4 (14) "Dual agency", a form of agency which may result when
5 an agent licensee or someone affiliated with the agent licensee
6 represents another party to the same transaction;

7 (15) "Dual agent", a limited agent who, with the written
8 consent of all parties to a contemplated real estate transaction,
9 has entered into an agency brokerage relationship, and not a
10 transaction brokerage relationship, with and therefore represents
11 both the seller and buyer or both the landlord and tenant;

12 (16) "Licensee", a real estate broker or salesperson as
13 defined in section 339.010;

14 (17) "Limited agent", a licensee whose duties and
15 obligations to a client are those set forth in sections 339.730
16 to 339.750;

17 (18) "Ministerial acts", those acts that a licensee may
18 perform for a person or entity that are informative in nature and
19 do not rise to the level which requires the creation of a
20 brokerage relationship. Examples of these acts include, but are
21 not limited to:

22 (a) Responding to telephone inquiries by consumers as to
23 the availability and pricing of brokerage services;

24 (b) Responding to telephone inquiries from a person
25 concerning the price or location of property;

1 (c) Attending an open house and responding to questions
2 about the property from a consumer;

3 (d) Setting an appointment to view property;

4 (e) Responding to questions of consumers walking into a
5 licensee's office concerning brokerage services offered on
6 particular properties;

7 (f) Accompanying an appraiser, inspector, contractor, or
8 similar third party on a visit to a property;

9 (g) Describing a property or the property's condition in
10 response to a person's inquiry;

11 (h) Showing a customer through a property being sold by an
12 owner on his or her own behalf; or

13 (i) Referral to another broker or service provider;

14 (19) "Residential real estate", all real property improved
15 by a structure that is used or intended to be used primarily for
16 residential living by human occupants and that contains not more
17 than four dwelling units or that contains single dwelling units
18 owned as a condominium or in a cooperative housing association,
19 and vacant land classified as residential property. The term
20 "cooperative housing association" means an association, whether
21 incorporated or unincorporated, organized for the purpose of
22 owning and operating residential real property in Missouri, the
23 shareholders or members of which, by reason of their ownership of
24 a stock or membership certificate, a proprietary lease, or other
25 evidence of membership, are entitled to occupy a dwelling unit

1 pursuant to the terms of a proprietary lease or occupancy
2 agreement;

3 (20) "Single agent", a licensee who has entered into a
4 brokerage relationship with and therefore represents only one
5 party in a real estate transaction. A single agent may be one of
6 the following:

7 (a) "Buyer's agent", which shall mean a licensee who
8 represents the buyer in a real estate transaction;

9 (b) "Seller's agent", which shall mean a licensee who
10 represents the seller in a real estate transaction; and

11 (c) "Landlord's agent", which shall mean a licensee who
12 represents a landlord in a leasing transaction;

13 (d) "Tenant's agent", which shall mean a licensee who
14 represents the tenant in a leasing transaction;

15 (21) "Subagent", a designated broker, together with the
16 broker's affiliated licensees, engaged by another designated
17 broker, together with the broker's affiliated or appointed
18 affiliated licensees, to act as a limited agent for a client, or
19 a designated broker's unappointed affiliated licensees engaged by
20 the designated broker, together with the broker's appointed
21 affiliated licensees, to act as a limited agent for a client. A
22 subagent owes the same obligations and responsibilities to the
23 client pursuant to sections 339.730 to 339.740 as does the
24 client's designated broker;

25 (22) "Transaction broker", any licensee acting pursuant to

1 sections 339.710 to 339.860, who:

2 (a) Assists the parties to a transaction without an agency
3 or fiduciary relationship to either party and is, therefore,
4 neutral, serving neither as an advocate or advisor for either
5 party to the transaction;

6 (b) Assists one or more parties to a transaction and who
7 has not entered into a specific written agency agreement to
8 represent one or more of the parties; or

9 (c) Assists another party to the same transaction either
10 solely or through licensee affiliates.

11 Such licensee shall be deemed to be a transaction broker and not
12 a dual agent, provided that, notice of assumption of transaction
13 broker status is provided to the buyer and seller immediately
14 upon such default to transaction broker status, to be confirmed
15 in writing prior to execution of the contract.

16 339.760. [1.] Every designated broker who has affiliated
17 licensees shall adopt a written policy which identifies and
18 describes the relationships in which the designated broker and
19 affiliated licensees may engage with any seller, landlord, buyer,
20 or tenant as part of any real estate brokerage activities.

21 [2. A designated broker shall not be required to offer or
22 engage in more than one of the brokerage relationships enumerated
23 in section 339.720.]

24 339.780. 1. All written agreements for brokerage services

1 on behalf of a seller, landlord, buyer, or tenant shall be
2 entered into by the designated broker on behalf of that broker
3 and affiliated licensees, except that the designated broker may
4 authorize affiliated licensees in writing to enter into the
5 written agreements on behalf of the designated broker.

6 2. Before engaging in any of the activities enumerated in
7 section 339.010, a designated broker intending to establish a
8 limited agency relationship with a seller or landlord shall enter
9 into a written agency agreement with the party to be represented.
10 The agreement shall include a licensee's duties and
11 responsibilities specified in section 339.730 and the terms of
12 compensation and shall specify whether an offer of subagency may
13 be made to any other designated broker.

14 3. Before or while engaging in any acts enumerated in
15 section 339.010, except ministerial acts defined in section
16 339.710, a designated broker acting as a single agent for a buyer
17 or tenant shall enter into a written agency agreement with the
18 buyer or tenant. The agreement shall include a licensee's duties
19 and responsibilities specified in section 339.740 and the terms
20 of compensation [and shall specify whether an offer of subagency
21 may be made to any other designated broker].

22 4. Before engaging in any of the activities enumerated in
23 section 339.010, a designated broker intending to act as a dual
24 agent shall enter into a written agreement with the seller and
25 buyer or landlord and tenant permitting the designated broker to

1 serve as a dual agent. The agreement shall include a licensee's
2 duties and responsibilities specified in section 339.750 and the
3 terms of compensation.

4 5. Before engaging in any of the activities enumerated in
5 section 339.010, a designated broker intending to act as a
6 subagent shall enter into a written agreement with the designated
7 broker for the client. If a designated broker has made a
8 unilateral offer of subagency, another designated broker can
9 enter into the subagency relationship by the act of disclosing to
10 the customer that he or she is a subagent of the client. If a
11 designated broker has made an appointment pursuant to section
12 339.820, an affiliated licensee that has been excluded by such
13 appointment may enter into the subagency relationship by the act
14 of disclosing to the customer that he or she is a subagent of the
15 client.

16 6. A designated broker who intends to act as a transaction
17 broker and who expects to receive compensation from the party he
18 or she assists shall enter into a written transaction brokerage
19 agreement with such party or parties contracting for the broker's
20 service. The transaction brokerage agreement shall include a
21 licensee's duties and responsibilities specified in section
22 339.755 and the terms of compensation.

23 7. Nothing contained in this section shall prohibit the
24 public from entering into written contracts with any broker which
25 contain duties, obligations, or responsibilities which are in

1 addition to those specified in this section.

2 339.800. 1. In any real estate transaction, the designated
3 broker's compensation may be paid by the seller, the landlord,
4 the buyer, the tenant, or a third party or by sharing the
5 compensation between designated brokers.

6 2. Payment of compensation by itself shall not establish an
7 agency relationship or transaction brokerage relationship between
8 the party who paid the compensation and the designated broker or
9 any affiliated licensee.

10 3. A seller or landlord may agree that a designated broker
11 may share with another designated broker the compensation paid by
12 the seller or landlord.

13 4. A buyer or tenant may agree that a designated broker may
14 share with another designated broker the compensation paid by the
15 buyer or tenant.

16 5. A designated broker may be compensated by more than one
17 party for services in a transaction with the knowledge of all the
18 parties at or before the time of entering into a written contract
19 to buy, sell, or lease.

20 6. Nothing contained in this section shall relieve the
21 licensee from the requirement of obtaining a written agreement
22 for brokerage services or other written agreement addressing
23 compensation.

24 345.015. As used in sections 345.010 to 345.080, the
25 following terms mean:

1 (1) "Audiologist", a person who is licensed as an
2 audiologist pursuant to sections 345.010 to 345.080 to practice
3 audiology;

4 (2) "Audiology aide", a person who is registered as an
5 audiology aide by the board, who does not act independently but
6 works under the direction and supervision of a licensed
7 audiologist. Such person assists the audiologist with activities
8 which require an understanding of audiology but do not require
9 formal training in the relevant academics. To be eligible for
10 registration by the board, each applicant shall submit a
11 registration fee, be of good moral and ethical character; and:

12 (a) Be at least eighteen years of age;

13 (b) Furnish evidence of the person's educational
14 qualifications which shall be at a minimum:

15 a. Certification of graduation from an accredited high
16 school or its equivalent; and

17 b. On-the-job training;

18 (c) Be employed in a setting in which direct and indirect
19 supervision are provided on a regular and systematic basis by a
20 licensed audiologist. However, the aide shall not administer or
21 interpret hearing screening or diagnostic tests, fit or dispense
22 hearing instruments, make ear impressions, make diagnostic
23 statements, determine case selection, present written reports to
24 anyone other than the supervisor without the signature of the
25 supervisor, make referrals to other professionals or agencies,

1 use a title other than speech-language pathology aide or clinical
2 audiology aide, develop or modify treatment plans, discharge
3 clients from treatment or terminate treatment, disclose clinical
4 information, either orally or in writing, to anyone other than
5 the supervising speech-language pathologist/audiologist, or
6 perform any procedure for which he or she is not qualified, has
7 not been adequately trained or both;

8 (3) "Board", the state board of registration for the
9 healing arts;

10 (4) "Clinical fellowship", the supervised professional
11 employment period following completion of the academic and
12 practicum requirements of an accredited training program as
13 defined in sections 345.010 to 345.080;

14 (5) "Commission", the advisory commission for
15 speech-language pathologists and audiologists;

16 (6) "Hearing instrument" or "hearing aid", any wearable
17 device or instrument designed for or offered for the purpose of
18 aiding or compensating for impaired human hearing and any parts,
19 attachments or accessories, including ear molds, but excluding
20 batteries, cords, receivers and repairs;

21 (7) "Person", any individual, organization, or corporate
22 body, except that only individuals may be licensed pursuant to
23 sections 345.010 to 345.080;

24 (8) "Practice of audiology":

25 (a) The application of accepted audiologic principles,

1 methods and procedures for the measurement, testing,
2 interpretation, appraisal and prediction related to disorders of
3 the auditory system, balance system or related structures and
4 systems;

5 (b) Provides consultation, counseling to the patient,
6 client, student, their family or interested parties;

7 (c) Provides academic, social and medical referrals when
8 appropriate;

9 (d) Provides for establishing goals, implementing
10 strategies, methods and techniques, for habilitation,
11 rehabilitation or aural rehabilitation, related to disorders of
12 the auditory system, balance system or related structures and
13 systems;

14 (e) Provides for involvement in related research, teaching
15 or public education;

16 (f) Provides for rendering of services or participates in
17 the planning, directing or conducting of programs which are
18 designed to modify audition, communicative, balance or cognitive
19 disorder, which may involve speech and language or education
20 issues;

21 (g) Provides and interprets behavioral and neurophysiologic
22 measurements of auditory balance, cognitive processing and
23 related functions, including intraoperative monitoring;

24 (h) Provides involvement in any tasks, procedures, acts or
25 practices that are necessary for evaluation of audition, hearing,

1 training in the use of amplification or assistive listening
2 devices;

3 (i) Provides selection and assessment of hearing
4 instruments;

5 (j) Provides for taking impressions of the ear, making
6 custom ear molds, ear plugs, swim molds and industrial noise
7 protectors;

8 (k) Provides assessment of external ear and cerumen
9 management;

