

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, 324.200, 324.203, 324.205,
4 324.210, 324.215, 324.400, 324.403, 324.409,
5 324.415, 324.418, 324.421, 324.427, 324.430,
6 324.433, 328.080, 334.530, 334.540, 334.550,
7 334.655, 334.660, 334.665, 335.212, 335.245,
8 337.085, 337.507, 337.615, 337.665, 337.712,
9 339.010, 339.020, 339.030, 339.040, 339.060,
10 339.100, 339.105, 339.120, 339.130, 339.150,
11 339.160, 339.170, 339.180, 339.600, 339.603,
12 339.605, 339.606, 339.607, 339.608, 339.610,
13 339.612, 339.614, 339.617, 339.710, 339.760,
14 339.780, 339.800, 345.015, 346.135, 436.200,
15 436.205, 436.209, 436.212, 544.650 620.127,
16 and 620.145, RSMo, and to enact in lieu
17 thereof eighty-one new sections relating to
18 professional registration, with penalty
19 provisions.

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
21 AS FOLLOWS:

22 Section A. Sections 209.309, 209.321, 209.322, 209.323,
23 317.011, 324.200, 324.203, 324.205, 324.210, 324.215, 324.400,
24 324.403, 324.409, 324.415, 324.418, 324.421, 324.427, 324.430,
25 324.433, 328.080, 334.530, 334.540, 334.550, 334.655, 334.660,
26 334.665, 335.212, 335.245, 337.085, 337.507, 337.615, 337.665,
27 337.712, 339.010, 339.020, 339.030, 339.040, 339.060, 339.100,

1 339.105, 339.120, 339.130, 339.150, 339.160, 339.170, 339.180,
2 339.600, 339.603, 339.605, 339.606, 339.607, 339.608, 339.610,
3 339.612, 339.614, 339.617, 339.710, 339.760, 339.780, 339.800,
4 345.015, 346.135, 436.200, 436.205, 436.209, 436.212, 544.650
5 620.127, and 620.145, RSMo, are repealed and eighty-one new
6 sections enacted in lieu thereof, to be known as sections
7 209.309, 209.321, 209.322, 209.323, 317.011, 324.200, 324.203,
8 324.205, 324.206, 324.210, 324.215, 324.216, 324.400, 324.402,
9 324.403, 324.409, 324.415, 324.418, 324.421, 324.427, 324.430,
10 324.433, 324.526, 328.075, 328.080, 332.032, 334.530, 334.540,
11 334.550, 334.655, 334.660, 334.665, 335.212, 335.245, 337.085,
12 337.507, 337.615, 337.665, 337.712, 339.010, 339.020, 339.030,
13 339.040, 339.060, 339.100, 339.105, 339.120, 339.130, 339.150,
14 339.160, 339.170, 339.180, 339.710, 339.760, 339.780, 339.800,
15 345.015, 346.135, 374.695, 436.215, 436.218, 436.221, 436.224,
16 436.227, 436.230, 436.233, 436.236, 436.239, 436.242, 436.245,
17 436.248, 436.251, 436.254, 436.257, 436.260, 436.263, 436.266,
18 436.269, 436.272, 620.127, and 620.145, to read as follows:

19 209.309. 1. The board may offer provisional certification
20 to interpreters achieving a minimal level of certification
21 established by the board. A provisional certification is limited
22 to one year; during such year the interpreter must be reevaluated
23 and achieve the next higher level of certification. If an
24 evaluation slot is not available during the term of the
25 provisional license, the interpreter may be granted an extension.

1 A holder of a provisional certification may only be granted one
2 extension. A person nominated by a local public school district
3 in Missouri shall be granted a provisional public school
4 certificate when all of the following conditions are met:

5 (1) The local school district certifies that it was unable
6 to locate an interpreter certified and licensed under sections
7 209.319 to 209.339 and otherwise acceptable to the local school
8 district for employment, to accept the position;

9 (2) The local school district certifies that the person has
10 demonstrated the skills necessary for the assignment to the
11 satisfaction of the local school district;

12 (3) The local school district certifies that failure to
13 employ the person would to the best of their knowledge result in
14 noncompliance with applicable state or federal statutes or
15 regulations; and

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

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

24 3. Provisional public school certificates may be revoked
25 when the person ends his or her employment with the school

1 district or if the person commits any of the actions listed in
2 subsections 1 to 5 of section 209.317.

3 209.321. 1. No person shall represent himself or herself
4 as an interpreter or engage in the practice of interpreting as
5 defined in section 209.285 as provided in subsection 6 of this
6 section in the state of Missouri unless such person is licensed
7 as required by the provisions of sections 209.319 to 209.339.

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

18 3. A licensed interpreter shall limit his or her practice
19 to demonstrated areas of competence as documented by relevant
20 professional education, training, experience and certification.
21 An interpreter not trained in an area shall not practice in that
22 area without obtaining additional relevant professional
23 education, training and experience through an acceptable program
24 as defined by rule by the Missouri commission for the deaf and
25 hard of hearing.

1 4. A person is not considered to be interpreting pursuant
2 to the provisions of this section if, in a casual setting and as
3 defined by rule, a person is acting as an interpreter
4 gratuitously or is engaged in interpreting incidental to
5 traveling.

6 5. A person is not considered to be interpreting pursuant
7 to the provisions of this section if a person is engaged as a
8 telecommunications operator providing deaf relay service or
9 operator services for the deaf.

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

20 7. A person holding a current certification of license from
21 another state or a recognized national certification system
22 deemed acceptable by the committee is not considered to be
23 interpreting as defined in this chapter when temporarily present
24 in the state for the purpose of providing interpreting services
25 for a convention, conference, meeting, professional group, or

1 educational field trip.

2 8. A person granted a provisional certificate to interpret
3 in a public school shall not be subject to the regular
4 certification or licensure requirements of sections 209.319 to
5 209.339.

6 209.322. The board shall recognize the following
7 certificates:

8 (1) National Registry of Interpreters for the Deaf (NRID)
9 certificates, which include Comprehensive Skills Certificate
10 (CSC), Certificate of Interpreting/Certificate of Transliteration
11 (CI/CT) and Certified Deaf Interpreter (CDI); [and]

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

14 (3) A provisional public school certificate.

15 209.323. 1. Applications for licensure as an interpreter
16 shall be submitted to the division on forms prescribed by the
17 division and furnished to the applicant. The application shall
18 contain the applicant's statements showing the applicant's
19 education, certification by either the National Registry of
20 Interpreters for the Deaf, National Association of the Deaf or
21 Missouri Interpreter Certification System and such other
22 information as the division may require. Each application shall
23 contain a statement that it is made under oath or affirmation and
24 that the information contained in the application is true and
25 correct to the best knowledge and belief of the applicant,

1 subject to the penalties, as provided in sections 209.319 to
2 209.339, for the making of a false affidavit or declaration.
3 Each application shall be accompanied by the required application
4 fee. The application fee must be submitted in a manner as
5 required by the committee and shall not be refundable. The
6 applicant must be eighteen years of age or older.

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

22 3. Except as provided in section 209.321, the committee
23 with assistance from the division shall issue or renew a license
24 to each person who files an application and fee as required by
25 the provisions of sections 209.319 to 209.339 and who furnishes

1 satisfactory evidence to the committee that he has complied with
2 the provisions of subsection 1 or 2 of this section.

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

6 317.011. 1. The division of professional registration
7 shall have the power, and it shall be its duty, to accept
8 application for and issue permits to hold professional boxing,
9 sparring, professional wrestling, professional kickboxing or
10 professional full-contact karate contests in the state of
11 Missouri, and to charge a fee for the issuance of same in an
12 amount established by rule; such funds to be paid to the division
13 of professional registration which shall pay such funds into the
14 state treasury to be set apart into the athletic 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 fund for the preceding fiscal year or,
20 if the division requires by rule renewal less frequently than
21 yearly then three times the appropriation from the fund for the
22 preceding fiscal year. The amount, if any, in the fund which
23 shall lapse is that amount in the fund which exceeds the
24 appropriate multiple of the appropriations from the fund for the
25 preceding fiscal year.

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

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

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

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

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

15 5. Specifically exempted from the provisions of chapter
16 317, are contests or exhibitions for amateur boxing, amateur
17 kick-boxing, amateur wrestling and amateur full-contact karate.
18 However, all amateur boxing, amateur kickboxing, amateur
19 wrestling and amateur full-contact karate must be sanctioned by a
20 nationally recognized amateur sanctioning body approved by the
21 office.

22 324.200. 1. Sections 324.200 to 324.225 shall be known and
23 may be cited as the "Dietitian Practice Act".

