

SECOND REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 1411**  
93RD GENERAL ASSEMBLY

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Reported from the Committee on Financial and Governmental Organizations and Elections, April 27, 2006, with recommendation that the Senate Committee Substitute do pass.

4281S.03C

TERRY L. SPIELER, Secretary.

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**AN ACT**

To repeal sections 42.014, 42.015, 186.005, 186.014, 186.016, 186.018, 186.019, 217.670, 301.3112, 327.011, 327.111, 327.181, 327.201, 327.291, 327.441, 327.633, 332.311, 339.010, 339.040, 339.100, 621.045, and 701.353, RSMo, and to enact in lieu thereof eighteen new sections relating to boards, commissions, and councils, with penalty provisions and an emergency clause for a certain section.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 42.014, 42.015, 186.005, 186.014, 186.016, 186.018, 186.019, 217.670, 301.3112, 327.011, 327.111, 327.181, 327.201, 327.291, 327.441, 327.633, 332.311, 339.010, 339.040, 339.100, 621.045, and 701.353, RSMo, are repealed and eighteen new sections enacted in lieu thereof, to be known as sections 42.014, 42.015, 186.005, 186.014, 186.016, 217.670, 327.011, 327.076, 327.077, 327.078, 327.181, 327.441, 332.311, 339.010, 339.040, 339.100, 621.045, and 701.353, to read as follows:

42.014. 1. The Missouri general assembly shall, through appropriations as provided by law, encourage the development of any veterans' programs approved by the executive director of the veterans' commission whereby the historical significance of veteran service can be dedicated to [outreach and] education inside public schools, veteran cemeteries, veteran homes, and other institutions as determined by rule and regulation.

2. The [executive director of the veterans' commission] lieutenant governor shall administer the provisions of this section and may adopt all rules and regulations necessary to administer the provisions of this section. Any rule

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

10 or portion of a rule, as that term is defined in section 536.010, RSMo, that is  
11 created under the authority delegated in this section shall become effective only  
12 if it complies with and is subject to all of the provisions of chapter 536, RSMo,  
13 and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo,  
14 are nonseverable and if any of the powers vested with the general assembly  
15 pursuant to chapter 536, RSMo, to review, to delay the effective date, or to  
16 disapprove and annul a rule are subsequently held unconstitutional, then the  
17 grant of rulemaking authority and any rule proposed or adopted after August 28,  
18 2004, shall be invalid and void.

19 3. Pursuant to section 23.253, RSMo, of the Missouri sunset act:

20 (1) The provisions of the new program authorized under this section shall  
21 automatically sunset six years after August 28, 2004, unless reauthorized by an  
22 act of the general assembly; and

23 (2) If such program is reauthorized, the program authorized under this  
24 section shall automatically sunset twelve years after the effective date of the  
25 reauthorization of this section; and

26 (3) This section shall terminate on September first of the calendar year  
27 immediately following the calendar year in which the program authorized under  
28 this section is sunset.

42.015. 1. In order to contribute to the preservation of freedom, there is  
2 established in the state treasury a special trust fund, to be known as the  
3 "Veterans' Historical Education Trust Fund". The fund shall be administered by  
4 the [commission] lieutenant governor for the sole purpose of financing  
5 [veterans' outreach and] education programs established in section 42.014.

6 2. The director of revenue shall deposit in the treasury to the credit of the  
7 veterans' historical education trust fund all amounts received by or designated  
8 to the fund established pursuant to this section and any other amounts which  
9 may be received from grants, gifts, bequests, appropriations, the federal  
10 government, or other sources granted or given for this specific purpose. The state  
11 treasurer shall invest moneys in the veterans' historical education trust fund in  
12 the same manner as surplus state funds are invested pursuant to section 30.260,  
13 RSMo. All earnings resulting from the investment of moneys in the veterans'  
14 historical education trust fund shall be credited to the veterans' historical  
15 education trust fund.

16 3. As established by this section, funds appropriated by the general  
17 assembly from the veterans' historical education trust fund shall only be used by

18 the [commission] lieutenant governor for purposes authorized pursuant to  
19 section 42.014 and shall not be used to supplant any existing program or service.

20 4. The provisions of section 33.080, RSMo, requiring all unexpended  
21 balances remaining in various state funds to be transferred and placed to the  
22 credit of the general revenue fund of this state at the end of each biennium shall  
23 not apply to the veterans' historical education trust fund.

186.005. Sections 186.005 to [186.019] 186.016 shall be known as and  
2 may be cited as the "Missouri Women's Council Act".