10 (l) Provides advising, fitting, mapping assessment of
11 implantable devices such as cochlear or auditory brain stem
12 devices;

13 (m) Provides information in noise control and hearing
14 conservation including education, equipment selection, equipment
15 calibration, site evaluation and employee evaluation;

16 (n) Provides performing basic speech-language screening
17 test;

18 (o) Provides involvement in social aspects of
19 communication, including challenging behavior and ineffective
20 social skills, lack of communication opportunities;

21 (p) Provides support and training of family members and
22 other communication partners for the individual with auditory
23 balance, cognitive and communication disorders;

24 (q) Provides aural rehabilitation and related services to
25 individuals with hearing loss and their families;

1 (r) Evaluates, collaborates and manages audition problems
2 in the assessment of the central auditory processing disorders
3 and providing intervention for individuals with central auditory
4 processing disorders;

5 (s) Develops and manages academic and clinical problems in
6 communication sciences and disorders;

7 (t) Conducts, disseminates and applies research in
8 communication sciences and disorders;

9 (9) "Practice of speech-language pathology":

10 (a) Provides screening, identification, assessment,
11 diagnosis, treatment, intervention, including but not limited to,
12 prevention, restoration, amelioration and compensation, and
13 follow-up services for disorders of:

14 a. Speech: articulation, fluency, voice, including
15 respiration, phonation and resonance;

16 b. Language, involving the parameters of phonology,
17 morphology, syntax, semantics and pragmatic; and including
18 disorders of receptive and expressive communication in oral,
19 written, graphic and manual modalities;

20 c. Oral, pharyngeal, cervical esophageal and related
21 functions, such as, dysphagia, including disorders of swallowing
22 and oral functions for feeding; orofacial myofunctional
23 disorders;

24 d. Cognitive aspects of communication, including
25 communication disability and other functional disabilities

1 associated with cognitive impairment;

2 e. Social aspects of communication, including challenging
3 behavior, ineffective social skills, lack of communication
4 opportunities;

5 (b) Provides consultation and counseling and makes
6 referrals when appropriate;

7 (c) Trains and supports family members and other
8 communication partners of individuals with speech, voice,
9 language, communication and swallowing disabilities;

10 (d) Develops and establishes effective augmentative and
11 alternative communication techniques and strategies, including
12 selecting, prescribing and dispensing of argumentative aids and
13 devices; and the training of individuals, their families and
14 other communication partners in their use;

15 (e) Selects, fits and establishes effective use of
16 appropriate prosthetic/adaptive devices for speaking and
17 swallowing, such as tracheoesophageal valves, electrolarynges,
18 speaking valves;

19 (f) Uses instrumental technology to diagnose and treat
20 disorders of communication and swallowing, such as
21 videofluoroscopy, nasendoscopy, ultrasonography and stroboscopy;

22 (g) Provides aural rehabilitative and related counseling
23 services to individuals with hearing loss and to their families;

24 (h) Collaborates in the assessment of central auditory
25 processing disorders in cases in which there is evidence of

1 speech, language or other cognitive communication disorders;
2 provides intervention for individuals with central auditory
3 processing disorders;

4 (i) Conducts pure-tone air conduction hearing screening and
5 screening tympanometry for the purpose of the initial
6 identification or referral;

7 (j) Enhances speech and language proficiency and
8 communication effectiveness, including but not limited to, accent
9 reduction, collaboration with teachers of English as a second
10 language and improvement of voice, performance and singing;

11 (k) Trains and supervises support personnel;

12 (l) Develops and manages academic and clinical programs in
13 communication sciences and disorders;

14 (m) Conducts, disseminates and applies research in
15 communication sciences and disorders;

16 (n) Measures outcomes of treatment and conducts continuous
17 evaluation of the effectiveness of practices and programs to
18 improve and maintain quality of services;

19 (10) "Speech-language pathologist", a person who is
20 licensed as a speech-language pathologist pursuant to sections
21 345.010 to 345.080; who engages in the practice of
22 speech-language pathology as defined in sections 345.010 to
23 345.080;

24 (11) "Speech-language pathology aide", a person who is
25 registered as a speech-language aide by the board, who does not

1 act independently but works under the direction and supervision
2 of a licensed speech-language pathologist. Such person assists
3 the speech-language pathologist with activities which require an
4 understanding of speech-language pathology but do not require
5 formal training in the relevant academics. To be eligible for
6 registration by the board, each applicant shall submit a
7 registration fee, be of good moral and ethical character; and:

8 (a) Be at least eighteen years of age;

9 (b) Furnish evidence of the person's educational
10 qualifications which shall be at a minimum:

11 a. Certification of graduation from an accredited high
12 school or its equivalent; and

13 b. On-the-job training;

14 (c) Be employed in a setting in which direct and indirect
15 supervision is provided on a regular and systematic basis by a
16 licensed speech-language pathologist. However, the aide shall
17 not administer or interpret hearing screening or diagnostic
18 tests, fit or dispense hearing instruments, make ear impressions,
19 make diagnostic statements, determine case selection, present
20 written reports to anyone other than the supervisor without the
21 signature of the supervisor, make referrals to other
22 professionals or agencies, use a title other than speech-language
23 pathology aide or clinical audiology aide, develop or modify
24 treatment plans, discharge clients from treatment or terminate
25 treatment, disclose clinical information, either orally or in

1 writing, to anyone other than the supervising speech-language
2 pathologist/audiologist, or perform any procedure for which he or
3 she is not qualified, has not been adequately trained or both;

4 (12) "Speech-language pathology assistant", a person who is
5 registered as a speech-language pathology assistant by the board,
6 who does not act independently but works under the direction and
7 supervision of a licensed speech-language pathologist and whose
8 activities require both academic and practical training in the
9 field of speech-language pathology although less training than
10 those established by sections 345.010 to 345.080 as necessary for
11 licensing as a speech-language pathologist. To be eligible for
12 registration by the board, each applicant shall submit the
13 registration fee, be of good moral character[;] and[:

14 (a)] furnish evidence of the person's educational
15 qualifications which meet the following:

16 [a.] (a) Hold a bachelor's level degree in speech-language
17 pathology [or an associate's degree as a speech-language
18 pathology assistant] from an institution accredited or approved
19 by the Council on Academic Accreditation of the American
20 Speech-Language-Hearing Association in the area of speech-
21 language pathology; and

22 [b.] (b) Submit official transcripts from one or more
23 accredited colleges or universities presenting evidence of the
24 completion of bachelor's [or associate's] level course work and
25 clinical practicum requirements equivalent to that required or

1 approved by the Council on Academic Accreditation of the American
2 Speech-Language-Hearing Association[;

3 (b) The requirements of paragraph (a) of this subdivision
4 shall be the minimum requirements for a speech-language pathology
5 assistant until January 1, 2005. After January 1, 2005, to be
6 eligible for registration by the board, each applicant shall
7 submit the registration fee, be of good moral character and
8 furnish evidence of the person's educational qualifications which
9 meet the following:

10 a. Hold a minimum of an associate's degree as a
11 speech-language pathology assistant from an institution
12 accredited or approved by the Council on Academic Accreditation
13 of the American Speech-Language-Hearing Association; and

14 b. Submit official transcripts from one or more accredited
15 colleges or universities presenting evidence of the completion of
16 course work and clinical practicum requirements equivalent to
17 that required or approved by the Council on Academic
18 Accreditation of the American Speech-Language- Hearing
19 Association;

20 (c) Furnish evidence of successful completion of a uniform,
21 functionally based proficiency evaluation as determined by the
22 board;

23 (d) The individuals meeting the requirements prior to
24 January 1, 2005, may be granted continued registration from the
25 board provided the individual meets the following:

1 a. Furnish evidence of employment in which direct and
2 indirect supervision have been provided on a regular and
3 systematic basis by a licensed speech-language pathologist; and

4 b. The individual is in good standing with the board with
5 regard to practice prior to January 1, 2005].

6 346.135. 1. All fees and charges payable pursuant to this
7 chapter shall be collected by the division and transmitted to the
8 department of revenue for deposit in the state treasury to the
9 credit of the fund to be known as the "Hearing Instrument
10 Specialist Fund", which is hereby created. Money in the hearing
11 instrument specialist fund shall be available by appropriation to
12 the council to pay its expenses in administering sections 346.010
13 to 346.250.

14 2. Money in the hearing instrument specialist fund shall
15 not be transferred and placed to the credit of general revenue
16 until the amount in the fund at the end of the biennium exceeds
17 two times the amount of the appropriation from the council's
18 funds for the preceding fiscal year or, if the division requires
19 by rule renewal less frequently than yearly then three times the
20 appropriation from the fund for the preceding fiscal year. The
21 amount, if any, in the fund which shall lapse is that amount in
22 the fund which exceeds the appropriate multiple of the
23 appropriation from the council's funds for the preceding year.

24 374.695. Sections 374.695 to 374.789 may be known and shall
25 be cited as the "Professional Bail Bondsman and Surety Recovery

1 Agent Licensure Act".

2 374.700. As used in sections [374.700 to 374.775] 374.695
3 to 374.789, the following terms shall mean:

4 (1) "Bail bond agent", a surety agent or an agent of a
5 property bail bondsman who is duly licensed under the provisions
6 of sections [374.700 to 374.775] 374.695 to 374.789, is employed
7 by and is working under the authority of a licensed general bail
8 bond agent;

9 (2) "Bail bond or appearance bond", a bond for a specified
10 monetary amount which is executed by the defendant and a
11 qualified licensee under sections 374.695 to 374.789, and which
12 is issued to a court or authorized officer as security for the
13 subsequent court appearance of the defendant upon the defendant's
14 release from actual custody pending the appearance;

15 [(2)] (3) "Department", the department of insurance of the
16 state of Missouri;

17 [(3)] (4) "Director", the director of the department of
18 insurance;

19 [(4)] (5) "General bail bond agent", a surety agent or a
20 property bail bondsman, as defined in sections 374.700 to
21 374.775, who is licensed in accordance with sections 374.700 to
22 374.775 and who devotes at least fifty percent of his working
23 time to the bail bond business in this state;

24 (6) "Insurer", any surety insurance company which is
25 qualified by the department to transact surety business in

1 Missouri;

2 (7) "Licensee", a bail bond agent or a general bail bond
3 agent;

4 [(5)] (8) "Property bail bondsman", a person who pledges
5 United States currency, United States postal money orders or
6 cashier's checks or other property as security for a bail bond in
7 connection with a judicial proceeding, and who receives or is
8 promised therefor money or other things of value;

9 [(6)] (9) "Surety bail bond agent", any person appointed by
10 an insurer by power of attorney to execute or countersign bail
11 bonds in connection with judicial proceedings, and who receives
12 or is promised money or other things of value therefor;

13 [(7)] (10) "Surety recovery agent", a person not performing
14 the duties of a sworn peace officer who tracks down, captures and
15 surrenders to the custody of a court a fugitive who has violated
16 a bail bond agreement, excluding a bail bond agent or general
17 bail bond agent;

18 (11) "Taking a bail" or "take bail", the acceptance by a
19 person authorized to take bail of the undertaking of a sufficient
20 surety for the appearance of the defendant according to the terms
21 of the undertaking or that the surety will pay to the court the
22 sum specified. Taking of bail or take bail does not include the
23 fixing of the amount of bail and no person other than a competent
24 court shall fix the amount of bail. The court may set cash or
25 ten percent of the face value of the bond only on misdemeanor

1 bonds and only in the defendant's name.

2 374.702. 1. No person shall engage in the bail bond
3 business as a bail bond agent or a general bail bond agent
4 without being licensed as provided in sections 374.695 to
5 374.775.

6 2. No judge, attorney, court official, law enforcement
7 officer, state, county, or municipal employee who is either
8 elected or appointed shall be licensed as a bail bond agent or a
9 general bail bond agent.