24 2. As used in sections 324.200 to 324.225, the following
25 terms shall mean:

1 (1) ["Committee", the state committee of dietitians;

2 (2) "Dietitian", a health care professional engaged in the
3 practice of medical nutrition therapy;

4 (3) "Director", the director of the division of
5 professional registration in the department of economic
6 development;

7 (4) "Division", the division of professional registration
8 of the department of economic development;

9 (5) "Licensed dietitian", a person who is licensed pursuant
10 to the provisions of sections 324.200 to 324.225 to engage in the
11 practice of medical nutrition therapy;

12 (6) "Medical nutrition therapy", specific medical nutrition
13 therapies and treatment modalities based on clinical scientific
14 research and practice that are used to treat illness, conditions
15 and injuries and are referred by a person licensed in this state
16 to prescribe medical nutrition therapies and modalities. Medical
17 nutrition therapy includes clinical nutrition assessment, diet
18 modification and intensive intervention and administration of
19 specialized nutrition therapies.] "Commission on Accreditation
20 for Dietetics Education (CADE)", the American Dietetic
21 Association's accrediting agency for education programs preparing
22 students for professions as registered dietitians;

23 (2) "Committee", the state committee of dietitians
24 established in section 324.203;

25 (3) "Dietetics Practice", the application of principles

1 derived from integrating knowledge of food, nutrition,
2 biochemistry, physiology, management, and behavioral and social
3 science to achieve and maintain the health of people by providing
4 nutrition assessment and nutrition care services. The primary
5 function of dietetic practice is the provision of nutrition care
6 services that shall include, but not be limited to:

7 (a) Assessing the nutrition needs of individuals and groups
8 and determining resources and constraints in the practice
9 setting;

10 (b) Establishing priorities, goals, and objectives that
11 meet nutrition needs and are consistent with available resources
12 and constraints;

13 (c) Providing nutrition counseling or education in health
14 and disease;

15 (d) Developing, implementing, and managing nutrition care
16 systems;

17 (e) Evaluating, making changes in, and maintaining
18 appropriate standards of quality and safety in food and in
19 nutrition services;

20 (f) Engaged in medical nutritional therapy as defined in
21 subsection 8 of this section;

22 (4) "Dietitian", one engaged in dietetic practice as
23 defined in subsection 3 of this section;

24 (5) "Director", the director of the division of
25 professional registration in the department of economic

1 development;

2 (6) "Division", the division of professional registration
3 of economic development;

4 (7) "Licensed dietitian", a person who is licensed pursuant
5 to the provisions of sections 324.200 to 324.225 to engage in the
6 practice of dietetics or medical nutrition therapy;

7 (8) "Medical nutrition therapy", nutritional diagnostic,
8 therapy, and counseling services which are furnished by a
9 registered dietitian;

10 (9) "Registered dietitian", a person who:

11 (a) Has completed a minimum of a baccalaureate degree
12 granted by a United States regionally accredited college or
13 university or foreign equivalent;

14 (b) Completed the academic requirements of a didactic
15 program in dietetics, as approved by CADE;

16 (c) Successfully completed the registration examination for
17 dietitians; and

18 (d) Accrued seventy-five hours of approved continuing
19 professional units every five years;

20 as determined by the committee on dietetic registration.

21 324.203. 1. There is hereby [established] created within
22 the division of professional registration, a committee to be
23 known as the "State Committee of Dietitians" [which shall guide,
24 advise and make recommendations to the division and fulfill other

1 responsibilities designated by sections 324.200 to 324.225. The
2 committee shall approve the examination required by section
3 324.210 and shall assist the division in carrying out the
4 provisions of sections 324.200 to 324.225]. The committee shall
5 assist the division in administering and enforcing the provisions
6 of sections 324.200 to 324.225, adopt, publish, and enforce such
7 rules and regulations within the scope and purview of the
8 provisions of sections 324.200 to 324.225 as may be considered to
9 be necessary or proper for the effective administration and
10 interpretation of the provisions of sections 324.200 to 324.225,
11 and for the conduct of its business and management of its
12 internal affairs.

13 2. The committee shall approve the examination required by
14 section 324.210.

15 3. The committee shall consist of six members including one
16 public member, appointed by the governor with the advice and
17 consent of the senate. Each member of the committee shall be a
18 citizen of the United States and a resident of this state, and,
19 except as provided in this section and except for the first
20 members appointed, shall be licensed as a dietitian by this
21 state. Beginning with the first appointments made after August
22 28, 1998, two members shall be appointed for four years, two
23 members shall be appointed for three years and two members shall
24 be appointed for two years. Thereafter, all members shall be
25 appointed to serve four-year terms. No person shall be eligible

1 for reappointment who has served as a member of the committee for
2 a total of eight years. The membership of the committee shall
3 reflect the differences in levels of education and work
4 experience with consideration being given to race, gender, and
5 ethnic origins. No more than three members shall be from the
6 same political party. The membership shall be representative of
7 the various geographic regions of the state.

8 [3.] 4. A vacancy in the office of a member shall be filled
9 by appointment by the governor for the remainder of the unexpired
10 term.

11 [4.] 5. Each member of the committee shall receive as
12 compensation an amount set by the division not to exceed fifty
13 dollars, and shall be reimbursed for necessary and actual
14 expenses incurred in the performance of the member's official
15 duties. The director, in collaboration with the department of
16 economic development, shall establish by rule, guidelines for
17 payment. All staff for the committee shall be provided by the
18 division.

19 [5.] 6. The committee shall hold an annual meeting at which
20 it shall elect from its membership a chairperson and secretary.
21 The committee may hold such additional meetings as may be
22 required in the performance of its duties, provided that notice
23 of every meeting shall be given to each member at least three
24 days prior to the date of the meeting. A quorum of the committee
25 shall consist of a majority of its members.

1 [6.] 7. The governor may remove a committee member for
2 misconduct, incompetency, neglect of the member's official
3 duties, or for cause.

4 [7.] 8. The public member shall be at the time of the
5 person's appointment a citizen of the United States; a resident
6 of this state for a period of one year and a registered voter; a
7 person who is not and never was a member of any profession
8 licensed or regulated by sections 324.200 to 324.225, or the
9 spouse of such a person; and a person who does not have and never
10 has had a material financial interest in either the providing of
11 the professional services regulated by sections 324.200 to
12 324.225, or an activity or organization directly related to any
13 profession licensed or regulated by sections 324.200 to 324.225.
14 The duties of the public member shall not include the
15 determination of the technical requirements to be met for
16 licensure or whether any person meets such technical requirements
17 or of the technical competence or technical judgment of a
18 licensee or a candidate for licensure.

19 324.205. 1. [After July 1, 2000, no person may use the
20 title licensed dietitian or L.D. in this state unless the person
21 is licensed pursuant to the provisions of sections 324.200 to
22 324.225.

23 2. Any person who violates the provisions of subsection 1
24 of this section is guilty of an infraction.] Any person who holds
25 a license to practice dietetics in this state may use the title

1 "Dietitian" or the abbreviation "L.D.". No other person may use
2 the title "Dietitian" or the abbreviation "L.D.". No other
3 person shall assume any title or use any title or use any
4 abbreviation or any other words, letters, signs, or devices to
5 indicate that the person using the same is a licensed dietitian.

6 2. No person shall practice or offer to practice dietetics
7 in this state for compensation or use any title, sign,
8 abbreviation, card, or device to indicate that such person is
9 practicing dietetics unless he or she has been duly licensed
10 pursuant to the provisions of sections 324.200 to 324.225.

11 3. Any person who violates the provisions of subsection 1
12 of this section is guilty of a class A misdemeanor.

13 324.206. As long as the person involved does not represent
14 or hold himself or herself out as a dietitian as defined by
15 subdivision (2) of subsection 2 of section 324.200, nothing in
16 sections 324.200 to 324.225 is intended to limit, preclude, or
17 otherwise interfere with:

18 (1) Self-care by a person or gratuitous care by a friend or
19 family member;

20 (2) Persons in the military services or working in federal
21 facilities from performing any activities described in sections
22 324.200 to 324.225 during the course of their assigned duties in
23 the military service or a federal facility;

24 (3) A licensed healthcare provider performing any
25 activities described in sections 324.200 to 324.225 that are

1 within the scope of practice of the licensee;

2 (4) A person pursuing an approved educational program
3 leading to a degree or certificate in dietetics at an accredited
4 or approved educational program as long as such person does not
5 provide dietetic services outside the educational program. Such
6 person shall be designated by a title that clearly indicates the
7 person's status as a student;

8 (5) Individuals who do not hold themselves out as
9 dietitians marketing or distributing food products including
10 dietary supplements as defined by the Food and Drug
11 Administration or engaging in the explanation and education of
12 customers regarding the use of such products;

13 (6) Any person furnishing general nutrition information as
14 to the use of food, food materials, or dietary supplements, nor
15 prevent in any way the free dissemination of literature;
16 provided, however, no such individual may call himself or herself
17 a dietitian unless he or she is licensed under this chapter.

18 324.210. 1. An applicant for licensure as a dietitian
19 shall be at least twenty-one years of age.

20 2. Each applicant shall furnish evidence to the committee
21 that:

22 (1) The applicant has completed a didactic program in
23 dietetics which is approved or accredited by the commission on
24 [accreditation/approval for dietetic education] accreditation for
25 dietetics education and a minimum of a baccalaureate degree from

1 an acceptable educational institution accredited by a regional
2 accrediting body or accredited by an accrediting body which has
3 been approved by the United States Department of Education.
4 Applicants who have obtained their education outside of the
5 United States and its territories must have their academic
6 degrees validated as equivalent to the baccalaureate or master's
7 degree conferred by a regionally accredited college or university
8 in the United States. Validation of a foreign degree does not
9 eliminate the need for a verification statement of completion of
10 a didactic program in dietetics;

11 (2) The applicant has completed a supervised practice
12 requirement from an institution that is certified by a nationally
13 recognized professional organization as having a dietetics
14 specialty or who meets criteria for dietetics education
15 established by the committee. The committee may specify those
16 professional organization certifications which are to be
17 recognized and may set standards for education training and
18 experience required for those without such specialty
19 certification to become dietitians.

20 3. The applicant shall successfully pass an examination as
21 determined by the committee. The committee may waive the
22 examination requirement and grant licensure to an applicant for a
23 license as a dietitian who presents satisfactory evidence to the
24 committee of current registration as a dietitian with the
25 commission on dietetic registration.