186.014. 1. There is hereby created in the department of economic  
2 development an "Executive Director" for the Missouri women's council. Upon  
3 consultation with the council, the director of the department of economic  
4 development shall recommend for appointment to the governor, with the advice  
5 and consent of the senate, an individual who possesses demonstrated capability  
6 in business or industry, especially in business enterprises or employment  
7 training, to serve as executive director to work with the council in the  
8 implementation of sections 186.005 to [186.019] 186.016.

9 2. The executive director shall be responsible for:

10 (1) Implementing programs initiated by the council; and

11 (2) Performing other duties as defined by the council.

186.016. The mission of the council is:

2 (1) To promote and increase women's economic and employment  
3 opportunities through education and training programs to aid in and insure entry  
4 into the labor market;

5 (2) To promote occupational mobility of women workers in lower and  
6 middle levels of employment[;

7 (3) To promote access] to jobs with more skill and responsibility,  
8 especially at the managerial level [by encouraging maternity protection, child  
9 care facilities, technical training, and health protection];

10 [(4)] (3) To initiate programs to assist women in small business  
11 enterprises;

12 (4) To initiate programs to assist and support women when  
13 making the transition from work to home, operating a home-based  
14 business, and working part-time from home;

15 (5) To [assure] provide information for women to access [of women  
16 to] traditional and nontraditional skilled trades through greater participation  
17 in apprenticeship programs and vocational and technical training;

18           (6) To promote retraining programs and [facilities] workforce readiness  
19 skills for unemployed women especially in growth sectors;

20           (7) To apply for federal or private funds or grants available for such  
21 employment and training programs, business enterprise programs, studies,  
22 seminars, and conferences and to participate in already existing federally, state  
23 or privately funded programs with other state departments and/or divisions;

24           (8) To conduct programs, studies, seminars, and conferences in  
25 cooperation with federal, state, and local agencies, and private companies and  
26 organizations in the following areas:

27           (a) [Educational] Occupational needs and opportunities;

28           (b) [Displaced homemakers] Balancing work and family;

29           (c) [Credit] Financial planning;

30           (d) Federal and state [affecting the rights and responsibilities of]  
31 procurement opportunities for women; and

32           (e) Women-owned business enterprises;

33           (9) To conduct an inventory of existing federal, state, community,  
34 and private programs and facilities relating to economic and  
35 employment needs of women and to make that available to the women  
36 of the state;

37           (10) To determine which economic and employment problems  
38 exist in specific geographic areas of the state by developing a self-  
39 sufficiency standard.

          217.670. 1. The board shall adopt an official seal of which the courts shall  
2 take official notice.

3           2. Decisions of the board regarding granting of paroles, extensions of a  
4 conditional release date or revocations of a parole or conditional release shall be  
5 by a majority vote of the hearing panel members. The hearing panel shall consist  
6 of one member of the board and two hearing officers appointed by the board. A  
7 member of the board may remove the case from the jurisdiction of the hearing  
8 panel and refer it to the full board for a decision. Within thirty days of entry of  
9 the decision of the hearing panel to deny parole or to revoke a parole or  
10 conditional release, the offender may appeal the decision of the hearing panel to  
11 the board. The board shall consider the appeal within thirty days of receipt of  
12 the appeal. The decision of the board shall be by majority vote of the board  
13 members and shall be final.

14           3. The orders of the board shall not be reviewable except as to compliance

15 with the terms of sections 217.650 to 217.810 or any rules promulgated pursuant  
16 to such section.

17 4. The board shall keep a record of its acts and shall notify each  
18 correctional center of its decisions relating to persons who are or have been  
19 confined in such correctional center.

20 5. Notwithstanding any other provision of law, any meeting, record, or  
21 vote, of proceedings involving probation, parole, or pardon, may be a closed  
22 meeting, closed record, or closed vote.

23 6. Notwithstanding any other provision of law to the contrary,  
24 when the appearance or presence of an offender before the board or a  
25 hearing panel is required for the purpose of deciding whether to grant  
26 conditional release or parole, extend the date of conditional release,  
27 revoke parole or conditional release, or for any other purpose, such  
28 appearance or presence may occur by means of videoconferencing at  
29 the discretion of the board. Victims having a right to attend such  
30 hearings may testify either at the location where the board is  
31 conducting the videoconference or at the institution where the offender  
32 is located.