10 3. A licensed bail bond agent shall not execute or issue an
11 appearance bond in this state without holding a valid appointment
12 from a general bail bond agent and without attaching to the
13 appearance bond an executed and prenumbered power of attorney
14 referencing the general bail bond agent or insurer.

15 4. A person licensed as an active bail bond agent shall
16 hold the license for at least two years prior to owning or being
17 an officer of a licensed general bail bond agent.

18 5. A general bail bond agent shall not engage in the bail
19 bond business:

20 (1) Without having been licensed as a general bail bond
21 agent under sections 374.695 to 374.775; or

22 (2) Except through an agent licensed as a bail bond agent
23 pursuant to sections 374.695 to 374.775.

24 6. A general bail bond agent shall not permit any
25 unlicensed person to solicit or engage in the bail bond business

1 on the general bail bond agent's behalf, except for individuals
2 who are employed solely for the performance of clerical,
3 stenographic, investigative, or other administrative duties which
4 do not require a license under sections 374.695 to 374.789.

5 7. Any person who is convicted of a violation of this
6 section is guilty of a class A misdemeanor. For any subsequent
7 convictions, a person who is convicted of a violation of this
8 section is guilty of a class D felony.

9 374.705. 1. The department shall administer and enforce
10 the provisions of sections [374.700 to 374.775] 374.695 to
11 374.789, prescribe the duties of its officers and employees with
12 respect to sections [374.700 to 374.775] 374.695 to 374.789, and
13 promulgate, pursuant to section 374.045 and chapter 536, RSMo,
14 such rules and regulations within the scope and purview of the
15 provisions of sections [374.700 to 374.775] 374.695 to 374.789 as
16 the director considers necessary and proper for the effective
17 administration and interpretation of the provisions of sections
18 [374.700 to 374.775] 374.695 to 374.789.

19 2. The director shall set the amount of all fees authorized
20 and required by the provisions of sections [374.700 to 374.775]
21 374.695 to 374.789 by rules and regulations promulgated pursuant
22 to chapter 536, RSMo. All such fees shall be set at a level
23 designed to produce revenue which shall not substantially exceed
24 the cost and expense of administering the provisions of sections
25 [374.700 to 374.775] 374.695 to 374.789. However, such fees

1 shall not exceed one fifty hundred dollars every two years for
2 biennial licenses and renewable licenses for general bail bond
3 agents as provided for in section 374.710.

4 374.710. 1. Except as otherwise provided in sections
5 ~~[374.700]~~ 374.695 to 374.775, no person or other entity shall
6 practice as a bail bond agent or general bail bond agent, as
7 defined in section ~~[374.700]~~ 374.695, in Missouri unless and
8 until the department has issued to him or her a license, to be
9 renewed ~~[each year]~~ every two years as hereinafter provided, to
10 practice as a bail bond agent or general bail bond agent.

11 2. An applicant for a bail bond or general bail agent
12 license shall submit with the application proof that he or she
13 has received sixteen hours of initial basic training in areas of
14 instruction in subjects determined by the director deemed
15 appropriate to professionals in the bail bonds profession. Bail
16 bond agents and general bail bond agents who are licensed at the
17 date which this act becomes law shall be exempt from such sixteen
18 hours of initial basic training.

19 3. In addition to the sixteen hours of initial basic
20 training to become a bail bond agent or general bail bond agent,
21 there shall be eight hours of biennial continuing education for
22 all bail bond agents and general bail bond agents to maintain
23 their state license. The director shall determine said
24 appropriate areas of instruction for said biennial continuing
25 education. The department may provide said courses for the

1 initial basic training and the biennial continuing education
2 instructions. If the department provides said courses, the cost
3 shall not exceed two hundred dollars for the initial basic
4 training and one hundred fifty dollars for the biennial
5 continuing education. The department may under the director
6 allow state institutions, organizations, associations, or
7 individuals to provide courses for the initial basic training and
8 the biennial continuing education training at no higher costs to
9 the applicants than the department may charge under this section.

10 4. Upon completion of said basic training or biennial
11 continuing education and the licensee meeting the other
12 requirements as provided under sections 374.695 to 374.789, the
13 director shall issue a two-year license for the bail bond agent
14 or general bail bond agent for a fee not to exceed one hundred
15 fifty dollars.

16 5. Nothing in sections [374.700] 374.695 to 374.775 shall
17 be construed to prohibit any person from posting or otherwise
18 providing a bail bond in connection with any legal proceeding,
19 provided that such person receives no fee, remuneration or
20 consideration therefor.

21 374.715. 1. Applications for examination and licensure as
22 a bail bond agent or general bail bond agent shall be in writing
23 and on forms prescribed and furnished by the department, and
24 shall contain such information as the department requires. Each
25 application shall be accompanied by proof satisfactory to the

1 department that the applicant is a citizen of the United States,
2 is at least twenty-one years of age, has a high school diploma or
3 general education development certificate (GED), is of good moral
4 character, and meets the qualifications for surety on bail bonds
5 as provided by supreme court rule. Each application shall be
6 accompanied by the examination and application fee set by the
7 department. Individuals currently employed as bail bond agents
8 and general bail bond agents shall not be required to meet the
9 education requirements needed for licensure under this section.

10 2. In addition, each applicant for licensure as a general
11 bail bond agent shall furnish proof satisfactory to the
12 department that the applicant[,] or, if the applicant is a
13 corporation [or partnership], that each officer [or partner]
14 thereof has completed at least two years as a bail bond agent[,
15 as defined in sections 374.700 to 374.775], and that the
16 applicant possesses liquid assets of at least ten thousand
17 dollars, along with a duly executed assignment of ten thousand
18 dollars to the state of Missouri[, which]. The assignment shall
19 become effective upon the applicant's violating any provision of
20 sections [374.700 to 374.775] 374.695 to 374.789. The assignment
21 required by this section shall be in the form[,] and executed in
22 the manner[,] prescribed by the department. The director may
23 require by regulation conditions by which additional assignments
24 of assets of the general bail bond agent may occur when the
25 circumstances of the business of the general bail bond agent

1 warrants additional funds. However, such additional funds shall
2 not exceed twenty-five thousand dollars.

3 374.716. 1. Every bail bond agent shall account for each
4 power of attorney assigned by the general bail bond agent on a
5 weekly basis if requested by the general bail bond agent in
6 writing and remit all sums collected and owed to the general bail
7 bond agent under his or her written contract. The general bail
8 bond agent shall maintain the weekly accounting and remittance
9 records for a period of three years. Such records shall be
10 subject to inspection by the director or his or her designee
11 during regular business hours or at other reasonable times.

12 2. For every bond written in this state, the licensee shall
13 provide to the principal a copy of the bail contract.

14 374.717. No insurer or licensee, court, or law enforcement
15 officer shall:

16 (1) Pay a fee or rebate or give or promise anything of
17 value in order to secure a settlement, compromise, remission, or
18 reduction of the amount of any bail bond to:

19 (a) A jailer, police officer, peace officer, committing
20 judge, or any other person who has power to arrest or to hold in
21 custody any person; or

22 (b) Any public official or public employee;

23 (2) Pay a fee or rebate or give anything of value to an
24 attorney in bail bond matters, except in defense of any action on
25 a bond;

1 (3) Pay a fee or rebate or give anything of value to the
2 principal or anyone on the principal's behalf;

3 (4) Accept anything of value from a principal except the
4 premium and expenses incurred, provided that the licensee shall
5 be permitted to accept collateral security of other indemnity
6 from the principal in accordance with the provisions of section
7 374.719.

8 374.719. 1. A licensee may accept collateral security from
9 the principal in a fiduciary capacity, which collateral shall be
10 returned upon final termination of liability on the bond. When a
11 licensee accepts collateral, the licensee shall provide a
12 prenumbered written receipt, which shall include a detailed
13 account of the collateral received by the licensee. The
14 acceptance of collateral security by a bail bond agent shall be
15 reported to the general bail bond agent.

16 2. The collateral security required by the licensee shall
17 be reasonable in relation to the amount of the bond.

18 3. If a failure to appear, absconding or attempting to
19 abscond, or a judgment of forfeiture on the bond has occurred,
20 the collateral security may be used to reimburse the licensee for
21 any costs and expenses incurred associated with the forfeiture.

22 4. The general bail bond agent shall retain records of the
23 acceptance, return, or judgment of forfeiture resulting in the
24 use of the collateral to reimburse the licensee for a period of
25 three years.

1 374.730. All licenses issued to bail bond agents and
2 general bail bond agents under the provisions of sections 374.700
3 to 374.775 shall be renewed [~~annually~~] biennially, which renewal
4 shall be in the form and manner prescribed by the department and
5 shall be accompanied by the renewal fee set by the department.

6 374.735. 1. The department may, in its discretion, grant a
7 license without requiring an examination to a bail bond agent who
8 has been licensed in another state immediately preceding his or
9 her applying to the department, if the department is satisfied by
10 proof adduced by the applicant that [his]:

11 (1) The qualifications of the other state are at least
12 equivalent to the requirements for initial licensure as a bail
13 bond agent in [Missouri] this state under the provisions of
14 sections [374.700] 374.695 to 374.775, provided that the other
15 state licenses Missouri residents in the same manner; and

16 (2) The applicant has no suspensions or revocations of a
17 license to engage in the bail bond or fugitive recovery business
18 in any jurisdiction.

19 2. Every applicant for a license under this section upon
20 showing the necessary qualifications as provided in this section
21 shall be required to pay the same fee as the fee required to be
22 paid by resident applicants.

23 3. Within the limits provided in this section, the
24 department may negotiate reciprocal compacts with licensing
25 entities of other states for the admission of licensed bail bond

1 agents from Missouri in other states.

2 4. All applicants applying for licenses in this state after
3 the enactment of this act shall complete the education
4 requirement as stated in section 374.710. If the bail bond agent
5 or general bail bond agent has been licensed in another state and
6 has a license in Missouri at the time this act becomes law, said
7 individual shall not be required to complete the sixteen hours of
8 initial basic training.

9 374.740. Any person applying to be licensed as a
10 nonresident [bail bond agent or nonresident] general bail bond
11 agent who has been licensed in another state shall devote fifty
12 percent of his or her working time in the state of Missouri and
13 shall file proof with the director of insurance as to his or her
14 compliance, and accompany his or her application with the fees
15 set by the [board] director by regulation and, if applying for a
16 nonresident general bail bond agent's license, with a duly
17 executed assignment of twenty-five thousand dollars to the state
18 of Missouri, which assignment shall become effective upon the
19 applicant's violating any provision of sections [374.700 to
20 374.775] 374.695 to 374.789. Failure to comply with this section
21 will result in revocation of the nonresidence license. The
22 assignment required by this section shall be in the form and
23 executed in the manner prescribed by the department. All
24 licenses issued under this section shall be subject to the same
25 renewal requirements set for other licenses issued under sections

1 [374.700 to 374.775] 374.695 to 374.789.