1 4. Prior to July 1, 2000, a person may apply for licensure
2 without examination and shall be exempt from the academic
3 requirements of this section if the committee is satisfied that
4 the applicant has a bachelor's degree in a program approved by
5 the committee and has work experience approved by the committee.

6 5. The committee may determine the type of documentation
7 needed to verify that an applicant meets the qualifications
8 provided in subsection 3 of this section.

9 324.215. 1. The committee shall issue a license to each
10 candidate who files an application and pays the fee as required
11 by the provisions of sections 324.200 to 324.225 and who
12 furnishes evidence satisfactory to the committee that the
13 candidate has complied with the provisions of section 324.210 or
14 with the provisions of subsection 2 of this section.

15 2. The committee may issue a license to any dietitian who
16 has a valid current license to practice dietetics or medical
17 nutrition therapy in any jurisdiction, provided that such person
18 is licensed in a jurisdiction whose requirements for licensure
19 are substantially equal to, or greater than, the requirements for
20 licensure of dietitians in Missouri at the time the applicant
21 applies for licensure.

22 3. The committee may not allow any person to sit for the
23 examination for licensure as a dietitian in this state who has
24 failed the examination as approved by the committee three times,
25 until the applicant submits evidence of satisfactory completion

1 of additional course work or experience and has been approved by
2 the committee for reexamination.

3 324.216. 1. A licensed dietitian may choose not to renew
4 his or her license and thereby allow such license to lapse, or
5 may ask to be put on inactive status, provided such person does
6 not practice dietetics during such period that the license is
7 lapsed or the practitioner is on inactive status. If a person
8 with a lapsed license desires to resume the practice of
9 dietetics, the person shall apply for licensure pursuant to the
10 licensing requirements in effect at the time the person applies
11 to resume the practice of dietetics and pay the required fee as
12 established by the committee. If the person desires to maintain
13 such license on an inactive status and in order to avoid lapsing
14 of such license, the person shall pay the required fee as
15 established by the committee for maintaining an inactive license.
16 An inactive license shall be renewed biennially. An inactive
17 license may be reactivated by the committee as provided by rule.

18 2. Any person who practices as a dietitian during the time
19 his or her license is inactive or lapsed shall be considered an
20 illegal practitioner and shall be subject to the penalties for
21 violation of the dietitian practice act.

22 324.400. As used in sections 324.400 to 324.439, the
23 following terms mean:

24 (1) "Council", the interior design council created in
25 section 324.406;

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

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

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

10 324.402. The state or any county, municipality, or other
11 political subdivision shall not require the use of a registered
12 interior designer for any residential building, residential
13 remodeling, residential rehabilitation, or residential
14 construction purposes.

15 324.403. No person may use the name or title, registered
16 [commercial] interior designer, in this state unless that person
17 is registered as required by sections 324.400 to 324.439.

18 Nothing in sections 324.400 to 324.439 shall be construed as
19 limiting or preventing the practice of a person's profession or
20 restricting a person from providing interior design services,
21 provided such person does not indicate to the public that such
22 person is registered as an interior designer pursuant to the
23 provisions of sections 324.400 to 324.439.

24 324.409. 1. To be a registered [commercial] interior
25 designer, a person:

1 (1) Shall take and pass or have passed the examination
2 administered by the National Council for Interior Design
3 Qualification or an equivalent examination approved by the
4 council. In addition to proof of passage of the examination, the
5 application shall provide substantial evidence to the council
6 that the applicant:

7 (a) Is a graduate of a five-year or four-year interior
8 design program from an accredited institution and has completed
9 at least two years of diversified and appropriate interior design
10 experience; or

11 (b) Has completed at least three years of an interior
12 design curriculum from an accredited institution and has
13 completed at least three years of diversified and appropriate
14 interior design experience; or

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

19 (2) May qualify who is currently registered pursuant to
20 sections 327.091 to 327.171, RSMo, and section 327.401, RSMo,
21 pertaining to the practice of architecture and registered with
22 the council. Such applicant shall give authorization to the
23 council in order to verify current registration with sections
24 327.091 to 327.171, RSMo, and section 327.401, RSMo, pertaining
25 to the practice of architecture.

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

5 3. The council shall verify if an applicant has complied
6 with the provisions of this section and has paid the required
7 fees, then the council shall recommend such applicant be
8 registered as a registered [commercial] interior designer by the
9 council.

10 324.415. Applications for registration as a registered
11 [commercial] interior designer shall be typewritten on forms
12 prescribed by the division and furnished to the applicant. The
13 application shall contain the applicant's statements showing the
14 applicant's education, experience, results of previous interior
15 design certification, registration or licensing examinations, if
16 any, and such other pertinent information as the council may
17 require, or architect's registration number and such other
18 pertinent information as the council may require. Each
19 application shall contain a statement that is made under oath or
20 affirmation and that the representations are true and correct to
21 the best knowledge and belief of the person signing the
22 application. The person shall be subject to the penalties for
23 making a false affidavit or declaration and shall be accompanied
24 by the required fee.

25 324.418. 1. The certificate of registration issued

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

18 2. Each application for the renewal or reinstatement of a
19 registration shall be on a form furnished to the applicant and
20 shall be accompanied by the required fees and proof of current
21 completion of at least one unit every two years of approved or
22 verifiable continuing education in interior design or
23 architecture, immediately prior to such renewal or reinstatement.
24 Ten contact hours constitutes one continuing education unit.
25 Five contact hours of teaching in interior design or architecture

1 constitutes one continuing education unit. One college course
2 credit in interior design or architecture constitutes one
3 continuing education unit.

4 324.421. The council shall register without examination,
5 any interior designer certified, licensed or registered in
6 another state or territory of the United States or foreign
7 country if the applicant has qualifications which are at least
8 equivalent to the requirements for registration as a registered
9 [commercial] interior designer in this state and such applicant
10 pays the required fees.

11 324.427. It is unlawful for any person to advertise or
12 indicate to the public that the person is a registered
13 [commercial] interior designer in this state, unless such person
14 is registered as a registered [commercial] interior designer by
15 the council and is in good standing pursuant to sections 324.400
16 to 324.439.

17 324.430. No person may use the designation registered
18 [commercial] interior designer in Missouri, unless the council
19 has issued a current certificate of registration certifying that
20 the person has been duly registered as a registered [commercial]
21 interior designer in Missouri and unless such registration has
22 been renewed or reinstated as provided in section 324.418.

23 324.433. The right to use the title of registered
24 [commercial] interior designer shall be deemed a personal right,
25 based upon the qualifications of the individual, evidenced by the

1 person's current certificate of registration and such certificate
2 is not transferable; except that, a registered [commercial]
3 interior designer may perform the interior designer's profession
4 through, or as a member of, or as an employee of, a partnership
5 or corporation.

6 324.526. 1. Notwithstanding any other law to the contrary,
7 the director of the division of professional registration shall
8 issue a temporary license to practice tattooing, body piercing,
9 or branding under the following requirements:

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

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

17 (3) The applicant is otherwise qualified for licensure
18 under sections 324.520 to 324.526 and the rule promulgated under
19 the authority of this statute.

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

24 3. Notwithstanding the requirements of sections 620.127 and
25 620.145, RSMo, an applicant for temporary licensure under this

1 section shall not be required to provide a Social Security number
2 if the application is submitted by a citizen of a foreign country
3 who has not yet been issued a Social Security number and who
4 previously has not been licensed by any other state, United
5 States territory, or federal agency. A citizen of a foreign
6 country who applies for a temporary permit under this section
7 shall provide the division of professional registration with his
8 or her visa or passport identification number in lieu of the
9 Social Security number.

10 328.075. 1. Any person desiring to practice as an
11 apprentice for barbering in this state shall apply to the board,
12 registered as an apprentice with the board, and shall pay the
13 appropriate fees prior to beginning their apprenticeship. Barber
14 apprentices shall be of good moral character and shall be at
15 least seventeen years of age.

16 2. Any person desiring to act as an apprentice supervisor
17 for barbering in this state shall first possess a license to
18 practice the occupation of barbering, apply to the board, pay the
19 appropriate fees, complete an eight-hour apprentice supervision
20 instruction course certified by the board, and be issued a
21 certificate of registration as a barber apprentice supervisor
22 prior to supervising barber apprentices.

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

25 4. Any rule or portion of a rule, as that term is defined

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

11 328.080. 1. Any person desiring to practice barbering in
12 this state shall make application for a certificate to the board
13 and shall pay the required barber examination fee. He or she
14 shall be present at the next regular meeting of the board for the
15 examination of applicants.

16 2. The board shall examine the applicant and, upon
17 successful completion of the examination and payment of the
18 required registration fee, shall issue to him or her a
19 certificate of registration authorizing him or her to practice
20 the trade in this state and enter his name in the register herein
21 provided for, if it finds that he or she:

22 (1) Is seventeen years of age or older and of good moral
23 character;

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

25 (3) Has studied for at least one thousand hours in a period

1 of not less than six months in a properly appointed and conducted
2 barber school under the direct supervision of a licensed
3 instructor; or, if the applicant is an apprentice, the applicant
4 shall have served and completed no less than two thousand hours
5 under the direct supervision of a licensed barber apprentice
6 supervisor;

7 (4) Is possessed of requisite skill in the trade of
8 barbering to properly perform the duties thereof, including the
9 preparation of tools, shaving, haircutting and all the duties and
10 services incident thereto; and

11 (5) Has sufficient knowledge of the common diseases of the
12 face and skin to avoid the aggravation and spread thereof in the
13 practice of barbering.