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

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

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

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

17 (4) "Architect", any person authorized pursuant to the provisions of this  
18 chapter to practice architecture in Missouri, as the practice of architecture is

19 defined in section 327.091;

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

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

24 (7) ["Department", the department of economic development;

25 (8) "Division", the division of professional registration in the department  
26 of economic development;

27 (9)] "Landscape architect", any person licensed pursuant to the provisions  
28 of sections 327.600 to 327.635 who is qualified to practice landscape architecture  
29 by reason of special knowledge and the use of biological, physical, mathematical  
30 and social sciences and the principles and methods of analysis and design of the  
31 land, has demonstrated knowledge and ability in such areas, and has been duly  
32 licensed as a landscape architect by the board on the basis of professional  
33 education, examination and experience in landscape architecture;

34 [(10)] (8) "Partnership", any partnership or limited liability partnership;

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

38 [(11)] (10) "Person", any person, corporation, firm, partnership,  
39 association or other entity;

40 [(12)] (11) "Professional engineer", any person authorized pursuant to  
41 the provisions of this chapter to practice as a professional engineer in Missouri,  
42 as the practice of engineering is defined in section 327.181;

43 [(13)] (12) "Professional land surveyor", any person authorized pursuant  
44 to the provisions of this chapter to practice as a professional land surveyor in  
45 Missouri as the practice of land surveying is defined in section 327.272.

327.076. 1. Any person who practices architecture, engineering,  
2 land surveying, or landscape architecture, as defined in sections  
3 327.011 to 327.635, or who holds himself or herself out as able to  
4 practice such profession and who is not the holder of a currently valid  
5 license or certificate of authority in Missouri, and who is not exempt  
6 from holding such a license or certificate, is guilty of a class A  
7 misdemeanor. As used in this section "practice" shall not include the  
8 rendering of opinions or giving of testimony in a civil or criminal  
9 proceeding by a licensed professional.

10           2. The board may cause a complaint to be filed with the  
11 administrative hearing commission, as provided in chapter 621, RSMo,  
12 against any unlicensed person for any one or any combination of the  
13 following causes:

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

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

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

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

28           (5) Affixes his or her or another architect's seal on any plans,  
29 drawings, specifications or reports which have not been prepared by  
30 such person or under such person's immediate personal supervision  
31 care;

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

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

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

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

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

47           4. If the board files a complaint with the administrative hearing  
48 commission, the proceedings shall be conducted in accordance with the  
49 provisions of chapter 621, RSMo. Upon a finding by the administrative  
50 hearing commission that the grounds provided in subsection 2 of this  
51 section for disciplinary action are met, the board may, either singularly  
52 or in combination with other provisions of this chapter, impose a civil  
53 penalty as provided for in section 327.077 against the person named in  
54 the complaint.

          327.077. 1. In disciplinary actions against licensed or unlicensed  
2 persons, the board may issue an order imposing a civil penalty.

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

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

10          (2) The circumstances leading to the violation;

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

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

15          (5) The interest of the public.

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

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

29          5. An action to enforce an order under this section may be joined

30 with an action for an injunction.

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

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

40         8. Penalties collected under this section shall be handled in  
41 accordance with section 7 of article IX of the Missouri Constitution and  
42 shall be deposited in the state general revenue fund. Such penalties  
43 shall not be considered a charitable contribution for tax purposes.

327.078. 1. After determination that a licensee or nonlicensee has  
2 violated this chapter or a rule promulgated under this chapter, the  
3 board may assess the licensee or nonlicensee with its reasonable costs  
4 and expenses incurred in conducting the investigation and  
5 administrative hearing.

6         2. All moneys collected under this section shall be deposited in  
7 the fund established in section 327.081 and shall be used by the board  
8 to defray its expenses in connection with disciplinary investigations  
9 and hearings.

327.181. 1. Any person practices in Missouri as a professional engineer  
2 who renders or offers to render or holds himself or herself out as willing or able  
3 to render any service or creative work, the adequate performance of which  
4 requires engineering education, training, and experience in the application of  
5 special knowledge of the mathematical, physical, and engineering sciences to such  
6 services or creative work as consultation, investigation, evaluation, planning and  
7 design of engineering works and systems, engineering teaching of advanced  
8 engineering subjects or courses related thereto, engineering surveys, the  
9 coordination of services furnished by structural, civil, mechanical and electrical  
10 engineers and other consultants as they relate to engineering work and the  
11 inspection of construction for the purpose of compliance with drawings and  
12 specifications, any of which embraces such service or work either public or  
13 private, in connection with any utilities, structures, buildings, machines,

14 equipment, processes, work systems or projects and including such architectural  
15 work as is incidental to the practice of engineering; or who uses the title  
16 "professional engineer" or "consulting engineer" or the word "engineer" alone or  
17 preceded by any word indicating or implying that such person is or holds himself  
18 or herself out to be a professional engineer, or who shall use any word or words,  
19 letters, figures, degrees, titles or other description indicating or implying that  
20 such person is a professional engineer or is willing or able to practice engineering.