2 374.755. 1. The department may cause a complaint to be
3 filed with the administrative hearing commission as provided by
4 chapter 621, RSMo, against any holder of any license required by
5 sections [374.700] 374.695 to 374.775 or any person who has
6 failed to renew or has surrendered his or her license for any one
7 or any combination of the following causes:

8 (1) Use of any controlled substance, as defined in chapter
9 195, RSMo, or alcoholic beverage to an extent that such use
10 impairs a person's ability to perform the work of the profession
11 licensed under sections [374.700] 374.695 to 374.775;

12 (2) [Having entered a plea of guilty or having been found
13 guilty of a felony] Final adjudication or a plea of guilty or
14 nolo contendere within the past fifteen years in a criminal
15 prosecution under any state or federal law for a felony or a
16 crime involving moral turpitude whether or not a sentence is
17 imposed, prior to issuance of license date;

18 (3) Use of fraud, deception, misrepresentation or bribery
19 in securing any license [issued pursuant to sections 374.700 to
20 374.775] or in obtaining permission to take any examination
21 [given or] required pursuant to sections [374.700] 374.695 to
22 374.775;

23 (4) Obtaining or attempting to obtain any compensation as a
24 member of the profession licensed by sections [374.700] 374.695
25 to 374.775 by means of fraud, deception or misrepresentation;

1 (5) Misappropriation of the premium, collateral, or other
2 things of value given to a bail bond agent or a general bail bond
3 agent for the taking of bail, incompetency, misconduct, gross
4 negligence, fraud, or misrepresentation [or dishonesty] in the
5 performance of the functions or duties of the profession licensed
6 or regulated by sections [374.700] 374.695 to 374.775;

7 (6) Violation of[, or assisting or enabling any other
8 person to violate, any provision of sections 374.700 to 374.775
9 or of any lawful rule or regulation promulgated pursuant to
10 sections 374.700 to 374.775] any provision of or any obligation
11 imposed by the laws of this state, department of insurance rules
12 and regulations, or aiding or abetting other persons to violate
13 such laws, orders, rules or regulations, or subpoenas;

14 (7) Transferring a license or permitting another person to
15 use a license of the licensee;

16 (8) Disciplinary action against the holder of a license or
17 other right to practice the profession regulated by sections
18 [374.700 to 374.775] 374.695 to 374.789 granted by another state,
19 territory, federal agency or country upon grounds for which
20 revocation or suspension is authorized in this state;

21 (9) Being finally adjudged insane or incompetent by a court
22 of competent jurisdiction;

23 (10) Assisting or enabling any person to practice or offer
24 to practice the profession licensed or regulated by sections
25 [374.700 to 374.775] 374.695 to 374.789 who is not currently

1 licensed and eligible to practice under sections [374.700 to
2 374.775] 374.695 to 374.789;

3 (11) [Paying a fee or rebate, or giving or promising
4 anything of value, to a jailer, policeman, peace officer, judge
5 or any other person who has the power to arrest or to hold
6 another person in custody, or to any public official or employee,
7 in order to secure a settlement, compromise, remission or
8 reduction of the amount of any bail bond or estreatment thereof]
9 Acting in the capacity of an attorney at a trial or hearing of a
10 person for whom the attorney is acting as surety;

11 (12) [Paying a fee or rebate, or giving anything of value
12 to an attorney in bail bond matters, except in defense of any
13 action on a bond;

14 (13) Paying a fee or rebate, or giving or promising
15 anything of value, to the principal or anyone in his behalf;

16 (14) Participating in the capacity of an attorney at a
17 trial or hearing of one on whose bond he is surety] Failing to
18 provide a copy of the bail contract, renumbered written receipt
19 for acceptance of money, or other collateral for the taking of
20 bail to the principal, if requested by any person who is a party
21 to the bail contract, or any person providing funds or collateral
22 for bail on the principal's behalf.

23 2. After the filing of such complaint, the proceedings
24 shall be conducted in accordance with the provisions of chapter
25 621, RSMo. Upon a finding by the administrative hearing

1 commission that one or more of the causes stated in subsection 1
2 of this section have been met, the [department] director may [do
3 any or all of the following:

4 (1) Censure the person involved;

5 (2) Place the person involved on probation on such terms
6 and conditions as the department deems appropriate for a period
7 not to exceed ten years;

8 (3) Suspend, for a period not to exceed three years, the
9 license of the person involved;

10 (4) Revoke the license of the person involved]
11 suspend or revoke the license or enter into an agreement for a
12 monetary or other penalty under section 374.280.

13 3. In lieu of filing a complaint at the administrative
14 hearing commission, the director and the bail bond agent or
15 general bail bond agent may enter into an agreement for a
16 monetary or other penalty under section 374.280.

17 4. In addition to any other remedies available, the
18 director may issue a cease and desist order or may seek an
19 injunction in a court of competent jurisdiction under the
20 provisions of section 374.046 whenever it appears that any person
21 is acting as a bail bond agent or general bail bond agent without
22 a license or violating any other provisions of sections 374.695
23 to 374.789.

24 374.757. 1. Any agent licensed by sections [374.700]
25 374.695 to 374.775 who intends to apprehend any person in this

1 state shall inform law enforcement authorities in the city or
2 county in which such agent intends such apprehension, before
3 attempting such apprehension. Such agent shall present to the
4 local law enforcement authorities a certified copy of the bond
5 and all other appropriate paperwork identifying the principal and
6 the person to be apprehended. Local law enforcement may
7 accompany the agent. Failure of any agent to whom this section
8 applies to comply with the provisions of this section shall be a
9 class A misdemeanor for the first violation and a class D felony
10 for subsequent violations; and shall also be a violation of
11 section 374.755 and may in addition be punished pursuant to that
12 section.

13 2. The surety recovery agent shall inform the local law
14 enforcement in the county or city where such agent is planning to
15 enter a residence. Such agent shall have a certified copy of the
16 bond and all appropriate paperwork to identify the principal.
17 Local law enforcement, when notified, may accompany the surety
18 recovery agent to that location to keep the peace if an active
19 warrant is effective for a felony or misdemeanor. If a warrant
20 is not active, the local law enforcement officers may accompany
21 the surety recovery agent to such location. Failure to report to
22 the local law enforcement agency is a class A misdemeanor. For
23 any subsequent violations, failure to report to the local law
24 enforcement agency is a class D felony.

25 374.759. 1. Any bail bond agent licensed in the state of

1 Missouri shall have access to all publicly available court
2 records of the defendant by available means to make a realistic
3 assessment of defendant's probability of attending all court
4 dates as set in his or her charges relating to bond request.

5 2. Any defendant shall have free access to any bail bond
6 agent via phone so long as the call is made to a local phone
7 number. All other numbers shall be available as a collect call
8 to any nonlocal number.

9 3. Bail bond agents shall have face-to-face access to any
10 defendant asking for a bond to be posted on his or her behalf
11 prior to issuance of such power of attorney on defendant's
12 behalf.

13 4. All Missouri licensed bail bond agents or licensed
14 general agents shall be qualified, without further requirements,
15 in all jurisdictions of this state.

16 5. If the court orders any bond for the defendant, cash or
17 otherwise, surety may issue said amount with his or her surety
18 being accepted the same as cash.

19 374.763. 1. If any final judgment ordering forfeiture of a
20 defendant's bond is not paid within [the] a six-month period of
21 time [ordered by the court], the court shall extend the judgment
22 date or notify the department of the failure to satisfy such
23 judgment. The director shall draw upon the assets of the surety,
24 remit the sum to the court, and obtain a receipt of such sum from
25 the court. The director may take action as provided by section

1 374.755 [or 374.430], regarding the license of the surety and any
2 bail bond agents writing upon the surety's liability.

3 2. The department shall furnish to the presiding judge of
4 each circuit court of this state, on at least a monthly basis, a
5 list of all duly licensed and qualified bail bond agents and
6 general bail bond agents whose licenses are not subject to
7 pending suspension or revocation proceedings, and who are not
8 subject to unsatisfied bond forfeiture judgments. In lieu of
9 such list, the department may provide this information to each
10 presiding judge in an electronic format.

11 3. All duly licensed and qualified bail bond agents and
12 general bail bond agents shall be qualified, without further
13 requirement, to write bail upon a surety's liability in all
14 courts of this state.

15 374.764. 1. The director shall examine and inquire into
16 all alleged violations or complaints filed with the department of
17 insurance of the bail bond law of the state, and inquire into and
18 investigate the bail bond business transacted in the state by any
19 bail bond agent, general bail bond agent, or surety recovery
20 agent.

21 2. The director or any of his or her duly appointed agents
22 may compel the attendance before him or her, and may examine,
23 under oath, the directors, officers, bail bond agents, general
24 bail bond agents, surety recovery agents, employees, or any other
25 person in reference to the condition, affairs, management of the

1 bail bond or surety recovery business, or any matters relating
2 thereto. He or she may administer oaths or affirmations and
3 shall have power to summon and compel the attendance of witnesses
4 and to require and compel the production of records, books,
5 papers, contracts, or other documents if necessary.

6 3. The director may make and conduct the investigation in
7 person or the director may appoint one or more persons to make
8 and conduct the investigation. If made by a person other than
9 the director, the person duly appointed by the director shall
10 have the same powers as granted to the director under this
11 section. A certificate of appointment under the official seal of
12 the director shall be sufficient authority and evidence thereof
13 for the person to act. For the purpose of making the
14 investigations, or having the same made, the director may employ
15 the necessary clerical, actuarial, and other assistance.

16 374.783. 1. No person shall hold himself or herself out as
17 being a surety recovery agent in this state, unless such person
18 is licensed in accordance with the provisions of sections 374.783
19 to 374.789. Licensed bail bond agents and general bail bond
20 agents may perform fugitive recovery without being licensed as a
21 surety recovery agent.

22 2. The director shall have authority to license all surety
23 recovery agents in this state. The director shall have control
24 and supervision over the licensing of such agents and the
25 enforcement of the terms and provisions of sections 374.783 to

1 374.789.

2 3. The director shall have the power to:

3 (1) Set and determine the amount of the fees authorized and
4 required under sections 374.783 to 374.789. The fees shall be
5 set at a level sufficient to produce revenue which shall not
6 substantially exceed the cost and expense of administering
7 sections 374.783 to 374.789. However, such fees shall not exceed
8 one hundred fifty dollars for a two-year license; and

9 (2) Determine the sufficient qualifications of applicants
10 for a license.

11 4. The director shall license for a period of two years all
12 surety recovery agents in this state who meet the requirements of
13 sections 374.783 to 374.789.

14 374.784. 1. Applications for examination and licensure as
15 a surety recovery agent shall be submitted on forms prescribed by
16 the department and shall contain such information as the
17 department requires, along with a copy of the front and back of a
18 photographic identification card.

19 2. Each application shall be accompanied by proof
20 satisfactory to the director that the applicant is a citizen of
21 the United States, is at least twenty-one years of age, and has a
22 high school diploma or a general educational development
23 certificate (GED). An applicant shall furnish evidence of such
24 person's qualifications by completing an approved surety recovery
25 agent course with at least sixteen hours of initial minimum

1 training. The director shall determine which institutions,
2 organizations, associations, and individuals shall be eligible to
3 provide said training. Said instructions and fees associated
4 therewith shall be identical or similar to those prescribed in
5 section 374.710 for bail bond agents and general bail bond
6 agents.

7 3. In addition to said sixteen hours of initial minimum
8 training licensees shall be required to receive eight hours of
9 biennial continuing education of which said instructions and fees
10 shall be identical or similar to those prescribed in section
11 374.710 for bail bond agents and general bail bond agents.

12 4. Applicants for surety recovery agents licensing shall be
13 exempt from said requirements of the sixteen hours of initial
14 minimum training if applicants provide proof of prior training as
15 a law enforcement officer and proof of service as a law
16 enforcement officer during at least two of the ten years
17 immediately prior to the date the application for licensure is
18 submitted.

19 5. The director may refuse to issue any license pursuant to
20 sections 374.783 to 374.789, for any one or any combination of
21 causes stated in section 374.787. The director shall notify the
22 applicant in writing of the reason or reasons for refusal and
23 shall advise the applicant of the right to file a complaint with
24 the administrative hearing commission to appeal the refusal as
25 provided by chapter 621, RSMo.

1 374.785. 1. The director shall issue a license for a
2 period of two years to any surety recovery agent who is licensed
3 in another jurisdiction and who:

4 (1) Has no violations, suspensions, or revocations of a
5 license to engage in fugitive recovery in any jurisdiction; and

6 (2) Is licensed in a jurisdiction whose requirements are
7 substantially equal to or greater than the requirements for a
8 surety recovery agent license in Missouri at the time the
9 applicant applies for a license.

10 2. Any surety recovery agent who is licensed in another
11 state shall also be subject to the same training requirements as
12 in-state surety recovery agents prescribe to under section
13 374.784.