14 3. The board shall be the judge of whether the barber
15 school, the barber apprenticeship, or college is properly
16 appointed and conducted under proper instruction to give
17 sufficient training in the trade.

18 4. The sufficiency of the qualifications of applicants
19 shall be determined by the board.

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

23 332.032. 1. Upon unanimous consent of the members of the
24 board, the president or secretary of the board shall administer
25 oaths, subpoena witnesses, issue subpoenas duces tecum, and

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

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

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

1 candidate who presents satisfactory evidence of the person's
2 graduation from a school of physical therapy approved as
3 reputable by the American Medical Association or, if graduated
4 before 1936, by the American Physical Therapy Association, or if
5 graduated after 1988, the Commission on Accreditation for
6 Physical Therapy Education or its successor, is deemed to have
7 complied with the educational qualifications of this subsection.

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

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

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

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

24 334.540. 1. The board shall issue a license to any
25 physical therapist who is licensed in another jurisdiction and

1 who has had no violations, suspensions or revocations of a
2 license to practice physical therapy in any jurisdiction,
3 provided that, such person is licensed in a jurisdiction whose
4 requirements are substantially equal to, or greater than, the
5 requirements for licensure of physical therapists in Missouri at
6 the time the applicant applies for licensure.

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

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

22 334.550. [1. Upon the applicant paying a temporary license
23 fee, the board shall issue without examination a temporary
24 license to practice physical therapy for a period of time not to
25 extend beyond the time when the results of the next examination

1 are announced to any person who meets the qualifications of
2 subsection 1 of section 334.530; provided that, the applicant has
3 not previously been examined in one or more states or territories
4 of the United States or the District of Columbia. The temporary
5 license may be renewed at the discretion of the board and payment
6 of the temporary license fee.

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

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

1 of a licensed physical therapist. The board shall define the
2 scope of such supervision by rules and regulations. The
3 temporary license shall expire on either the date the applicant
4 receives the results of the applicant's initial examination or
5 within ninety days of its issuance, whichever occurs first.

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

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

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

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

1 representations are true and correct to the best knowledge and
2 belief of the person signing the statement, subject to the
3 penalties of making a false affidavit or declaration.

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

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

1 5. [Examination grades or scores shall be preserved by the
2 board subject to public inspection. Examination papers retained
3 by the board shall be subject to public inspection for a period
4 of three years and thereafter may be destroyed.

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

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

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

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

20 334.665. [Upon the applicant paying a temporary fee, the
21 board shall issue, without examination, a temporary license to
22 practice as a physical therapist assistant for a period of time
23 not to exceed beyond the time when the results of the next
24 examination are announced to any person who meets the
25 qualifications of section 334.655. The temporary license may be

1 renewed at the discretion of the board and upon payment of a
2 temporary license fee.] An applicant who has not been previously
3 examined in another jurisdiction and meets the qualifications of
4 subsection 1 of section 334.655 may pay a temporary license fee
5 and submit an agreement-to-supervise form which is signed by the
6 applicant's supervising physical therapist to the board and
7 obtain without examination a nonrenewable temporary license.
8 Such temporary licensee may only practice under the supervision
9 of a licensed physical therapist. The board shall define the
10 scope of such supervision by rules and regulations. The
11 temporary license shall expire on either the date the applicant
12 receives the results of the applicant's initial examination or
13 within ninety days of its issuance, whichever occurs first.

14 335.212. As used in sections 335.212 to 335.242, the
15 following terms mean:

- 16 (1) "Board", the Missouri state board of nursing;
17 (2) "Department", the Missouri department of health and
18 senior services;
19 (3) "Director", director of the Missouri department of
20 health and senior services;
21 (4) "Eligible student", a resident who has made application
22 to be a full-time student in a formal course of instruction
23 leading to an associate degree, a diploma, a bachelor of science,
24 or a master of science in nursing or leading to the completion of
25 educational requirements for a licensed practical nurse;

1 (5) "Participating school", an institution within this
2 state which is approved by the board for participation in the
3 professional and practical nursing student loan program
4 established by sections 335.212 to 335.242, having a nursing
5 department and offering a course of instruction based on nursing
6 theory and clinical nursing experience;

7 (6) "Qualified applicant", an eligible student approved by
8 the board for participation in the professional and practical
9 nursing student loan program established by sections 335.212 to
10 335.242;

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

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

24 335.245. As used in sections 335.245 to 335.259, the
25 following terms mean:

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

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

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

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

1 full-time basis may be prorated to reflect the amounts provided
2 in this section.

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

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

1 which exceeds the appropriate multiple of the appropriations from
2 the committee's fund for the preceding fiscal year.

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

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

20 2. The division shall mail a renewal notice to the last
21 known address of each licensee prior to the registration renewal
22 date. Failure to provide the division with the information
23 required for registration, or to pay the registration fee after
24 such notice shall effect a revocation of the license after a
25 period of sixty days from the registration renewal date. The

1 license shall be restored if, within two years of the
2 registration date, the applicant provides written application and
3 the payment of the registration fee and a delinquency fee.

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

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

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

1 the committee's fund for the preceding fiscal year.

2 6. The committee shall hold public examinations at least
3 two times per year, at such times and places as may be fixed by
4 the committee, notice of such examinations to be given to each
5 applicant at least ten days prior thereto.

6 337.615. 1. Each applicant for licensure as a clinical
7 social worker shall furnish evidence to the committee that:

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

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

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

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

24 2. 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 clinical social workers may be granted a license to engage in the
4 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 337.612.

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

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

24 (1) The applicant has a baccalaureate degree in social work
25 from an accredited social work degree program approved by the

1 council of social work education;

2 (2) The applicant has achieved a passing score, as defined
3 by the committee, on an examination approved by the committee.
4 The eligibility requirements for such examination shall be
5 determined by the state committee for social work;

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

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

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

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

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

1 3. Any person [not a resident of this state] holding a
2 valid unrevoked and unexpired license, certificate or
3 registration from another state or territory of the United States
4 having substantially the same requirements as this state for
5 baccalaureate social workers may be granted a license to engage
6 in the person's occupation in this state upon application to the
7 committee accompanied by the appropriate fee as established by
8 the committee pursuant to section 337.662.

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

23 337.712. 1. Applications for licensure as a marital and
24 family therapist shall be in writing, submitted to the division
25 on forms prescribed by the division and furnished to the

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

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

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

22 4. The division shall set the amount of the fees
23 authorized. The fees shall be set at a level to produce revenue
24 which shall not substantially exceed the cost and expense of
25 administering the provisions of sections 337.700 to 337.739. All

1 fees provided for in sections 337.700 to 337.739 shall be
2 collected by the director who shall deposit the same with the
3 state treasurer to a fund to be known as the "Marital and Family
4 Therapists' Fund".

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

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

22 (1) Sells, exchanges, purchases, rents, or leases real
23 estate;

24 (2) Offers to sell, exchange, purchase, rent or lease real
25 estate;

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

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

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

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

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

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

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

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

24 2. A "real estate salesperson" is any person, who for a
25 compensation or valuable consideration becomes associated, either

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

8 3. The term "commission" as used in sections 339.010 to
9 339.180 and sections 339.710 to 339.860 means the Missouri real
10 estate commission.

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

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

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

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

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

2 (4) Any person acting as receiver, trustee in bankruptcy,
3 administrator, executor, or guardian or while acting under a
4 court order or under the authority of a will, trust instrument or
5 deed of trust or as a witness in any judicial proceeding or other
6 proceeding conducted by the state or any governmental subdivision
7 or agency;

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

12 (a) Delivery of a lease application, a lease, or any
13 amendment thereof, to any person;

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

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

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

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

1 (f) If the person described in this section is employed or
2 retained by, for, or on behalf of a real estate broker, the real
3 estate broker shall be subject to discipline under this chapter
4 for any conduct of the person that violates this chapter or the
5 regulations promulgated thereunder;

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

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

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

23 (9) Any newspaper [or], magazine [or], periodical [of
24 general circulation], or Internet site whereby the advertising of
25 real estate is incidental to [the] its operation [of that

1 publication] or to any form of communications regulated or
2 licensed by the Federal Communications Commission or any
3 successor agency or commission;

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

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

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

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

24 (c) Receives no fee, commission or compensation, either
25 monetary or in kind, that is directly related to sale or disposal

1 of such properties. An economic developer's normal annual
2 compensation shall be excluded from consideration as commission
3 or compensation related to sale or disposal of such properties;
4 or

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

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

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

24 339.040. 1. Licenses shall be granted only to persons who
25 present, and corporations, associations, or partnerships whose

1 officers, associates, or partners present, satisfactory proof to
2 the commission that they:

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

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

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

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

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

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

22 5. Each application for a broker license shall include a
23 certificate from the applicant's broker or brokers that the
24 applicant has been actively engaged in the real estate business
25 as a licensed salesperson for at least one year immediately

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

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

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

1 8. Every active broker, salesperson, officer [or], partner
2 [to present upon license renewal], or associate shall provide
3 upon request to the commission evidence that during the two years
4 preceding he or she has completed twelve hours of real estate
5 instruction in courses approved by the commission. The
6 commission may, by rule and regulation, provide for individual
7 waiver of this requirement.

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

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

14 339.060. 1. The commission shall set the amount of the
15 fees which sections 339.010 to 339.180 and sections 339.710 to
16 339.860 authorize and require by rules and regulations
17 promulgated pursuant to section 536.021, RSMo. The fees shall be
18 set at a level to produce revenue which shall not substantially
19 exceed the cost and expense of administering sections 339.010 to
20 339.180 and sections 339.710 to 339.860.