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

327.441. 1. The board may refuse to issue any license or certificate of  
2 authority required pursuant to this chapter for one or any combination of causes  
3 stated in subsection 2 of this section. The board shall notify the applicant in  
4 writing of the reasons for the refusal and shall advise the applicant of the  
5 applicant's right to file a complaint with the administrative hearing commission  
6 as provided by chapter 621, RSMo.

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

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

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

22           (3) Use of fraud, deception, misrepresentation or bribery in securing any  
23 license or certificate of authority issued pursuant to this chapter or in obtaining  
24 permission to take any examination given or required pursuant to this chapter;

25           (4) Obtaining or attempting to obtain any fee, charge, tuition or other  
26 compensation by fraud, deception or misrepresentation;

27           (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation  
28 or dishonesty in the performance of the functions or duties of any profession  
29 licensed or regulated by this chapter;

30           (6) Violation of, or assisting or enabling any person to violate, any  
31 provision of this chapter, or of any lawful rule or regulation adopted pursuant to  
32 this chapter;

33           (7) Impersonation of any person holding a license or certificate of  
34 authority, or allowing any person to use his or her license or certificate of  
35 authority, or diploma from any school;

36           (8) Disciplinary action against the holder of a license or a certificate of  
37 authority, or other right to practice any profession regulated by this chapter  
38 granted by another state, territory, federal agency or country upon grounds for  
39 which revocation or suspension is authorized in this state;

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

42           (10) Assisting or enabling any person to practice or offer to practice any  
43 profession licensed or regulated by this chapter who is not licensed and currently  
44 eligible to practice pursuant to this chapter;

45           (11) Issuance of a professional license or a certificate of authority based  
46 upon a material mistake of fact;

47           (12) Failure to display a valid license or certificate of authority if so  
48 required by this chapter or any rule promulgated pursuant to this chapter;

49           (13) Violation of any professional trust or confidence;

50           (14) Use of any advertisement or solicitation which is false, misleading or  
51 deceptive to the general public or persons to whom the advertisement or  
52 solicitation is primarily directed.

53           3. After the filing of such complaint, the proceedings shall be conducted  
54 in accordance with the provisions of chapter 621, RSMo. Upon a finding by the  
55 administrative hearing commission that the grounds, provided in subsection 2 of  
56 this section, for disciplinary action are met, the board may, singly or in  
57 combination, censure or place the person named in the complaint on probation on

58 such terms and conditions as the board deems appropriate for a period not to  
59 exceed five years, or may suspend, for a period not to exceed three years, or  
60 order a civil penalty under section 327.077, or revoke the license or  
61 certificate of authority of the person named in the complaint.

332.311. 1. Except as provided in subsection 2 of this section, a duly  
2 registered and currently licensed dental hygienist may only practice as a dental  
3 hygienist so long as the dental hygienist is employed by a dentist who is duly  
4 registered and currently licensed in Missouri, or as an employee of such other  
5 person or entity approved by the board in accordance with rules promulgated by  
6 the board. In accordance with this chapter and the rules promulgated by the  
7 board pursuant thereto, a dental hygienist shall only practice under the  
8 supervision of a dentist who is duly registered and currently licensed in Missouri,  
9 except as provided in subsection 2 of this section.

10 2. A duly registered and currently licensed dental hygienist who has been  
11 in practice at least three years and who is practicing in a public health setting  
12 may provide fluoride treatments, teeth cleaning and sealants, if appropriate, to  
13 children who are eligible for medical assistance, pursuant to chapter 208, RSMo,  
14 without the supervision of a dentist. Medicaid shall reimburse any eligible  
15 provider who provides fluoride treatments, teeth cleaning, and sealants to eligible  
16 children. Those public health settings in which a dental hygienist may practice  
17 without the supervision of a dentist shall be established jointly by the department  
18 of health and senior services and by the Missouri dental board by rule. [This  
19 provision shall expire on August 28, 2006.]