14 3. For the purpose of surrender of the defendant, a surety
15 recovery agent may apprehend the defendant anywhere within the
16 state of Missouri before or after the forfeiture of the
17 undertaking without personal liability for false imprisonment or
18 may empower any surety recovery agent to make apprehension by
19 providing written authority endorsed on a certified copy of the
20 undertaking and paying the lawful fees.

21 4. Every applicant for a license under this section, upon
22 making application and showing the necessary qualifications as
23 provided in this section, shall be required to pay the same fee
24 as required of resident applicants. Within the limits provided
25 in this section, the director may negotiate reciprocal compacts

1 with licensing entities of other states for the admission of
2 licensed surety recovery agents from Missouri in other states.

3 374.786. 1. Every person licensed under sections 374.783
4 to 374.789 shall, before the license renewal date, apply to the
5 director for renewal for the ensuing licensing period. The
6 application shall be made on a form furnished to the applicant
7 and shall state the applicant's full name, the applicant's
8 business address, the address at which the applicant resides, the
9 date the applicant first received a license, and the applicant's
10 surety recovery agent identification number, if any.

11 2. A renewal form shall be mailed to each person licensed
12 in this state at the person's last known address. The failure to
13 mail the renewal form or the failure of a person to receive it
14 does not relieve any person of the duty to be licensed and to pay
15 the license fee required nor exempt such person from the
16 penalties provided for failure to be licensed.

17 3. Each applicant for renewal shall accompany such
18 application with a renewal fee to be paid to the department for
19 the licensing period for which renewal is sought.

20 4. The director may refuse to renew any license required
21 under sections 374.783 to 374.789, for any one or any combination
22 of causes stated in section 374.787. The director shall notify
23 the applicant in writing of the reasons for refusal to renew and
24 shall advise the applicant of his or her right to file a
25 complaint with the administrative hearing commission as provided

1 by chapter 621, RSMo.

2 374.787. 1. The director may cause a complaint to be filed
3 with the administrative hearing commission as provided by chapter
4 621, RSMo, against any surety recovery agent or any person who
5 has failed to renew or has surrendered his or her license for any
6 one or any combination of the following causes:

7 (1) Violation of any provisions of, or any obligations
8 imposed by, the laws of this state, the department of insurance
9 rules and regulations, or aiding or abetting other persons to
10 violate such laws, orders, rules, or regulations;

11 (2) Final adjudication or a plea of guilty or nolo
12 contendere in a criminal prosecution under state or federal law
13 for a felony or a crime involving moral turpitude, whether or not
14 a sentence is imposed;

15 (3) Using fraud, deception, misrepresentation, or bribery
16 in securing a license or in obtaining permission to take any
17 examination required by sections 374.783 to 374.789;

18 (4) Obtaining or attempting to obtain any compensation as a
19 surety recovery agent by means of fraud, deception, or
20 misrepresentation;

21 (5) Acting as a surety recovery agent or aiding or abetting
22 another in acting as a surety recovery agent without a license;

23 (6) Incompetence, misconduct, gross negligence, fraud, or
24 misrepresentation in the performance of the functions of duties
25 of a surety recovery agent;

1 (7) Having a revoked or suspended license issued by another
2 state.

3 2. After the filing of the complaint, the proceedings shall
4 be conducted in accordance with the provision of chapter 621,
5 RSMo. Upon a finding by the administrative hearing commission
6 that one or more of the causes stated in subsection 1 of this
7 section have been met, the director may suspend or revoke the
8 license or enter into an agreement for a monetary or other
9 penalty under section 374.280.

10 3. In lieu of filing a complaint with the administrative
11 hearing commission, the director and the surety recovery agent
12 may enter into an agreement for a monetary or other penalty under
13 section 374.280.

14 4. In addition to any other remedies available, the
15 director may issue a cease and desist order or may seek an
16 injunction in a court of law under section 374.046 whenever it
17 appears that any person is acting as a surety recovery agent
18 without a license.

19 374.788. 1. A bail bond agent having probable grounds to
20 believe a subject free on his or her bond has failed to appear as
21 directed by a court, has breached the terms of the subject's
22 surety agreement, or has taken a substantial step toward
23 absconding, may utilize all lawful means to apprehend the
24 subject. To surrender a subject to a court, a licensed bail bond
25 or surety recovery agent having probable ground to believe the

1 subject is free on his or her bond may:

2 (1) Detain the subject in a lawful manner for a reasonable
3 time provided that in the event travel from another state is
4 involved, the detention period may include reasonable travel time
5 not to exceed seventy-two hours;

6 (2) Transport a subject in a lawful manner from state to
7 state and county to county to a place of authorized surrender;
8 and

9 (3) Enter upon private or public property in a lawful
10 manner to execute apprehension of a subject.

11 2. A surety recovery agent who apprehends a subject under
12 the provisions of subsection 1 of this section shall surrender
13 custody of the subject to the court of jurisdiction.

14 3. When a surety recovery agent is in the process of
15 performing fugitive recovery, a photographic identification card
16 shall be prominently displayed on his or her person.

17 374.789. 1. A person is guilty of a class D felony if he
18 or she does not hold a valid surety recovery agent license or a
19 bail bond license and commits any of the following acts:

20 (1) Holds himself or herself out to be a licensed surety
21 recovery agent within this state;

22 (2) Claims that he or she can render surety recovery agent
23 services; or

24 (3) Engages in fugitive recovery in this state.

25 2. Any person who engages in fugitive recovery in this

1 state and wrongfully causes damage to any person or property,
2 including, but not limited to, unlawful apprehension, unlawful
3 detainment, or assault, shall be liable for such damages and may
4 be liable for punitive damages.

5 436.215. Sections 436.215 to 436.272 may be cited as the
6 "Uniform Athlete Agents Act".

7 436.218. As used in sections 436.215 to 436.272, the
8 following terms mean:

9 (1) "Agency contract", an agreement in which a student-
10 athlete authorizes a person to negotiate or solicit on behalf of
11 the student-athlete a professional-sports-services contract or an
12 endorsement contract;

13 (2) "Athlete agent", an individual who enters into an
14 agency contract with a student-athlete or directly or indirectly
15 recruits or solicits a student-athlete to enter into an agency
16 contract. The term does not include a spouse, parent, sibling,
17 grandparent, or guardian of the student-athlete or an individual
18 acting solely on behalf of a professional sports team or
19 professional sports organization. The term includes an
20 individual who represents to the public that the individual is an
21 athlete agent;

22 (3) "Athletic director", an individual responsible for
23 administering the overall athletic program of an educational
24 institution or if an educational institution has separately
25 administered athletic programs for male students and female

1 students, the athletic program for males or the athletic program
2 for females, as appropriate;

3 (4) "Contact", a direct or indirect communication between
4 an athlete agent and a student-athlete to recruit or solicit the
5 student-athlete to enter into an agency contract;

6 (5) "Director", the director of the division of
7 proessional registration;

8 (6) "Division", the division of professional registration;

9 (7) "Endorsement contract", an agreement under which a
10 student-athlete is employed or receives consideration to use on
11 behalf of the other party any value that the student-athlete may
12 have because of publicity, reputation, following, or fame
13 obtained because of athletic ability or performance;

14 (8) "Intercollegiate sport", a sport played at the
15 collegiate level for which eligibility requirements for
16 participation by a student-athlete are established by a national
17 association for the promotion or regulation of collegiate
18 athletics;

19 (9) "Person", an individual, corporation, business trust,
20 estate, trust, partnership, limited liability company,
21 association, joint venture, government, governmental subdivision,
22 agency, or instrumentality, public corporation, or any other
23 legal or commercial entity;

24 (10) "Professional-sports-services contract", an agreement
25 under which an individual is employed or agrees to render

1 services as a player on a professional sports team, with a
2 professional sports organization, or as a professional athlete;

3 (11) "Record", information that is inscribed on a tangible
4 medium or that is stored in an electronic or other medium and is
5 retrievable in perceivable form;

6 (12) "Registration", registration as an athlete agent under
7 sections 436.215 to 436.272;

8 (13) "State", a state of the United States, the District of
9 Columbia, Puerto Rico, the United States Virgin Islands, or any
10 territory or insular possession subject to the jurisdiction of
11 the United States;

12 (14) "Student-athlete", an individual who engages in, is
13 eligible to engage in, or may be eligible in the future to engage
14 in, any intercollegiate sport. If an individual is permanently
15 ineligible to participate in a particular intercollegiate sport
16 the individual is not a student-athlete for purposes of that
17 sport.

18 436.221. 1. The director shall administer the provisions
19 of sections 436.215 to 436.272.

20 2. By engaging in the business of an athlete agent in this
21 state, a nonresident individual appoints the director as the
22 individual's agent to accept service of process in any civil
23 action related to the individual's business as an athlete agent
24 in this state.

25 3. The director may subpoena witnesses, issue subpoenas

1 duces tecum and require production of documents and records.
2 Subpoenas including subpoenas duces tecum shall be served by a
3 person authorized to serve subpoenas of courts of record. In
4 lieu of requiring attendance of a person to produce original
5 documents in response to a subpoena duces tecum, the board may
6 require sworn copies of such documents to be filed with it or
7 delivered to its designated representative.

8 4. The director may enforce its subpoenas including
9 subpoenas duces tecum by applying to a circuit court of Cole
10 County, the county of the investigation, hearing or proceeding,
11 or any county where the person resides or may be found for an
12 order upon any person who shall fail to obey a subpoena to show
13 cause why such subpoena should not be enforced, which such order
14 and a copy of the application therefore shall be served upon the
15 person in the same manner as a summons in a civil action and if
16 the circuit court shall after a hearing determine that the
17 subpoena should be sustained and enforced such court shall
18 proceed to enforce the subpoena in the same manner as though the
19 subpoena had been issued in a civil case in the circuit court.

20 436.224. 1. Except as otherwise provided in subsection 2
21 of this section, an individual may not act as an athlete agent in
22 this state before being issued a certificate of registration
23 under section 436.230 or 436.236.

24 2. An individual with a temporary license under section
25 436.236 may act as an athlete agent before being issued a

1 certificate of registration for all purposes except signing an
2 agency contract if:

3 (1) A student-athlete or another acting on behalf of the
4 student-athlete initiates communication with the individual; and

5 (2) Within seven days after an initial act as an athlete
6 agent, the individual submits an application to register as an
7 athlete agent in this state.

8 3. An agency contract resulting from conduct in violation
9 of this section is void. The athlete agent shall return any
10 consideration received under the contract.

11 436.227. 1. An applicant for registration shall submit an
12 application for registration to the director in a form prescribed
13 by the director. The application must be in the name of an
14 individual and signed by the applicant under penalty of perjury
15 and must state or contain:

16 (1) The name of the applicant and the address of the
17 applicant's principal place of business;

18 (2) The name of the applicant's business or employer, if
19 applicable;

20 (3) Any business or occupation engaged in by the applicant
21 for the five years next preceding the date of submission of the
22 application;

23 (4) A description of the applicant's:

24 (a) Formal training as an athlete agent;

25 (b) Practical experience as an athlete agent; and

1 (c) Educational background relating to the applicant's
2 activities as an athlete agent;

3 (5) The names and addresses of three individuals not
4 related to the applicant who are willing to serve as references;

5 (6) The name, sport, and last known team for each
6 individual for whom the applicant provided services as an athlete
7 agent during the five years next preceding the date of submission
8 of the application;

9 (7) The names and addresses of all persons who are:

10 (a) With respect to the athlete agent's business if it is
11 not a corporation, the partners, officers, associates, or profit-
12 sharers; and

13 (b) With respect to a corporation employing the athlete
14 agent, the officers, directors, and any shareholder of the
15 corporation with a five percent or greater interest;

16 (8) Whether the applicant or any other person named under
17 subdivision (7) of this subsection has been convicted of a crime
18 that if committed in this state would be a felony or other crime
19 involving moral turpitude, and a description of the crime;

20 (9) Whether there has been any administrative or judicial
21 determination that the applicant or any other person named under
22 subdivision (7) of this subsection has made a false, misleading,
23 deceptive, or fraudulent representation;

24 (10) Any instance in which the prior conduct of the
25 applicant or any other person named under subdivision (7) of this

1 subsection resulted in the imposition of a sanction, suspension,
2 or declaration of ineligibility to participate in an
3 interscholastic or intercollegiate athletic event on a student-
4 athlete or educational institution;

5 (11) Any sanction, suspension, or disciplinary action taken
6 against the applicant or any other person named under subdivision
7 (7) of this subsection arising out of occupational or
8 professional conduct; and

9 (12) Whether there has been any denial of an application
10 for, suspension or revocation of, or refusal to renew, the
11 registration or licensure of the applicant or any other person
12 named under subdivision (7) of this subsection as an athlete
13 agent in any state.