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

1 339.100. 1. The commission may, upon its own motion, and
2 shall upon receipt of a written complaint filed by any person,
3 investigate any [business transaction] real estate-related
4 activity of a [person, partnership or corporation] licensee
5 licensed under sections 339.010 to 339.180 and sections 339.710
6 to 339.860 or an individual or entity acting as or representing
7 themselves as a real estate licensee. In conducting such
8 investigation, if the questioned activity or written complaint
9 involves an affiliated licensee, the commission may forward a
10 copy of the information received to the affiliated licensee's
11 designated broker. The commission shall have the power to hold
12 an investigatory hearing to determine whether there is a
13 probability [that the licensee has performed or attempted to
14 perform any act or practice declared unlawful pursuant to] of a
15 violation of sections 339.010 to 339.180 and sections 339.710 to
16 339.860. [In conducting such a hearing,] The commission shall
17 have the power to issue a subpoena to compel the production of
18 records and papers bearing on the complaint. The commission
19 shall have the power to issue a subpoena and to compel any person
20 in this state to come before the commission to offer testimony or
21 any material specified in the subpoena. Subpoenas and subpoenas
22 duces tecum issued pursuant to this section shall be served in
23 the same manner as subpoenas in a criminal case. The fees and
24 mileage of witnesses shall be the same as that allowed in the
25 circuit court in civil cases.

1 2. The commission may cause a complaint to be filed with
2 the administrative hearing commission as provided by [law when
3 the commission believes there is a probability that a licensee
4 has performed or attempted to perform any] the provisions of
5 chapter 621, RSMo, against any person or entity licensed under
6 this chapter or any licensee who has failed to renew or has
7 surrendered his or her individual or entity license for any one
8 or any combination of the following acts:

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

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

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

25 (4) Representing to any lender, guaranteeing agency, or any

1 other interested party, either verbally or through the
2 preparation of false documents, an amount in excess of the true
3 and actual sale price of the real estate or terms differing from
4 those actually agreed upon;

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

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

20 (7) Paying a commission or valuable consideration to any
21 person for acts or services performed in violation of sections
22 339.010 to 339.180 and sections 339.710 to 339.860;

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

1 (9) Having been finally adjudicated and been found guilty
2 of the violation of any state or federal statute which governs
3 the sale or rental of real property or the conduct of the real
4 estate business as defined in subsection 1 of section 339.010;

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

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

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

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

24 ~~[(13)]~~ (14) Placing a sign on or advertising any property
25 offering it for sale or rent without the written consent of the

owner or his or her duly authorized agent;

[(14)] (15) Violation of, or attempting to violate, directly or indirectly, or assisting or enabling any person to violate, any provision of sections 339.010 to 339.180 and sections 339.710 to 339.860, or of any lawful rule adopted pursuant to sections 339.010 to 339.180 and sections 339.710 to 339.860;

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

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

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

[(18)] (19) Any other conduct which constitutes

1 untrustworthy, improper or fraudulent business dealings, [or]
2 demonstrates bad faith or [gross] incompetence, misconduct, or
3 gross negligence;

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

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

15 [(21)] (22) Been finally adjudged insane or incompetent by
16 a court of competent jurisdiction;

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

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

1 3. After the filing of such complaint, the proceedings will
2 be conducted in accordance with the provisions of law relating to
3 the administrative hearing commission. A finding of the
4 administrative hearing commissioner that the licensee has
5 performed or attempted to perform one or more of the foregoing
6 acts shall be grounds for the suspension or revocation of his
7 license by the commission, or the placing of the licensee on
8 probation on such terms and conditions as the real estate
9 commission shall deem appropriate.

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

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

1 her personal funds, which sum shall be specifically identified
2 and deposited to cover service charges related to the account.

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

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

22 4. Whenever the ownership of any escrow moneys received by
23 a broker pursuant to this section is in dispute by the parties to
24 a real estate sales transaction, the broker shall report and
25 deliver the moneys to the state treasurer within three hundred

1 sixty-five days of the date of the initial projected closing date
2 in compliance with sections 447.500 to 447.595, RSMo. The
3 parties to a real estate sales transaction may agree in writing
4 that the funds are not in dispute and shall notify the broker who
5 is holding the funds.

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

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

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

22 8. In such proceeding, the court shall have power to issue
23 such temporary restraining or injunction orders, without bond,
24 which are necessary to protect the public interest. Any action
25 brought under this section shall be in addition to and not in

1 lieu of any other provisions of this chapter. In such action,
2 the commission or the state need not allege or prove that there
3 is no adequate remedy at law or that any individual has suffered
4 any economic injury as a result of the activity sought to be
5 enjoined.

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

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

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

1 an activity or organization directly related to any profession
2 licensed or regulated pursuant to sections 339.010 to 339.180 and
3 sections 339.710 to 339.860. All members, including public
4 members, shall be chosen from lists submitted by the director of
5 the division of professional registration. The duties of the
6 public member shall not include the determination of the
7 technical requirements to be met for licensure or whether any
8 person meets such technical requirements or of the technical
9 competence or technical judgment of a licensee or a candidate for
10 licensure.

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

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

1 provisions of law. This section and chapter 536, RSMo, are
2 nonseverable and if any of the powers vested with the general
3 assembly pursuant to chapter 536, RSMo, to review, to delay the
4 effective date or to disapprove and annul a rule are subsequently
5 held unconstitutional, then the grant of rulemaking authority and
6 any rule proposed or adopted after August 28, 1999, shall be
7 invalid and void.

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

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

1 and shall be grounds for investigation, complaint, proceedings
2 and discipline as provided by section 339.100.

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

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

1 broker notwithstanding the provisions of section 339.160.

2 339.160. No person, partnership, corporation, or
3 association engaged within this state in the business or acting
4 in the capacity of a real estate broker or real estate
5 salesperson shall bring or maintain an action in any court in
6 this state for the recovery of compensation for services rendered
7 in the buying, selling, exchanging, leasing, renting or
8 negotiating a loan upon any real estate without alleging and
9 proving that such person, partnership, corporation, or
10 association was a licensed real estate broker or salesperson at
11 the time when the alleged cause of action arose.

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

25 339.180. 1. It shall be unlawful for any person or

1 entity not licensed under this chapter to perform any act for
2 which a real estate [broker or salesperson] license is required.
3 Upon application by the [board] commission, and the necessary
4 burden having been met, a court of general jurisdiction may grant
5 an injunction, restraining order or other order as may be
6 appropriate to enjoin a person or entity from:

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

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

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

24 3. Any action brought under this section shall be in
25 addition to and not in lieu of any penalty provided by this

chapter and may be brought concurrently with other actions to enforce this chapter.

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

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

(a) Environmental hazards affecting the property;

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

(c) Material defects in the property;

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

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

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

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

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

(5) "Brokerage relationship", the relationship created

1 between a designated broker, the broker's affiliated licensees,
2 and a client relating to the performance of services of a broker
3 as defined in section 339.010, and sections 339.710 to 339.860.

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

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

11 (b) Alter the designated broker's underlying contractual
12 agreement with the client;

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

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

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

1 more than four units;

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

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

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

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

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

1 association, or limited liability corporation, or corporation
2 shall appoint a designated broker;

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

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

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

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

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

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

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

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

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

5 (d) Setting an appointment to view property;

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

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

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

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

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

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

1 a stock or membership certificate, a proprietary lease, or other
2 evidence of membership, are entitled to occupy a dwelling unit
3 pursuant to the terms of a proprietary lease or occupancy
4 agreement;

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

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

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

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

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

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

1 client's designated broker;

2 (22) "Transaction broker", any licensee acting pursuant to
3 sections 339.710 to 339.860, who:

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

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

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

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

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

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

1 in section 339.720.]

2 339.780. 1. All written agreements for brokerage services
3 on behalf of a seller, landlord, buyer, or tenant shall be
4 entered into by the designated broker on behalf of that broker
5 and affiliated licensees, except that the designated broker may
6 authorize affiliated licensees in writing to enter into the
7 written agreements on behalf of the designated broker.

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

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

24 4. Before engaging in any of the activities enumerated in
25 section 339.010, a designated broker intending to act as a dual

1 agent shall enter into a written agreement with the seller and
2 buyer or landlord and tenant permitting the designated broker to
3 serve as a dual agent. The agreement shall include a licensee's
4 duties and responsibilities specified in section 339.750 and the
5 terms of compensation.

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

18 6. A designated broker who intends to act as a transaction
19 broker and who expects to receive compensation from the party he
20 or she assists shall enter into a written transaction brokerage
21 agreement with such party or parties contracting for the broker's
22 service. The transaction brokerage agreement shall include a
23 licensee's duties and responsibilities specified in section
24 339.755 and the terms of compensation.

25 7. Nothing contained in this section shall prohibit the

1 public from entering into written contracts with any broker which
2 contain duties, obligations, or responsibilities which are in
3 addition to those specified in this section.