339.010. 1. A "real estate broker" is any person, partnership, association,  
2 or corporation, foreign or domestic who, for another, and for a compensation or  
3 valuable consideration, does, or attempts to do, any or all of the following:

- 4 (1) Sells, exchanges, purchases, rents, or leases real estate;
- 5 (2) Offers to sell, exchange, purchase, rent or lease real estate;
- 6 (3) Negotiates or offers or agrees to negotiate the sale, exchange,  
7 purchase, rental or leasing of real estate;
- 8 (4) Lists or offers or agrees to list real estate for sale, lease, rental or  
9 exchange;
- 10 (5) Buys, sells, offers to buy or sell or otherwise deals in options on real  
11 estate or improvements thereon;
- 12 (6) Advertises or holds himself or herself out as a licensed real estate  
13 broker while engaged in the business of buying, selling, exchanging, renting, or

14 leasing real estate;

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

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

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

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

27 2. A "real estate salesperson" is any person who for a compensation or  
28 valuable consideration becomes associated, either as an independent contractor  
29 or employee, either directly or indirectly, with a real estate broker to do any of  
30 the things above mentioned. The provisions of sections 339.010 to 339.180 and  
31 sections 339.710 to 339.860 shall not be construed to deny a real estate  
32 salesperson who is compensated solely by commission the right to be associated  
33 with a broker as an independent contractor.

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

36 4. "Real estate" for the purposes of sections 339.010 to 339.180 and  
37 sections 339.710 to 339.860 shall mean, and include, leaseholds, as well as any  
38 other interest or estate in land, whether corporeal, incorporeal, freehold or  
39 nonfreehold, and the real estate is situated in this state.

40 5. "Advertising" shall mean any communication, whether oral or  
41 written, between a licensee or other entity acting on behalf of one or  
42 more licensees and the public; it shall include, but not be limited to,  
43 business cards, signs, insignias, letterheads, radio, television,  
44 newspaper and magazine ads, Internet advertising, web sites, display  
45 or group ads in telephone directories, and billboards.

46 6. The provisions of sections 339.010 to 339.180 and sections 339.710 to  
47 339.860 shall not apply to:

48 (1) Any person, partnership, association, or corporation who as owner,  
49 lessor, or lessee shall perform any of the acts described in subsection 1 of this

50 section with reference to property owned or leased by them, or to the regular  
51 employees thereof, provided such owner, lessor, or lessee is not engaged in the  
52 real estate business;

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

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

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

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

63 (a) Delivery of a lease application, a lease, or any amendment thereof, to  
64 any person;

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

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

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

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

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

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

82 (7) Railroads and other public utilities regulated by the state of Missouri,  
83 or their subsidiaries or affiliated corporations, or to the officers or regular  
84 employees thereof, unless performance of any of the acts described in subsection  
85 1 of this section is in connection with the sale, purchase, lease or other

86 disposition of real estate or investment therein unrelated to the principal  
87 business activity of such railroad or other public utility or affiliated or subsidiary  
88 corporation thereof;

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

93 (9) Any newspaper, magazine, periodical, [or] Internet site [whereby the  
94 advertising of real estate is incidental to its operation], Internet  
95 communications, or [to] any form of communications regulated or licensed by  
96 the Federal Communications Commission or any successor agency or commission  
97 whereby the advertising of real estate is incidental to its operation;

98 (10) Any developer selling Missouri land owned by the developer;

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

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

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

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

111 (12) Any neighborhood association, as that term is defined in section  
112 441.500, RSMo, that without compensation, either monetary or in kind, provides  
113 to prospective purchasers or lessors of property the asking price, location, and  
114 contact information regarding properties in and near the association's  
115 neighborhood, including any publication of such information in a newsletter,  
116 Internet site, or other medium.

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

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

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

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

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

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

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

20           5. Each application for a broker license shall include a certificate from the  
21 applicant's broker or brokers that the applicant has been actively engaged in the  
22 real estate business as a licensed salesperson for at least [one year] two years  
23 immediately preceding the date of application, [or, in lieu thereof,] and shall  
24 include a certificate from a school accredited by the commission under the  
25 provisions of section 339.045 that the applicant has, within six months prior to  
26 the date of application, successfully completed the prescribed broker curriculum  
27 or broker correspondence course offered by such school, except that the  
28 commission may waive all or part of the [educational] requirements set forth in  
29 this subsection when an applicant presents proof of other educational background  
30 or experience acceptable to the commission.

31           6. Each application for a salesperson license shall include a certificate  
32 from a school accredited by the commission under the provisions of section  
33 339.045 that the applicant has, within six months prior to the date of application,  
34 successfully completed the prescribed salesperson curriculum or salesperson  
35 correspondence course offered by such school, except that the commission may  
36 waive all or part of the educational requirements set forth in this subsection  
37 when an applicant presents proof of other educational background or experience  
38 acceptable to the commission.

39           7. The commission may issue a temporary work permit pending final  
40 review and printing of the license to an applicant who appears to have satisfied  
41 the requirements for licenses. The commission may, at its discretion, withdraw

42 the work permit at any time.