14 436.230. 1. Except as otherwise provided in subsection 2
15 of this section, the director shall issue a certificate of
16 registration to an individual who complies with subsection 1 of
17 section 436.227.

18 2. The director may refuse to issue a certificate of
19 registration if the director determines that the applicant has
20 engaged in conduct that has a significant adverse effect on the
21 applicant's fitness to serve as an athlete agent. In making the
22 determination, the director may consider whether the applicant
23 has:

24 (1) Been convicted of a crime that if committed in this
25 state would be a felony or other crime involving moral turpitude;

1 (2) Made a materially false, misleading, deceptive, or
2 fraudulent representation as an athlete agent or in the
3 application;

4 (3) Engaged in conduct that would disqualify the applicant
5 from serving in a fiduciary capacity;

6 (4) Engaged in conduct prohibited by section 436.254;

7 (5) Had a registration or licensure as an athlete agent
8 suspended, revoked, or denied or been refused renewal of
9 registration or licensure in any state;

10 (6) Engaged in conduct or failed to engage in conduct the
11 consequence of which was that a sanction, suspension, or
12 declaration of ineligibility to participate in an interscholastic
13 or intercollegiate athletic event was imposed on a student-
14 athlete or educational institution; or

15 (7) Engaged in conduct that significantly adversely
16 reflects on the applicant's credibility, honesty, or integrity.

17 4. In making a determination under subsection 3 of this
18 section, the director shall consider:

19 (1) How recently the conduct occurred;

20 (2) The nature of the conduct and the context in which it
21 occurred; and

22 (3) Any other relevant conduct of the applicant.

23 5. An athlete agent may apply to renew a registration by
24 submitting an application for renewal in a form prescribed by the
25 director. The application for renewal must be signed by the

1 applicant under penalty of perjury under section 575.040, RSMo,
2 and shall contain current information on all matters required in
3 an original registration.

4 6. A certificate of registration or a renewal of a
5 registration is valid for two years.

6 436.233. 1. The director may revoke, suspend, or refuse to
7 renew any certificate of registration required under this chapter
8 for one or any combination of causes stated in subsection 2 of
9 this section. The director shall notify the applicant in writing
10 of the reasons for the refusal and shall advise the applicant of
11 the applicant's right to file a complaint with the administrative
12 hearing commission as provided by chapter 621, RSMo.

13 2. The director may cause a complaint to be filed with the
14 administrative hearing commission as provided by chapter 621,
15 RSMo, against any holder of any certificate of registration
16 required by this chapter or any person who has failed to renew or
17 has surrendered the person's certificate of registration for any
18 one or any combination of the following causes:

19 (1) The person has been finally adjudicated and found
20 guilty, or entered a plea of guilty or nolo contendere, in a
21 criminal prosecution under the laws of any state or of the United
22 States, for any offense reasonably related to the qualifications,
23 functions or duties under this chapter, for any offense an
24 essential element of which is fraud, dishonesty or an act of
25 violence, or for any offense involving moral turpitude, whether

1 or not sentence is imposed;

2 (2) Use of fraud, deception, misrepresentation or bribery
3 in securing any certificate of registration under this chapter;

4 (3) Misconduct, fraud, misrepresentation, dishonesty,
5 unethical conduct or unprofessional conduct in the performance of
6 the functions regulated by this chapter including but not limited
7 to the following:

8 (a) Obtaining or attempting to obtain any fee, charge,
9 tuition, or other compensation by fraud, deception, or
10 misrepresentation;

11 (b) Attempting directly or indirectly by way of
12 intimidation, coercion or deception, to obtain consultation;

13 (c) Failure to comply with any subpoena or subpoena duces
14 tecum from the director;

15 (d) Failing to inform the director of the athlete agent's
16 current residence and business address;

17 (4) Violation of, or attempting to violate, directly or
18 indirectly, or assisting or enabling any person to violate, any
19 provision of this chapter, or of any lawful rule or regulation
20 adopted under this chapter;

21 (5) Impersonation of any person holding a certificate of
22 registration or allowing any person to use his or her certificate
23 of registration;

24 (6) Violation of the drug laws or rules and regulations of
25 this state, any other state, or the federal government;

1 (7) Knowingly making, or causing to be made, or aiding, or
2 abetting in the making of, a false statement in any birth or
3 other certificate or document executed in connection with the
4 transaction;

5 (8) Soliciting patronage in person, by agents, by
6 representatives, or by any other means or manner, under the
7 person's own name or under the name of another person or concern,
8 actual or pretended in such a manner as to confuse, deceive, or
9 mislead the public;

10 (9) A pattern of personal use or consumption of any
11 controlled substance unless it is prescribed, dispensed or
12 administered by a physician who is authorized by law to do so.

13 3. After the filing of such complaint before the
14 administrative hearing commission, the proceedings shall be
15 conducted in accordance with the provisions of chapter 621, RSMo.
16 Upon a finding by the administrative hearing commission that the
17 grounds provided in subsection 2 of this section for disciplinary
18 action are met the director may singly or in combination warn,
19 censure, or place the person named in the complaint on probation
20 on such terms and conditions as the director deems appropriate
21 for a period not to exceed six months, or may suspend the
22 person's certificate of registration period not to exceed one
23 year, or restrict or limit the person's certificate of
24 registration for an indefinite period of time, or revoke the
25 person's certificate of registration.

1 4. In any order of revocation, the director may provide
2 that the person may not apply for reinstatement of the person's
3 certificate of registration for a period of time ranging from two
4 to seven years following the date of the order of revocation.
5 All stay orders shall toll this time period.

6 436.236. The director may issue a temporary certificate of
7 registration valid for sixty days while an application for
8 registration or renewal is pending.

9 436.239. 1. An application for registration or renewal of
10 registration shall be accompanied by a fee which shall be
11 determined by the director and established by rule. All fees
12 payable under the provisions of this section shall be collected
13 by the division of professional registration and transmitted to
14 the department of revenue for deposit in the state treasury to
15 the credit of the fund to be known as the "Athlete Agent Fund"
16 which is hereby established. The provisions of section 33.080,
17 RSMo, to the contrary notwithstanding, money in the athlete agent
18 fund shall not be transferred and placed to the credit of general
19 revenue until the amount in the athlete agent fund at the end of
20 the biennium exceeds two times the amount of the appropriations
21 from such fund for the preceding fiscal year or, if the director
22 allows renewal of registration less frequently than yearly, then
23 three times the appropriations from such fund for the preceding
24 fiscal year; provided that no amount from such fund may be
25 transferred to the credit of general revenue earlier than two

1 years following the effective date of this section. The amount
2 if any which may be transferred to the credit of general revenue
3 after two years following the effective date of this section is
4 that amount in the athlete agent fund which exceeds the
5 appropriate multiple of the appropriations from such fund for the
6 preceding fiscal year.

7 2. The director may promulgate rules to authorize and file
8 athlete agent documents as that term is defined in section
9 536.010, RSMo. Any rule promulgated under the authority in this
10 section shall become effective only if it complies with and is
11 subject to all of the provisions of chapter 536, RSMo, and, if
12 applicable, section 536.028, RSMo. This section and chapter 536,
13 RSMo, are nonseverable and if any of the powers vested with the
14 general assembly under chapter 536, RSMo, to review, to delay the
15 effective date, or to disapprove and annul a rule are
16 subsequently held unconstitutional then the grant of rulemaking
17 authority and any rule proposed or adopted after August 28, 2003,
18 shall be invalid and void.

19 436.242. 1. An agency contract must be in a record signed
20 by the parties.

21 2. An agency contract must state or contain:

22 (1) The amount and method of calculating the consideration
23 to be paid by the student-athlete for services to be provided by
24 the athlete agent under the contract and any other consideration
25 the athlete agent has received or will receive from any other

1 source for entering into the contract or for providing the
2 services;

3 (2) The name of any person not listed in the application
4 for registration or renewal who will be compensated because the
5 student-athlete signed the agency contract;

6 (3) A description of any expenses that the student-athlete
7 agrees to reimburse;

8 (4) A description of the services to be provided to the
9 student-athlete;

10 (5) The duration of the contract; and

11 (6) The date of execution.

12 3. An agency contract shall contain in close proximity to
13 the signature of the student-athlete a conspicuous notice in
14 boldface type in capital letters stating:

15 "WARNING TO STUDENT-ATHLETE IF YOU SIGN THIS CONTRACT: (1) YOU
16 MAY LOSE YOUR ELIGIBILITY TO COMPETE AS A STUDENT-ATHLETE IN YOUR
17 SPORT; (2) BOTH YOU AND YOUR ATHLETE AGENT ARE REQUIRED TO TELL
18 YOUR ATHLETIC DIRECTOR, IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN
19 72 HOURS AFTER ENTERING INTO AN AGENCY CONTRACT; AND (3) YOU MAY
20 CANCEL THIS CONTRACT WITHIN 14 DAYS AFTER SIGNING IT.
21 CANCELLATION OF THE CONTRACT MAY NOT REINSTATE YOUR ELIGIBILITY."

22 4. An agency contract that does not conform to this section
23 is voidable by the student-athlete.

24 5. The athlete agent shall give a copy of the signed agency

1 contract to the student-athlete at the time of signing.

2 436.245. 1. Within seventy-two hours after entering into
3 an agency contract or before the next scheduled athletic event in
4 which the student-athlete may participate whichever occurs first
5 the athlete agent shall give notice in writing of the existence
6 of the contract to the athletic director of the educational
7 institution at which the student-athlete is enrolled or the
8 athlete agent has reasonable grounds to believe the student-
9 athlete intends to enroll.

10 2. Within seventy-two hours after entering into an agency
11 contract or before the next athletic event in which the student-
12 athlete may participate whichever occurs first the student-
13 athlete shall in writing inform the athletic director of the
14 educational institution at which the student-athlete is enrolled
15 that he or she has entered into an agency contract.

16 436.248. 1. A student-athlete may cancel an agency
17 contract by giving notice in writing to the athlete agent of the
18 cancellation within fourteen days after the contract is signed.

19 2. A student-athlete may not waive the right to cancel an
20 agency contract.

21 3. If a student-athlete cancels an agency contract within
22 fourteen days of signing the contract, the student-athlete is not
23 required to pay any consideration under the contract or to return
24 any consideration received from the agent to induce the student-
25 athlete to enter into the contract.

1 436.251. 1. An athlete agent shall retain the following
2 records for a period of five years:

3 (1) The name and address of each individual represented by
4 the athlete agent;

5 (2) Any agency contract entered into by the athlete agent;
6 and

7 (3) Any direct costs incurred by the athlete agent in the
8 recruitment or solicitation of a student-athlete.

9 2. Records required by subsection 1 of this section to be
10 retained are open to inspection by the director during normal
11 business hours.

12 436.254. 1. An athlete agent may not do any of the
13 following with the intent to induce a student-athlete to enter
14 into an agency contract:

15 (1) Give any materially false or misleading information or
16 make a materially false promise or representation;

17 (2) Furnish anything of value to a student-athlete before
18 the student-athlete enters into the agency contract; or

19 (3) Furnish anything of value to any individual other than
20 the student-athlete or another registered athlete agent.