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

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

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

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

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

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

1 345.015. As used in sections 345.010 to 345.080, the
2 following terms mean:

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

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

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

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

17 a. Certification of graduation from an accredited high
18 school or its equivalent; and

19 b. On-the-job training;

20 (c) Be employed in a setting in which direct and indirect
21 supervision are provided on a regular and systematic basis by a
22 licensed audiologist. However, the aide shall not administer or
23 interpret hearing screening or diagnostic tests, fit or dispense
24 hearing instruments, make ear impressions, make diagnostic
25 statements, determine case selection, present written reports to

1 anyone other than the supervisor without the signature of the
2 supervisor, make referrals to other professionals or agencies,
3 use a title other than speech-language pathology aide or clinical
4 audiology aide, develop or modify treatment plans, discharge
5 clients from treatment or terminate treatment, disclose clinical
6 information, either orally or in writing, to anyone other than
7 the supervising speech-language pathologist/audiologist, or
8 perform any procedure for which he or she is not qualified, has
9 not been adequately trained or both;

10 (3) "Board", the state board of registration for the
11 healing arts;

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

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

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

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

1 (8) "Practice of audiology":

2 (a) The application of accepted audiologic principles,
3 methods and procedures for the measurement, testing,
4 interpretation, appraisal and prediction related to disorders of
5 the auditory system, balance system or related structures and
6 systems;

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

9 (c) Provides academic, social and medical referrals when
10 appropriate;

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

16 (e) Provides for involvement in related research, teaching
17 or public education;

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

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

1 (h) Provides involvement in any tasks, procedures, acts or
2 practices that are necessary for evaluation of audition, hearing,
3 training in the use of amplification or assistive listening
4 devices;

5 (i) Provides selection and assessment of hearing
6 instruments;

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

10 (k) Provides assessment of external ear and cerumen
11 management;

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

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

18 (n) Provides performing basic speech-language screening
19 test;

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

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

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

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

7 (s) Develops and manages academic and clinical problems in
8 communication sciences and disorders;

9 (t) Conducts, disseminates and applies research in
10 communication sciences and disorders;

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

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

16 a. Speech: articulation, fluency, voice, including
17 respiration, phonation and resonance;

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

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

1 d. Cognitive aspects of communication, including
2 communication disability and other functional disabilities
3 associated with cognitive impairment;

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

7 (b) Provides consultation and counseling and makes
8 referrals when appropriate;

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

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

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

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

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

1 (h) Collaborates in the assessment of central auditory
2 processing disorders in cases in which there is evidence of
3 speech, language or other cognitive communication disorders;
4 provides intervention for individuals with central auditory
5 processing disorders;

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

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

13 (k) Trains and supervises support personnel;

14 (l) Develops and manages academic and clinical programs in
15 communication sciences and disorders;

16 (m) Conducts, disseminates and applies research in
17 communication sciences and disorders;

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

21 (10) "Speech-language pathologist", a person who is
22 licensed as a speech-language pathologist pursuant to sections
23 345.010 to 345.080; who engages in the practice of
24 speech-language pathology as defined in sections 345.010 to
25 345.080;

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

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

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

13 a. Certification of graduation from an accredited high
14 school or its equivalent; and

15 b. On-the-job training;

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

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

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

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

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

24 [b.] (b) Submit official transcripts from one or more
25 accredited colleges or universities presenting evidence of the

1 completion of bachelor's [or associate's] level course work and
2 clinical practicum requirements equivalent to that required or
3 approved by the Council on Academic Accreditation of the American
4 Speech-Language-Hearing Association[;

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

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

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

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

25 (d) The individuals meeting the requirements prior to

1 January 1, 2005, may be granted continued registration from the
2 board provided the individual meets the following:

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

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

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

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

1 374.695. Sections 374.695 to 374.789 may be known and shall
2 be cited as the "Professional Bail Bondsman and Surety Recovery
3 Agent Licensure Act".

4 436.215. Sections 436.215 to 436.272 may be cited as the
5 "Uniform Athlete Agents Act".

6 436.218. As used in sections 436.215 to 436.272, the
7 following terms mean:

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

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

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

1 for females, as appropriate;

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

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

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

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

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

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

23 (10) "Professional-sports-services contract", an agreement
24 under which an individual is employed or agrees to render
25 services as a player on a professional sports team, with a

1 professional sports organization, or as a professional athlete;

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

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

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

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

17 436.221. 1. The director shall administer the provisions
18 of sections 436.215 to 436.272.

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

24 3. The director may subpoena witnesses, issue subpoenas
25 duces tecum and require production of documents and records.

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

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

19 436.224. 1. Except as otherwise provided in subsection 2
20 of this section, an individual may not act as an athlete agent in
21 this state before being issued a certificate of registration
22 under section 436.230 or 436.236.

23 2. An individual with a temporary license under section
24 436.236 may act as an athlete agent before being issued a
25 certificate of registration for all purposes except signing an

1 agency contract if:

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

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

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

10 436.227. 1. An applicant for registration shall submit an
11 application for registration to the director in a form prescribed
12 by the director. The application must be in the name of an
13 individual and signed by the applicant under penalty of perjury
14 and must state or contain:

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

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

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

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

23 (a) Formal training as an athlete agent;

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

25 (c) Educational background relating to the applicant's

1 activities as an athlete agent;

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

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

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

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

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

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

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

23 (10) Any instance in which the prior conduct of the
24 applicant or any other person named under subdivision (7) of this
25 subsection resulted in the imposition of a sanction, suspension,

1 or declaration of ineligibility to participate in an
2 interscholastic or intercollegiate athletic event on a student-
3 athlete or educational institution;

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

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

13 436.230. 1. Except as otherwise provided in subsection 2
14 of this section, the director shall issue a certificate of
15 registration to an individual who complies with subsection 1 of
16 section 436.227.

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

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

25 (2) Made a materially false, misleading, deceptive, or

1 fraudulent representation as an athlete agent or in the
2 application;

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

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

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

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

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

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

18 (1) How recently the conduct occurred;

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

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

22 5. An athlete agent may apply to renew a registration by
23 submitting an application for renewal in a form prescribed by the
24 director. The application for renewal must be signed by the
25 applicant under penalty of perjury under section 575.040, RSMo,

1 and shall contain current information on all matters required in
2 an original registration.

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

5 436.233. 1. The director may revoke, suspend, or refuse to
6 renew any certificate of registration required under this chapter
7 for one or any combination of causes stated in subsection 2 of
8 this section. The director shall notify the applicant in writing
9 of the reasons for the refusal and shall advise the applicant of
10 the applicant's right to file a complaint with the administrative
11 hearing commission as provided by chapter 621, RSMo.

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

18 (1) The person has been finally adjudicated and found
19 guilty, or entered a plea of guilty or nolo contendere, in a
20 criminal prosecution under the laws of any state or of the United
21 States, for any offense reasonably related to the qualifications,
22 functions or duties under this chapter, for any offense an
23 essential element of which is fraud, dishonesty or an act of
24 violence, or for any offense involving moral turpitude, whether
25 or not sentence is imposed;

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

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

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

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

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

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

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

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

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

25 (7) Knowingly making, or causing to be made, or aiding, or

1 abetting in the making of, a false statement in any birth or
2 other certificate or document executed in connection with the
3 transaction;

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

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

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

25 4. In any order of revocation, the director may provide

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

5 436.236. The director may issue a temporary certificate of
6 registration valid for sixty days while an application for
7 registration or renewal is pending.

8 436.239. 1. An application for registration or renewal of
9 registration shall be accompanied by a fee which shall be
10 determined by the director and established by rule. All fees
11 payable under the provisions of this section shall be collected
12 by the division of professional registration and transmitted to
13 the department of revenue for deposit in the state treasury to
14 the credit of the fund to be known as the "Athlete Agent Fund"
15 which is hereby established. The provisions of section 33.080,
16 RSMo, to the contrary notwithstanding, money in the athlete agent
17 fund shall not be transferred and placed to the credit of general
18 revenue until the amount in the athlete agent fund at the end of
19 the biennium exceeds two times the amount of the appropriations
20 from such fund for the preceding fiscal year or, if the director
21 allows renewal of registration less frequently than yearly, then
22 three times the appropriations from such fund for the preceding
23 fiscal year; provided that no amount from such fund may be
24 transferred to the credit of general revenue earlier than two
25 years following the effective date of this section. The amount

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

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

18 436.242. 1. An agency contract must be in a record signed
19 by the parties.

20 2. An agency contract must state or contain:

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

1 services;

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

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

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

9 (5) The duration of the contract; and

10 (6) The date of execution.

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

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

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

23 5. The athlete agent shall give a copy of the signed agency
24 contract to the student-athlete at the time of signing.

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

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

15 436.248. 1. A student-athlete may cancel an agency
16 contract by giving notice in writing to the athlete agent of the
17 cancellation within fourteen days after the contract is signed.

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

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

25 436.251. 1. An athlete agent shall retain the following

1 records for a period of five years:

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

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

6 (3) Any direct costs incurred by the athlete agent in the
7 recruitment or solicitation of a student-athlete.

8 2. Records required by subsection 1 of this section to be
9 retained are open to inspection by the director during normal
10 business hours.

11 436.254. 1. An athlete agent may not do any of the
12 following with the intent to induce a student-athlete to enter
13 into an agency contract:

14 (1) Give any materially false or misleading information or
15 make a materially false promise or representation;

16 (2) Furnish anything of value to a student-athlete before
17 the student-athlete enters into the agency contract; or

18 (3) Furnish anything of value to any individual other than
19 the student-athlete or another registered athlete agent.

20 2. An athlete agent may not intentionally:

21 (1) Initiate contact with a student-athlete unless
22 registered under sections 436.215 to 436.272;

23 (2) Refuse or willfully fail to retain or permit inspection
24 of the records required by section 436.251;

25 (3) Violate section 436.224 by failing to register;

1 (4) Provide materially false or misleading information in
2 an application for registration or renewal of registration;

3 (5) Predate or postdate an agency contract; or

4 (6) Fail to notify a student-athlete prior to the student
5 athlete's signing an agency contract for a particular sport that
6 the signing by the student-athlete may make the student-athlete
7 ineligible to participate as a student-athlete in that sport.