43 8. Every active broker, salesperson, officer, partner, or associate shall  
44 provide upon request to the commission evidence that during the two years  
45 preceding he or she has completed twelve hours of real estate instruction in  
46 courses approved by the commission. The commission may, by rule and  
47 regulation, provide for individual waiver of this requirement.

48 9. Each entity that provides continuing education required under the  
49 provisions of subsection 8 of this section may make available instruction courses  
50 that the entity conducts through means of distance delivery. The commission  
51 shall by rule set standards for such courses. The commission may by regulation  
52 require the individual completing such distance-delivered course to complete an  
53 examination on the contents of the course. Such examination shall be designed  
54 to ensure that the licensee displays adequate knowledge of the subject matter of  
55 the course, and shall be designed by the entity producing the course and approved  
56 by the commission.

57 10. In the event of the death or incapacity of a licensed broker, or of one  
58 or more of the licensed partners, officers, or associates of a real estate  
59 partnership, corporation, or association whereby the affairs of the broker,  
60 partnership, or corporation cannot be carried on, the commission may issue,  
61 without examination or fee, to the legal representative or representatives of the  
62 deceased or incapacitated individual, or to another individual approved by the  
63 commission, a temporary broker license which shall authorize such individual to  
64 continue for a period to be designated by the commission to transact business for  
65 the sole purpose of winding up the affairs of the broker, partnership or  
66 corporation under the supervision of the commission.

339.100. 1. The commission may, upon its own motion, and shall upon  
2 receipt of a written complaint filed by any person, investigate any real  
3 estate-related activity of a licensee licensed under sections 339.010 to 339.180  
4 and sections 339.710 to 339.860 or an individual or entity acting as or  
5 representing themselves as a real estate licensee. In conducting such  
6 investigation, if the questioned activity or written complaint involves an affiliated  
7 licensee, the commission may forward a copy of the information received to the  
8 affiliated licensee's designated broker. The commission shall have the power to  
9 hold an investigatory hearing to determine whether there is a probability of a  
10 violation of sections 339.010 to 339.180 and sections 339.710 to 339.860. The  
11 commission shall have the power to issue a subpoena to compel the production of

12 records and papers bearing on the complaint. The commission shall have the  
13 power to issue a subpoena and to compel any person in this state to come before  
14 the commission to offer testimony or any material specified in the  
15 subpoena. Subpoenas and subpoenas duces tecum issued pursuant to this section  
16 shall be served in the same manner as subpoenas in a criminal case. The fees  
17 and mileage of witnesses shall be the same as that allowed in the circuit court in  
18 civil cases.

19         2. The commission may cause a complaint to be filed with the  
20 administrative hearing commission as provided by the provisions of chapter 621,  
21 RSMo, against any person or entity licensed under this chapter or any licensee  
22 who has failed to renew or has surrendered his or her individual or entity license  
23 for any one or any combination of the following acts:

24             (1) Failure to maintain and deposit in a special account, separate and  
25 apart from his or her personal or other business accounts, all moneys belonging  
26 to others entrusted to him or her while acting as a real estate broker or as the  
27 temporary custodian of the funds of others, until the transaction involved is  
28 consummated or terminated, unless all parties having an interest in the funds  
29 have agreed otherwise in writing;

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

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

37             (4) Representing to any lender, guaranteeing agency, or any other  
38 interested party, either verbally or through the preparation of false documents,  
39 an amount in excess of the true and actual sale price of the real estate or terms  
40 differing from those actually agreed upon;

41             (5) Failure to timely deliver a duplicate original of any and all  
42 instruments to any party or parties executing the same where the instruments  
43 have been prepared by the licensee or under his or her supervision or are within  
44 his or her control, including, but not limited to, the instruments relating to the  
45 employment of the licensee or to any matter pertaining to the consummation of  
46 a lease, listing agreement or the purchase, sale, exchange or lease of property, or  
47 any type of real estate transaction in which he or she may participate as a

48 licensee;

49 (6) Acting for more than one party in a transaction without the knowledge  
50 of all parties for whom he or she acts, or accepting a commission or valuable  
51 consideration for services from more than one party in a real estate transaction  
52 without the knowledge of all parties to the transaction;

53 (7) Paying a commission or valuable consideration to any person for acts  
54 or services performed in violation of sections 339.010 to 339.180 and sections  
55 339.710 to 339.860;

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

58 (9) Having been finally adjudicated and been found guilty of the violation  
59 of any state or federal statute which governs the sale or rental of real property  
60 or the conduct of the real estate business as defined in subsection 1 of section  
61 339.010;