21 2. An athlete agent may not intentionally:

22 (1) Initiate contact with a student-athlete unless
23 registered under sections 436.215 to 436.272;

24 (2) Refuse or willfully fail to retain or permit inspection
25 of the records required by section 436.251;

1 (3) Violate section 436.224 by failing to register;

2 (4) Provide materially false or misleading information in
3 an application for registration or renewal of registration;

4 (5) Predate or postdate an agency contract; or

5 (6) Fail to notify a student-athlete prior to the student
6 athlete's signing an agency contract for a particular sport that
7 the signing by the student-athlete may make the student-athlete
8 ineligible to participate as a student-athlete in that sport.

9 436.257. The commission of any act prohibited by section
10 436.254 by an athlete agent is a class B misdemeanor.

11 436.260. 1. An educational institution has a right of
12 action against an athlete agent or a former student-athlete for
13 damages caused by a violation of sections 436.215 to 436.272. In
14 an action under this section, the court may award to the
15 prevailing party costs and reasonable attorney's fees.

16 2. Damages of an educational institution under subsection 1
17 of this section include losses and expenses incurred because as a
18 result of the activities of an athlete agent or former student-
19 athlete the educational institution was injured by a violation of
20 sections 436.215 to 436.272 or was penalized, disqualified, or
21 suspended from participation in athletics by a national
22 association for the promotion and regulation of athletics, by an
23 athletic conference, or by reasonable self-imposed disciplinary
24 action taken to mitigate sanctions.

25 3. A right of action under this section does not accrue

1 until the educational institution discovers or by the exercise of
2 reasonable diligence would have discovered the violation by the
3 athlete agent or former student-athlete.

4 4. Any liability of the athlete agent or the former
5 student-athlete under this section is several and not joint.

6 5. Sections 436.215 to 436.272 do not restrict rights,
7 remedies, or defenses of any person under law or equity.

8 436.263. Any person who violates any provisions of sections
9 436.215 to 436.269 is guilty of a class A misdemeanor.

10 436.266. In applying and construing sections 436.215 to
11 436.272, consideration must be given to the need to promote
12 uniformity of the law with respect to the subject matter of
13 sections 436.215 to 436.272 among states that enact it.

14 436.269. If any provision of sections 436.215 to 436.272 or
15 its application to any person or circumstance is held invalid,
16 the invalidity does not affect other provisions or applications
17 of sections 436.215 to 436.272 which can be given effect without
18 the invalid provision or application, and to this end the
19 provisions of sections 436.215 to 436.272 are severable.

20 436.272. Any moneys collected by the director under section
21 436.263 shall immediately be transferred to the department of
22 revenue for deposit in the state treasury to the credit of
23 general revenue.

24 544.640. 1. If, without sufficient cause or excuse, the
25 defendant fails to appear either in person or by legal counsel

1 for trial or judgment, or upon any other occasion when his or her
2 presence in court may be lawfully required, according to the
3 condition of his or her recognizance, the court must direct the
4 fact to be entered upon its minutes, and thereupon [the
5 recognizance is forfeited, and the same shall be proceeded upon
6 by scire facias to final judgment and execution thereon, although
7 the defendant may be afterward arrested on the original charge,
8 unless remitted by the court for cause shown] at the end of the
9 court day the court may forfeit the bond and order an execution
10 hearing not sooner than sixty days but not later than one hundred
11 eighty days after the date the person failed to appear. Notice
12 of the execution hearing shall be served within ten days of such
13 failure to appear by certified copy of bond to the surety's
14 office. Service shall be completed upon mailing of such
15 certified notice.

16 2. If at the execution hearing it is determined that the
17 judgment should be entered, the court shall so order and a writ
18 of scire facias shall be filed in the office of the clerk of the
19 court where such judgment is entered.

20 3. The court shall issue a warrant for the defendant for
21 failure to appear.

22 4. If the bail bond agent provides proof of the
23 incarceration of the defendant who failed to appear, or provides
24 proof to the court that it is physically impossible for the
25 defendant bail bond agent or surety to satisfy the conditions of

1 the bond through no fault of the bail bond agent or surety, and
2 the court agrees with such proof of physically impossible
3 conditions, the bail bond agent or surety shall be released from
4 liability and all money and property deposited with the court
5 shall be returned within ten days.

6 5. The court shall notify the surety's main office by
7 certified mail within ten days' notification of the defendant's
8 incarceration.

9 6. A defendant shall be surrendered without the return of
10 premium for the bond if the indemnitor attests in writing the
11 desire to be released from the bond or if the surety or the bail
12 bond agent discovers that the defendant is guilty of:

13 (1) Failing to appear in court;

14 (2) Changing his or her address without notifying the bail
15 bond agent or surety in writing;

16 (3) Concealing himself or herself;

17 (4) Leaving the jurisdiction of the court without the
18 written permission of his or her bail bond agent or surety or
19 court;

20 (5) Violating his or her contract with the bail bond agent
21 or surety in a way that may be harmful to the bail bond agent or
22 the surety or violating his or her obligation to the court;

23 (6) Being arrested for a crime other than a traffic
24 violation where the penalty is an infraction or a misdemeanor;

25 (7) Failing to pay any fee due to the bail bond agent or

1 surety;

2 (8) Providing false information to the bail bond agent or
3 surety; or

4 (9) Knowingly or unknowingly violating any other condition
5 of the bail or bail bond contract.

6 7. Upon forfeiture of the bond, the court may order that
7 the defendant's driver's license be suspended until such time as
8 the defendant has satisfied the forfeiture.

9 8. The provisions of this section shall apply to all bail
10 bonds.

11 9. As used in this section, the term "bail bond" means the
12 only form of security to ensure subsequent court appearances
13 accepted by the courts in this state except for recognizance for
14 people who are located and who have not previously pleaded guilty
15 to or been found guilty of failure to appear.

16 620.127. Notwithstanding any provision of law to the
17 contrary, every application for a license, certificate,
18 registration, or permit, or renewal of a license, certificate,
19 registration, or permit issued in this state shall contain the
20 Social Security number of the applicant. This provision shall
21 not apply to an original application for a license, certificate,
22 registration, or permit submitted by a citizen of a foreign
23 country who has never been issued a Social Security number and
24 who previously has not been licensed by any other state, United
25 States territory, or federal agency. A citizen of a foreign

1 country applying for licensure with the division of professional
2 registration shall be required to submit his or her visa or
3 passport identification number in lieu of the Social Security
4 number.

5 620.145. [1.] The division of professional registration
6 shall maintain, for each board in the division, a registry of
7 each person holding a current license, permit or certificate
8 issued by that board. The registry shall contain the name,
9 Social Security number and address of each person licensed or
10 registered together with other relevant information as determined
11 by the board. The registry for each board shall at all times be
12 available to the board and copies shall be supplied to the board
13 on request. Copies of the registry, except for the registrant's
14 Social Security number, shall be available from the division or
15 the board to any individual who pays the reasonable copying cost.
16 Any individual may copy the registry during regular business
17 hours. The information in the registry shall be furnished upon
18 request to the division of child support enforcement. Questions
19 concerning the currency of license of any individual shall be
20 answered, without charge, by the appropriate board. Each year
21 each board may publish, or cause to be published, a directory
22 containing the name and address of each person licensed or
23 registered for the current year together with any other
24 information the board deems necessary. Any expense incurred by
25 the state relating to such publication shall be charged to the

1 board. An official copy of any such publication shall be filed
2 with the director of the department of economic development.

3 [2. Notwithstanding any provision of law to the contrary,
4 each board shall require each person applying for a license,
5 permit or certificate, or a renewal of a license, permit or
6 certificate to furnish the board with the applicant's Social
7 Security number.]

8 [339.600. 1. As used in sections
9 339.600 to 339.610, the following terms mean:

10 (1) "Commission", the Missouri real
11 estate commission;

12 (2) "Escrow agent", any person,
13 partnership, association or corporation,
14 foreign or domestic, who performs any of the
15 following functions: closings or settlements
16 or any function related thereto in sales,
17 exchanges or other transfers of real
18 property.

19 2. A person or entity who meets the
20 definition of escrow agent as provided in
21 subsection 1 of this section is exempt from
22 the provisions of sections 339.600 to 339.610
23 if such person is:

24 (1) A person or entity doing business
25 under the laws of this state or the United
26 States as a bank, trust company, savings and
27 loan association, credit union, commercial or
28 consumer finance company, industrial loan
29 company, insurance company or title insurance
30 company or title insurance agency;

31 (2) An attorney at law;

32 (3) A person or entity licensed
33 pursuant to this chapter rendering services
34 in the performance of his or her duties as a
35 real estate broker or salesperson;

36 (4) A mortgage loan company which is
37 subject to licensing, supervision or auditing
38 by the Federal National Mortgage Association
39 or the Federal Home Loan Mortgage Corporation
40 or the United States Veterans' Administration
41 or the Government National Mortgage
42 Association or the United States Department
43 of Housing and Urban Development or a

1 successor of any of such agencies or
2 entities, as an approved seller or servicer;
3 or

4 (5) The United States, the state of
5 Missouri or any state, any political
6 subdivision of this state or any agency,
7 division or corporate instrumentality
8 thereof.]

9 [339.603. 1. It is unlawful for any
10 person, partnership, association or
11 corporation, foreign or domestic, to act as
12 an escrow agent, or to advertise or attempt
13 to act as such without being properly
14 registered with the commission.

15 2. Upon application by the commission
16 and upon proof by a preponderance of the
17 evidence, a court of general jurisdiction may
18 grant an injunction, restraining order or
19 other order as may be appropriate to enjoin a
20 person from unlawfully engaging or attempting
21 to engage in the activities identified in
22 sections 339.600 to 339.610.]

23 [339.605. 1. A person, partnership,
24 association or corporation, incorporated
25 pursuant to the laws of Missouri, may be
26 registered as an escrow agent pursuant to
27 sections 339.600 to 339.610, if such person,
28 partners of the partnership, members of the
29 association or officers of the corporation
30 are at least eighteen years of age, of good
31 moral character and are competent to transact
32 the business of an escrow agent in such
33 manner as to safeguard the interest of the
34 public. The commission shall require proof
35 that such persons meet the qualifications as
36 provided in this subsection.

37 2. A corporation, partnership or
38 association may be registered if every
39 partner of the partnership, every member of
40 the association, or every officer of the
41 corporation who actively participates in its
42 escrow business has been registered and the
43 corporation, partnership or association has
44 paid all the required fees.

45 3. Applications for registration shall
46 be submitted in writing on forms furnished by
47 the commission and accompanied by such
48 information and recommendations as the

1 commission may require.

2 4. The commission may refuse to
3 register any person, partnership, association
4 or corporation if the person, partner, member
5 or a direct or indirect controlling
6 stockholder has been found guilty of, or
7 pleaded guilty to, stealing, forgery,
8 embezzlement, obtaining money under false
9 pretenses, extortion, criminal conspiracy to
10 defraud or any similar offense.]

11 [339.606. The commission may promulgate
12 rules and regulations and perform all duties
13 necessary for carrying out the provisions of
14 sections 339.600 to 339.610. The commission
15 shall set the amount of the fees which are
16 authorized pursuant to sections 339.600 to
17 339.610 by rules and regulations promulgated
18 pursuant to section 536.021, RSMo. The fees
19 shall be set at a level to produce revenue
20 which shall not substantially exceed the cost
21 and expense of administering sections 339.600
22 to 339.610.]

23 [339.607. Each registration granted
24 pursuant to sections 339.600 to 339.610 shall
25 be renewed every two years and the commission
26 shall issue a new registration upon receipt
27 of a proper renewal application and the
28 required renewal fee.]