8 436.257. The commission of any act prohibited by section
9 436.254 by an athlete agent is a class B misdemeanor.

10 436.260. 1. An educational institution has a right of
11 action against an athlete agent or a former student-athlete for
12 damages caused by a violation of sections 436.215 to 436.272. In
13 an action under this section, the court may award to the
14 prevailing party costs and reasonable attorney's fees.

15 2. Damages of an educational institution under subsection 1
16 of this section include losses and expenses incurred because as a
17 result of the activities of an athlete agent or former student-
18 athlete the educational institution was injured by a violation of
19 sections 436.215 to 436.272 or was penalized, disqualified, or
20 suspended from participation in athletics by a national
21 association for the promotion and regulation of athletics, by an
22 athletic conference, or by reasonable self-imposed disciplinary
23 action taken to mitigate sanctions.

24 3. A right of action under this section does not accrue
25 until the educational institution discovers or by the exercise of

1 reasonable diligence would have discovered the violation by the
2 athlete agent or former student-athlete.

3 4. Any liability of the athlete agent or the former
4 student-athlete under this section is several and not joint.

5 5. Sections 436.215 to 436.272 do not restrict rights,
6 remedies, or defenses of any person under law or equity.

7 436.263. Any person who violates any provisions of sections
8 436.215 to 436.269 is guilty of a class A misdemeanor.

9 436.266. In applying and construing sections 436.215 to
10 436.272, consideration must be given to the need to promote
11 uniformity of the law with respect to the subject matter of
12 sections 436.215 to 436.272 among states that enact it.

13 436.269. If any provision of sections 436.215 to 436.272 or
14 its application to any person or circumstance is held invalid,
15 the invalidity does not affect other provisions or applications
16 of sections 436.215 to 436.272 which can be given effect without
17 the invalid provision or application, and to this end the
18 provisions of sections 436.215 to 436.272 are severable.

19 436.272. Any moneys collected by the director under section
20 436.263 shall immediately be transferred to the department of
21 revenue for deposit in the state treasury to the credit of
22 general revenue.

23 620.127. Notwithstanding any provision of law to the
24 contrary, every application for a license, certificate,
25 registration, or permit, or renewal of a license, certificate,

1 registration, or permit issued in this state shall contain the
2 Social Security number of the applicant. This provision shall
3 not apply to an original application for a license, certificate,
4 registration, or permit submitted by a citizen of a foreign
5 country who has never been issued a Social Security number and
6 who previously has not been licensed by any other state, United
7 States territory, or federal agency. A citizen of a foreign
8 country applying for licensure with the division of professional
9 registration shall be required to submit his or her visa or
10 passport identification number in lieu of the Social Security
11 number.

12 620.145. [1.] The division of professional registration
13 shall maintain, for each board in the division, a registry of
14 each person holding a current license, permit or certificate
15 issued by that board. The registry shall contain the name,
16 Social Security number and address of each person licensed or
17 registered together with other relevant information as determined
18 by the board. The registry for each board shall at all times be
19 available to the board and copies shall be supplied to the board
20 on request. Copies of the registry, except for the registrant's
21 Social Security number, shall be available from the division or
22 the board to any individual who pays the reasonable copying cost.
23 Any individual may copy the registry during regular business
24 hours. The information in the registry shall be furnished upon
25 request to the division of child support enforcement. Questions

1 concerning the currency of license of any individual shall be
2 answered, without charge, by the appropriate board. Each year
3 each board may publish, or cause to be published, a directory
4 containing the name and address of each person licensed or
5 registered for the current year together with any other
6 information the board deems necessary. Any expense incurred by
7 the state relating to such publication shall be charged to the
8 board. An official copy of any such publication shall be filed
9 with the director of the department of economic development.

10 [2. Notwithstanding any provision of law to the contrary,
11 each board shall require each person applying for a license,
12 permit or certificate, or a renewal of a license, permit or
13 certificate to furnish the board with the applicant's Social
14 Security number.]

15 [339.600. 1. As used in sections
16 339.600 to 339.610, the following terms mean:

17 (1) "Commission", the Missouri real
18 estate commission;

19 (2) "Escrow agent", any person,
20 partnership, association or corporation,
21 foreign or domestic, who performs any of the
22 following functions: closings or settlements
23 or any function related thereto in sales,
24 exchanges or other transfers of real
25 property.

26 2. A person or entity who meets the
27 definition of escrow agent as provided in
28 subsection 1 of this section is exempt from
29 the provisions of sections 339.600 to 339.610
30 if such person is:

31 (1) A person or entity doing business
32 under the laws of this state or the United
33 States as a bank, trust company, savings and
34 loan association, credit union, commercial or
35 consumer finance company, industrial loan
36 company, insurance company or title insurance

1 company or title insurance agency;
2 (2) An attorney at law;
3 (3) A person or entity licensed
4 pursuant to this chapter rendering services
5 in the performance of his or her duties as a
6 real estate broker or salesperson;
7 (4) A mortgage loan company which is
8 subject to licensing, supervision or auditing
9 by the Federal National Mortgage Association
10 or the Federal Home Loan Mortgage Corporation
11 or the United States Veterans' Administration
12 or the Government National Mortgage
13 Association or the United States Department
14 of Housing and Urban Development or a
15 successor of any of such agencies or
16 entities, as an approved seller or servicer;
17 or
18 (5) The United States, the state of
19 Missouri or any state, any political
20 subdivision of this state or any agency,
21 division or corporate instrumentality
22 thereof.]

23 [339.603. 1. It is unlawful for any
24 person, partnership, association or
25 corporation, foreign or domestic, to act as
26 an escrow agent, or to advertise or attempt
27 to act as such without being properly
28 registered with the commission.

29 2. Upon application by the commission
30 and upon proof by a preponderance of the
31 evidence, a court of general jurisdiction may
32 grant an injunction, restraining order or
33 other order as may be appropriate to enjoin a
34 person from unlawfully engaging or attempting
35 to engage in the activities identified in
36 sections 339.600 to 339.610.]

37 [339.605. 1. A person, partnership,
38 association or corporation, incorporated
39 pursuant to the laws of Missouri, may be
40 registered as an escrow agent pursuant to
41 sections 339.600 to 339.610, if such person,
42 partners of the partnership, members of the
43 association or officers of the corporation
44 are at least eighteen years of age, of good
45 moral character and are competent to transact
46 the business of an escrow agent in such
47 manner as to safeguard the interest of the
48 public. The commission shall require proof

1 that such persons meet the qualifications as
2 provided in this subsection.

3 2. A corporation, partnership or
4 association may be registered if every
5 partner of the partnership, every member of
6 the association, or every officer of the
7 corporation who actively participates in its
8 escrow business has been registered and the
9 corporation, partnership or association has
10 paid all the required fees.

11 3. Applications for registration shall
12 be submitted in writing on forms furnished by
13 the commission and accompanied by such
14 information and recommendations as the
15 commission may require.

16 4. The commission may refuse to
17 register any person, partnership, association
18 or corporation if the person, partner, member
19 or a direct or indirect controlling
20 stockholder has been found guilty of, or
21 pleaded guilty to, stealing, forgery,
22 embezzlement, obtaining money under false
23 pretenses, extortion, criminal conspiracy to
24 defraud or any similar offense.]

25 [339.606. The commission may promulgate
26 rules and regulations and perform all duties
27 necessary for carrying out the provisions of
28 sections 339.600 to 339.610. The commission
29 shall set the amount of the fees which are
30 authorized pursuant to sections 339.600 to
31 339.610 by rules and regulations promulgated
32 pursuant to section 536.021, RSMo. The fees
33 shall be set at a level to produce revenue
34 which shall not substantially exceed the cost
35 and expense of administering sections 339.600
36 to 339.610.]

37 [339.607. Each registration granted
38 pursuant to sections 339.600 to 339.610 shall
39 be renewed every two years and the commission
40 shall issue a new registration upon receipt
41 of a proper renewal application and the
42 required renewal fee.]

43 [339.608. The fees collected pursuant
44 to the provisions of sections 339.600 to
45 339.610 shall be collected by the Missouri
46 real estate commission and shall be sent to
47 the director of the department of revenue for

1 deposit in the state treasury in the "Escrow
2 Agent Administration Fund" which is hereby
3 created. The commission shall administer the
4 fund and shall use the moneys in the fund
5 solely for the administration and enforcement
6 of sections 339.600 to 339.610.
7 Notwithstanding the provisions of section
8 33.080, RSMo, to the contrary, any unexpended
9 balance in the fund at the end of the
10 biennium shall not be transferred to the
11 general revenue fund, but shall remain in the
12 escrow agent administration fund.]

13 [339.610. Any funds received by an
14 escrow agent from any person that are to be
15 used for third-party expenses shall be
16 deposited no later than five banking days
17 after receipt in an escrow account in any
18 federally insured bank, savings and loan
19 association or credit union. The funds in
20 such escrow account shall be expended for the
21 intended use by the escrow agent within
22 ninety days after the obligations of the
23 third party have been completed.]

24 [339.612. The commission or its
25 designated agent may inspect and audit the
26 escrow accounts or accounting records of any
27 escrow agent at any time during normal
28 business hours to determine if escrow funds
29 are being expended and disbursed in a timely
30 fashion and for the intended use. If the
31 commission determines that such escrow funds
32 have been used for any purpose other than the
33 intended purposes, the escrow agent is liable
34 to the intended payee of the funds for any
35 misappropriated funds and the Missouri real
36 estate commission shall cause legal
37 proceedings to be held in any court of
38 competent jurisdiction to enforce the
39 provisions of this section and sections
40 339.610, 339.614, and 339.617. The
41 commission's authority to instigate legal
42 proceedings to enforce the provisions of this
43 section is in addition to the authority to
44 file a complaint with the administrative
45 hearing commission.]