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

65 (11) Representing a real estate broker other than the broker with whom  
66 associated without the express written consent of the broker with whom  
67 associated;

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

72 (13) Using prizes, money, gifts or other valuable consideration as  
73 inducement to secure customers or clients to purchase, lease, sell or list property  
74 when the awarding of such prizes, money, gifts or other valuable consideration  
75 is conditioned upon the purchase, lease, sale or listing; or soliciting, selling or  
76 offering for sale real property by offering free lots, or conducting lotteries or  
77 contests, or offering prizes for the purpose of influencing a purchaser or  
78 prospective purchaser of real property;

79 (14) Placing a sign on or advertising any property offering it for sale or  
80 rent without the written consent of the owner or his or her duly authorized agent;

81 (15) Violation of, or attempting to violate, directly or indirectly, or  
82 assisting or enabling any person to violate, any provision of sections 339.010 to  
83 339.180 and sections 339.710 to 339.860, or of any lawful rule adopted pursuant

84 to sections 339.010 to 339.180 and sections 339.710 to 339.860;

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

87 (17) Failure to timely inform seller of all written offers unless otherwise  
88 instructed in writing by the seller;

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

96 (19) Any other conduct which constitutes untrustworthy, improper or  
97 fraudulent business dealings, demonstrates bad faith or incompetence,  
98 misconduct, or gross negligence;

99 (20) Disciplinary action against the holder of a license or other right to  
100 practice any profession regulated under sections 339.010 to 339.180 and sections  
101 339.710 to 339.860 granted by another state, territory, federal agency, or country  
102 upon grounds for which revocation, suspension, or probation is authorized in this  
103 state;

104 (21) Been found by a court of competent jurisdiction of having used any  
105 controlled substance, as defined in chapter 195, RSMo, to the extent that such use  
106 impairs a person's ability to perform the work of any profession licensed or  
107 regulated by sections 339.010 to 339.180 and sections 339.710 to 339.860;

108 (22) Been finally adjudged insane or incompetent by a court of competent  
109 jurisdiction;

110 (23) Assisting or enabling any person to practice or offer to practice any  
111 profession licensed or regulated under sections 339.010 to 339.180 and sections  
112 339.710 to 339.860 who is not registered and currently eligible to practice under  
113 sections 339.010 to 339.180 and sections 339.710 to 339.860;

114 (24) Use of any advertisement or solicitation which is knowingly false,  
115 misleading or deceptive to the general public or persons to whom the  
116 advertisement or solicitation is primarily directed.

117 3. After the filing of such complaint, the proceedings will be conducted in  
118 accordance with the provisions of law relating to the administrative hearing  
119 commission. A finding of the administrative hearing commissioner that the

120 licensee has performed or attempted to perform one or more of the foregoing acts  
121 shall be grounds for the suspension or revocation of his license by the  
122 commission, or the placing of the licensee on probation on such terms and  
123 conditions as the real estate commission shall deem appropriate.

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

129 5. Notwithstanding other provisions of this section, a broker or  
130 salesperson's license shall be revoked, or in the case of an applicant, shall not be  
131 issued, if the licensee or applicant has pleaded guilty to, entered a plea of nolo  
132 contendere, to or been found guilty of any of the following offenses or offenses  
133 of a similar nature established under the laws of this, any other state, the United  
134 States, or any other country, notwithstanding whether sentence is imposed:

135 (1) Any dangerous felony as defined under section 556.061, RSMo, or  
136 murder in the first degree;

137 (2) Any of the following sexual offenses: rape, statutory rape in the first  
138 degree, statutory rape in the second degree, sexual assault, forcible sodomy,  
139 statutory sodomy in the first degree, statutory sodomy in the second degree, child  
140 molestation in the first degree, child molestation in the second degree, deviate  
141 sexual assault, sexual misconduct involving a child, sexual misconduct in the first  
142 degree, sexual abuse, enticement of a child, or attempting to entice a child;

143 (3) Any of the following offenses against the family and related offenses:  
144 incest, abandonment of a child in the first degree, abandonment of a child in the  
145 second degree, endangering the welfare of a child in the first degree, abuse of a  
146 child, using a child in a sexual performance, promoting sexual performance by a  
147 child, or trafficking in children; and

148 (4) Any of the following offenses involving child pornography and related  
149 offenses: promoting obscenity in the first degree, promoting obscenity in the  
150 second degree when the penalty is enhanced to a class D felony, promoting child  
151 pornography in the first degree, promoting child pornography in the second  
152 degree, possession of child pornography in the first degree, possession of child  
153 pornography in the second degree, furnishing child pornography to a minor,  
154 furnishing pornographic materials to minors, or coercing acceptance of obscene  
155 material.