29 [339.608. The fees collected pursuant
30 to the provisions of sections 339.600 to
31 339.610 shall be collected by the Missouri
32 real estate commission and shall be sent to
33 the director of the department of revenue for
34 deposit in the state treasury in the "Escrow
35 Agent Administration Fund" which is hereby
36 created. The commission shall administer the
37 fund and shall use the moneys in the fund
38 solely for the administration and enforcement
39 of sections 339.600 to 339.610.
40 Notwithstanding the provisions of section
41 33.080, RSMo, to the contrary, any unexpended
42 balance in the fund at the end of the
43 biennium shall not be transferred to the
44 general revenue fund, but shall remain in the
45 escrow agent administration fund.]

46 [339.610. Any funds received by an

1 escrow agent from any person that are to be
2 used for third-party expenses shall be
3 deposited no later than five banking days
4 after receipt in an escrow account in any
5 federally insured bank, savings and loan
6 association or credit union. The funds in
7 such escrow account shall be expended for the
8 intended use by the escrow agent within
9 ninety days after the obligations of the
10 third party have been completed.]

11 [339.612. The commission or its
12 designated agent may inspect and audit the
13 escrow accounts or accounting records of any
14 escrow agent at any time during normal
15 business hours to determine if escrow funds
16 are being expended and disbursed in a timely
17 fashion and for the intended use. If the
18 commission determines that such escrow funds
19 have been used for any purpose other than the
20 intended purposes, the escrow agent is liable
21 to the intended payee of the funds for any
22 misappropriated funds and the Missouri real
23 estate commission shall cause legal
24 proceedings to be held in any court of
25 competent jurisdiction to enforce the
26 provisions of this section and sections
27 339.610, 339.614, and 339.617. The
28 commission's authority to instigate legal
29 proceedings to enforce the provisions of this
30 section is in addition to the authority to
31 file a complaint with the administrative
32 hearing commission.]

33 [339.614. The records of any inspection
34 or audit made pursuant to the authority in
35 section 339.612 shall be made available to
36 the escrow agent and the parties to the
37 transaction but shall not be considered open
38 to the public unless public money is directly
39 involved or a court of competent jurisdiction
40 orders that such records be opened.]

41 [339.617. 1. The commission may, upon
42 its own motion or upon a written complaint
43 filed by any person, investigate any business
44 transaction, regulated by the provisions of
45 sections 339.600 to 339.610, of any person,
46 partnership, association or corporation
47 registered pursuant to the provisions of

1 sections 339.600 to 339.610. The commission
2 may use all investigatory and subpoena powers
3 provided in section 339.100 in investigating
4 such business transaction. The commission
5 may file a complaint with the administrative
6 hearing commission and the proceedings shall
7 be conducted as provided in chapter 621,
8 RSMo. If the administrative hearing
9 commission finds that the escrow agent is not
10 in compliance with sections 339.610 to
11 339.617 or is operating in an unsafe or
12 unsound manner, the commission may cancel the
13 registration of such escrow agent. If the
14 registration of any escrow agent is canceled
15 pursuant to this subsection, such escrow
16 agent may not accept any referral of business
17 which is regulated by the provisions of
18 sections 339.600 to 339.610.

19 2. No real estate licensee may
20 knowingly refer escrow or real estate closing
21 business to any escrow agent which does not
22 hold a current registration pursuant to
23 sections 339.600 to 339.610.]

24 [374.725. Any person who, on September
25 28, 1983, is acting in any capacity which
26 would be classified as practicing as a bail
27 bond agent or general bail bond agent under
28 the provisions of sections 374.700 to 374.775
29 may continue to act in such capacity without
30 being licensed under sections 374.700 to
31 374.775 for a period of twelve months from
32 September 28, 1983.]

33 [374.765. 1. Any person who practices
34 as a bail bond agent or general bail bond
35 agent, or who purports to be a bail bond
36 agent, or general bail bond agent, as defined
37 in section 374.700, without being duly
38 licensed under sections 374.700 to 374.775
39 is:

40 (1) For the first such offense, guilty
41 of an infraction;

42 (2) For the second and each subsequent
43 offense, guilty of a class A misdemeanor.

44 2. Any licensed bail bond agent who
45 knowingly violates the provisions of one or
46 more of subdivisions (3), (4), (10), (11),
47 (12), (13), (14), or (15) of subsection 1 of
48 section 374.755 shall be guilty of a class B

1 misdemeanor.]

2 [436.200. As used in this act the
3 following terms shall mean:

4 (1) "Agent contract", any contract or
5 agreement pursuant to which a student athlete
6 authorizes an athlete agent to represent him
7 in the marketing of his athletic ability or
8 reputation in a sport;

9 (2) "Athlete agent", a person that, for
10 compensation, directly or indirectly recruits
11 or solicits a student athlete to enter into
12 an agent contract, financial services
13 contract or professional sports services
14 contract;

15 (3) "Financial services contract", any
16 contract or agreement pursuant to which a
17 student athlete authorizes an athlete agent
18 to provide financial services for the student
19 athlete, including but not limited to the
20 making and execution of investment and other
21 financial decisions by the athlete agent on
22 behalf of the student athlete;

23 (4) "Person", an individual, company,
24 corporation, association, partnership or
25 other entity;

26 (5) "Professional sports services
27 contract", any contract or agreement pursuant
28 to which a student athlete authorizes an
29 athlete agent to obtain employment for the
30 student athlete with a professional sports
31 team or as a professional athlete;

32 (6) "Student athlete", any athlete who
33 practices for or otherwise participates in
34 intercollegiate athletics at any college or
35 university located within this state.]

36 [436.205. 1. Each athlete agent must
37 register biennially with the secretary of
38 state on forms to be provided by the
39 secretary of state and, at the same time, pay
40 to the secretary of state a registration fee
41 of five hundred dollars for which the
42 secretary of state shall issue a registration
43 certificate entitling the holder to operate
44 as an athlete agent for a period of two
45 years.

46 2. When the business address of any
47 athlete agent operating in this state is
48 changed, the athlete agent must notify the

1 secretary of state within thirty days after
2 the change of address.

3 3. It is unlawful for any person to
4 operate as an athlete agent unless he is
5 registered as provided in this section.
6 Failure of the athlete agent to register is a
7 class B misdemeanor.

8 4. The secretary of state may suspend
9 or revoke the registration of any athlete
10 agent for failing to comply with the
11 provisions of this section. The suspension
12 or revocation of any registration may be
13 reviewed by a court of competent
14 jurisdiction.]

15 [436.209. 1. A student athlete who is
16 subject to the rules and regulations of the
17 National Collegiate Athletic Association, the
18 National Association for Intercollegiate
19 Athletics, or the National Junior College
20 Athletic Association, and who enters into an
21 agent contract, financial services contract
22 or professional sports services contract with
23 an athlete agent must provide written
24 notification to the athletic director or the
25 president of the college or university in
26 which he is enrolled that he has entered into
27 such a contract. Written notification must
28 be given prior to practicing for or
29 participating in any athletic event on behalf
30 of any college or university or within
31 seventy-two hours after entering into the
32 contract, whichever occurs first. Failure of
33 the student athlete to provide this
34 notification is an infraction.

35 2. An athlete agent who enters into an
36 agent contract, financial services contract
37 or professional sports services contract with
38 a student athlete who is subject to the rules
39 and regulations of the National Collegiate
40 Athletic Association, the National
41 Association for Intercollegiate Athletics, or
42 the National Junior College Athletic
43 Association must provide written notification
44 to the athletic director or the president of
45 the college or university in which the
46 student athlete is enrolled that the student
47 athlete has entered into such a contract.
48 Written notification of such a contract must
49 be given prior to the student athlete's

1 practicing for or participating in any
2 athletic event on behalf of any college or
3 university or within seventy-two hours after
4 entering into said contract, whichever occurs
5 first. Failure of the athlete agent to
6 provide this notification is a class B
7 misdemeanor.

8 3. An agent contract, financial
9 services contract or professional sports
10 services contract between a student athlete
11 and an athlete agent must have a notice
12 printed near the space for the student
13 athlete's signature which must contain the
14 following statement in ten-point boldfaced
15 type: "WARNING: IF YOU AS A STUDENT ATHLETE
16 SIGN THIS CONTRACT, YOU MAY LOSE YOUR
17 ELIGIBILITY TO COMPETE IN INTERCOLLEGIATE
18 ATHLETICS. Pursuant to MISSOURI LAW, YOU
19 MUST NOTIFY THE ATHLETIC DIRECTOR OR
20 PRESIDENT OF YOUR COLLEGE OR UNIVERSITY IN
21 WRITING PRIOR TO PRACTICING FOR OR
22 PARTICIPATING IN ANY ATHLETIC EVENT ON BEHALF
23 OF ANY COLLEGE OR UNIVERSITY OR WITHIN
24 SEVENTY-TWO HOURS AFTER ENTERING INTO THIS
25 CONTRACT, WHICHEVER OCCURS FIRST. FAILURE TO
26 PROVIDE THIS NOTICE IS A CRIMINAL OFFENSE."

27 4. An agent contract, financial
28 services contract or professional sports
29 services contract entered into between a
30 student athlete and an athlete agent which
31 fails to provide the notification required by
32 this section is null, void and unenforceable.

33 5. Any student athlete or athlete agent
34 who enters into an agent contract, financial
35 services contract or professional sports
36 services contract and fails to provide the
37 notification required by this section, is
38 liable to the college or university in which
39 the student athlete is enrolled for damages
40 that result from the student athlete's
41 subsequent ineligibility. In addition to any
42 damages awarded pursuant to this section,
43 additional damages may be assessed in an
44 amount equal to three times the value of the
45 athletic scholarship furnished by the
46 institution to the student athlete during the
47 student athlete's period of eligibility.

48 6. Within ten days after the date on
49 which the contractual relationship between
50 the athlete agent and the student athlete

1 arises or after notification of such
2 contractual relationship is received by the
3 athletic director or president of the college
4 or university in which the student is
5 enrolled, whichever occurs later, the student
6 athlete shall have the right to rescind the
7 contract or any contractual relationship with
8 the athlete agent by giving notice in writing
9 of his intent to rescind. The student
10 athlete may not under any circumstances
11 effect a waiver of his right to rescind, and
12 any attempt to do so shall be null, void and
13 unenforceable.]

14 [436.212. 1. An athlete agent shall
15 not publish or cause to be published false or
16 misleading information or advertisements, nor
17 give any false information or make false
18 promises to a student athlete concerning
19 employment.

20 2. An athlete agent shall not accept as
21 a client a student athlete referred by an
22 employee of or a coach for a college or
23 university located within this state in
24 exchange for any consideration.

25 3. An athlete agent shall not enter
26 into any agreement, written or oral, by which
27 the athlete agent offers anything of value to
28 any employee of or a coach for a college or
29 university located within this state in
30 return for the referral of any student
31 athlete clients by that employee or coach.

32 4. An athlete agent shall not offer
33 anything of value to induce a student athlete
34 to enter into an agent contract, financial
35 services contract, professional sports
36 services contract or other agreement by which
37 the athlete agent will represent the student
38 athlete. Negotiations regarding the athlete
39 agent's fee shall not be considered an
40 inducement.

41 5. A person shall not conduct business
42 as an athlete agent if he is not registered
43 or if his registration is suspended or
44 revoked.

45 6. Violation of any provision of this
46 section is a class B misdemeanor.]

47 [544.650. Whenever any bail bond or
48 recognizance has been given or entered into

1 in any criminal proceedings, conditioned for
2 the appearance of any person charged with,
3 indicted for or convicted of any criminal
4 offense, or for any other purpose, and the
5 conditions thereof shall become broken or the
6 same shall be forfeited, it shall be lawful
7 and sufficient to serve the writ of scire
8 facias or other writ or process which may be
9 issued in such proceeding, either by
10 delivering a duly certified copy of such writ
11 or process to the person therein named, or by
12 leaving such duly certified copy of such writ
13 or process at the usual place of abode of the
14 person therein named, with a member of his
15 family over the age of fifteen years.]