46 [339.614. The records of any inspection
47 or audit made pursuant to the authority in

1 section 339.612 shall be made available to
2 the escrow agent and the parties to the
3 transaction but shall not be considered open
4 to the public unless public money is directly
5 involved or a court of competent jurisdiction
6 orders that such records be opened.]

7 [339.617. 1. The commission may, upon
8 its own motion or upon a written complaint
9 filed by any person, investigate any business
10 transaction, regulated by the provisions of
11 sections 339.600 to 339.610, of any person,
12 partnership, association or corporation
13 registered pursuant to the provisions of
14 sections 339.600 to 339.610. The commission
15 may use all investigatory and subpoena powers
16 provided in section 339.100 in investigating
17 such business transaction. The commission
18 may file a complaint with the administrative
19 hearing commission and the proceedings shall
20 be conducted as provided in chapter 621,
21 RSMo. If the administrative hearing
22 commission finds that the escrow agent is not
23 in compliance with sections 339.610 to
24 339.617 or is operating in an unsafe or
25 unsound manner, the commission may cancel the
26 registration of such escrow agent. If the
27 registration of any escrow agent is canceled
28 pursuant to this subsection, such escrow
29 agent may not accept any referral of business
30 which is regulated by the provisions of
31 sections 339.600 to 339.610.

32 2. No real estate licensee may
33 knowingly refer escrow or real estate closing
34 business to any escrow agent which does not
35 hold a current registration pursuant to
36 sections 339.600 to 339.610.]

37 [436.200. As used in this act the
38 following terms shall mean:

39 (1) "Agent contract", any contract or
40 agreement pursuant to which a student athlete
41 authorizes an athlete agent to represent him
42 in the marketing of his athletic ability or
43 reputation in a sport;

44 (2) "Athlete agent", a person that, for
45 compensation, directly or indirectly recruits
46 or solicits a student athlete to enter into
47 an agent contract, financial services

1 contract or professional sports services
2 contract;
3 (3) "Financial services contract", any
4 contract or agreement pursuant to which a
5 student athlete authorizes an athlete agent
6 to provide financial services for the student
7 athlete, including but not limited to the
8 making and execution of investment and other
9 financial decisions by the athlete agent on
10 behalf of the student athlete;
11 (4) "Person", an individual, company,
12 corporation, association, partnership or
13 other entity;
14 (5) "Professional sports services
15 contract", any contract or agreement pursuant
16 to which a student athlete authorizes an
17 athlete agent to obtain employment for the
18 student athlete with a professional sports
19 team or as a professional athlete;
20 (6) "Student athlete", any athlete who
21 practices for or otherwise participates in
22 intercollegiate athletics at any college or
23 university located within this state.]

24 [436.205. 1. Each athlete agent must
25 register biennially with the secretary of
26 state on forms to be provided by the
27 secretary of state and, at the same time, pay
28 to the secretary of state a registration fee
29 of five hundred dollars for which the
30 secretary of state shall issue a registration
31 certificate entitling the holder to operate
32 as an athlete agent for a period of two
33 years.

34 2. When the business address of any
35 athlete agent operating in this state is
36 changed, the athlete agent must notify the
37 secretary of state within thirty days after
38 the change of address.

39 3. It is unlawful for any person to
40 operate as an athlete agent unless he is
41 registered as provided in this section.
42 Failure of the athlete agent to register is a
43 class B misdemeanor.

44 4. The secretary of state may suspend
45 or revoke the registration of any athlete
46 agent for failing to comply with the
47 provisions of this section. The suspension
48 or revocation of any registration may be
49 reviewed by a court of competent

1 jurisdiction.]

2 [436.209. 1. A student athlete who is
3 subject to the rules and regulations of the
4 National Collegiate Athletic Association, the
5 National Association for Intercollegiate
6 Athletics, or the National Junior College
7 Athletic Association, and who enters into an
8 agent contract, financial services contract
9 or professional sports services contract with
10 an athlete agent must provide written
11 notification to the athletic director or the
12 president of the college or university in
13 which he is enrolled that he has entered into
14 such a contract. Written notification must
15 be given prior to practicing for or
16 participating in any athletic event on behalf
17 of any college or university or within
18 seventy-two hours after entering into the
19 contract, whichever occurs first. Failure of
20 the student athlete to provide this
21 notification is an infraction.

22 2. An athlete agent who enters into an
23 agent contract, financial services contract
24 or professional sports services contract with
25 a student athlete who is subject to the rules
26 and regulations of the National Collegiate
27 Athletic Association, the National
28 Association for Intercollegiate Athletics, or
29 the National Junior College Athletic
30 Association must provide written notification
31 to the athletic director or the president of
32 the college or university in which the
33 student athlete is enrolled that the student
34 athlete has entered into such a contract.
35 Written notification of such a contract must
36 be given prior to the student athlete's
37 practicing for or participating in any
38 athletic event on behalf of any college or
39 university or within seventy-two hours after
40 entering into said contract, whichever occurs
41 first. Failure of the athlete agent to
42 provide this notification is a class B
43 misdemeanor.

44 3. An agent contract, financial
45 services contract or professional sports
46 services contract between a student athlete
47 and an athlete agent must have a notice
48 printed near the space for the student
49 athlete's signature which must contain the

1 following statement in ten-point boldfaced
2 type: "WARNING: IF YOU AS A STUDENT ATHLETE
3 SIGN THIS CONTRACT, YOU MAY LOSE YOUR
4 ELIGIBILITY TO COMPETE IN INTERCOLLEGIATE
5 ATHLETICS. Pursuant to MISSOURI LAW, YOU
6 MUST NOTIFY THE ATHLETIC DIRECTOR OR
7 PRESIDENT OF YOUR COLLEGE OR UNIVERSITY IN
8 WRITING PRIOR TO PRACTICING FOR OR
9 PARTICIPATING IN ANY ATHLETIC EVENT ON BEHALF
10 OF ANY COLLEGE OR UNIVERSITY OR WITHIN
11 SEVENTY-TWO HOURS AFTER ENTERING INTO THIS
12 CONTRACT, WHICHEVER OCCURS FIRST. FAILURE TO
13 PROVIDE THIS NOTICE IS A CRIMINAL OFFENSE."

14 4. An agent contract, financial
15 services contract or professional sports
16 services contract entered into between a
17 student athlete and an athlete agent which
18 fails to provide the notification required by
19 this section is null, void and unenforceable.

20 5. Any student athlete or athlete agent
21 who enters into an agent contract, financial
22 services contract or professional sports
23 services contract and fails to provide the
24 notification required by this section, is
25 liable to the college or university in which
26 the student athlete is enrolled for damages
27 that result from the student athlete's
28 subsequent ineligibility. In addition to any
29 damages awarded pursuant to this section,
30 additional damages may be assessed in an
31 amount equal to three times the value of the
32 athletic scholarship furnished by the
33 institution to the student athlete during the
34 student athlete's period of eligibility.

35 6. Within ten days after the date on
36 which the contractual relationship between
37 the athlete agent and the student athlete
38 arises or after notification of such
39 contractual relationship is received by the
40 athletic director or president of the college
41 or university in which the student is
42 enrolled, whichever occurs later, the student
43 athlete shall have the right to rescind the
44 contract or any contractual relationship with
45 the athlete agent by giving notice in writing
46 of his intent to rescind. The student
47 athlete may not under any circumstances
48 effect a waiver of his right to rescind, and
49 any attempt to do so shall be null, void and
50 unenforceable.]

1 [436.212. 1. An athlete agent shall
2 not publish or cause to be published false or
3 misleading information or advertisements, nor
4 give any false information or make false
5 promises to a student athlete concerning
6 employment.

7 2. An athlete agent shall not accept as
8 a client a student athlete referred by an
9 employee of or a coach for a college or
10 university located within this state in
11 exchange for any consideration.

12 3. An athlete agent shall not enter
13 into any agreement, written or oral, by which
14 the athlete agent offers anything of value to
15 any employee of or a coach for a college or
16 university located within this state in
17 return for the referral of any student
18 athlete clients by that employee or coach.

19 4. An athlete agent shall not offer
20 anything of value to induce a student athlete
21 to enter into an agent contract, financial
22 services contract, professional sports
23 services contract or other agreement by which
24 the athlete agent will represent the student
25 athlete. Negotiations regarding the athlete
26 agent's fee shall not be considered an
27 inducement.

28 5. A person shall not conduct business
29 as an athlete agent if he is not registered
30 or if his registration is suspended or
31 revoked.

32 6. Violation of any provision of this
33 section is a class B misdemeanor.]

34 [544.650. Whenever any bail bond or
35 recognizance has been given or entered into
36 in any criminal proceedings, conditioned for
37 the appearance of any person charged with,
38 indicted for or convicted of any criminal
39 offense, or for any other purpose, and the
40 conditions thereof shall become broken or the
41 same shall be forfeited, it shall be lawful
42 and sufficient to serve the writ of scire
43 facias or other writ or process which may be
44 issued in such proceeding, either by
45 delivering a duly certified copy of such writ
46 or process to the person therein named, or by
47 leaving such duly certified copy of such writ
48 or process at the usual place of abode of the
49 person therein named, with a member of his

1 family over the age of fifteen years.]