156           6. A person whose license was revoked under subsection 5 of this section  
157 may appeal such revocation to the administrative hearing commission. Notice  
158 of such appeal must be received by the administrative hearing commission within  
159 ninety days of mailing, by certified mail, the notice of revocation. Failure of  
160 a person whose license was revoked to notify the administrative hearing  
161 commission of his or her intent to appeal waives all rights to appeal the  
162 revocation. Upon notice of such person's intent to appeal, a hearing shall be held  
163 before the administrative hearing commissioner.

          621.045. 1. The administrative hearing commission shall conduct  
2 hearings and make findings of fact and conclusions of law in those cases when,  
3 under the law, a license issued by any of the following agencies may be revoked  
4 or suspended or when the licensee may be placed on probation or when an agency  
5 refuses to permit an applicant to be examined upon his qualifications or refuses  
6 to issue or renew a license of an applicant who has passed an examination for  
7 licensure or who possesses the qualifications for licensure without examination:

8           Missouri State Board of Accountancy  
9           Missouri State Board [of Registration] for Architects, Professional  
10 Engineers [and], Professional Land Surveyors and Landscape Architects  
11           Board of Barber Examiners  
12           Board of Cosmetology  
13           Board of Chiropractic and Podiatry  
14           Board of Chiropractic Examiners  
15           Missouri Dental Board  
16           Board of Embalmers and Funeral Directors  
17           Board of Registration for the Healing Arts  
18           Board of Nursing  
19           Board of Optometry  
20           Board of Pharmacy  
21           Missouri Real Estate Commission  
22           Missouri Veterinary Medical Board  
23           Supervisor of Liquor Control  
24           Department of Health and Senior Services  
25           Department of Insurance  
26           Department of Mental Health.

27           2. If in the future there are created by law any new or additional  
28 administrative agencies which have the power to issue, revoke, suspend, or place

29 on probation any license, then those agencies are under the provisions of this law.

30         3. The administrative hearing commission is authorized to  
31 conduct hearings and make findings of fact and conclusions of law in  
32 those cases brought by the Missouri state board for architects,  
33 professional engineers, professional land surveyors and landscape  
34 architects against unlicensed persons under section 327.076, RSMo.

35         4. Notwithstanding any other provision of this section to the contrary,  
36 after August 28, 1995, in order to encourage settlement of disputes between any  
37 agency described in subsection 1 or 2 of this section and its licensees, any such  
38 agency shall:

39             (1) Provide the licensee with a written description of the specific conduct  
40 for which discipline is sought and a citation to the law and rules allegedly  
41 violated, together with copies of any documents which are the basis thereof and  
42 the agency's initial settlement offer, or file a contested case against the licensee;

43             (2) If no contested case has been filed against the licensee, allow the  
44 licensee at least sixty days, from the date of mailing, to consider the agency's  
45 initial settlement offer and to contact the agency to discuss the terms of such  
46 settlement offer;

47             (3) If no contested case has been filed against the licensee, advise the  
48 licensee that the licensee may, either at the time the settlement agreement is  
49 signed by all parties, or within fifteen days thereafter, submit the agreement to  
50 the administrative hearing commission for determination that the facts agreed  
51 to by the parties to the settlement constitute grounds for denying or disciplining  
52 the license of the licensee; and

53             (4) In any contact pursuant to this subsection by the agency or its counsel  
54 with a licensee who is not represented by counsel, advise the licensee that the  
55 licensee has the right to consult an attorney at the licensee's own expense.

56         [4.] 5. If the licensee desires review by the administrative hearing  
57 commission pursuant to subdivision (3) of subsection [3] 4 of this section at any  
58 time prior to the settlement becoming final, the licensee may rescind and  
59 withdraw from the settlement and any admissions of fact or law in the agreement  
60 shall be deemed withdrawn and not admissible for any purposes under the law  
61 against the licensee. Any settlement submitted to the administrative hearing  
62 commission shall not be effective and final unless and until findings of fact and  
63 conclusions of law are entered by the administrative hearing commission that the  
64 facts agreed to by the parties to the settlement constitute grounds for denying or

65 disciplining the license of the licensee.

701.353. 1. There is hereby established an "Elevator Safety Board" to be  
2 composed of eleven members, one of whom shall be the director of the department  
3 of public safety. The remaining ten members of the board shall be appointed by  
4 the governor with the advice and consent of the senate. Each member appointed  
5 by the governor shall be appointed for a term of five years or until his or her  
6 successor is appointed. The governor shall fill any vacancy on the board for the  
7 remainder of the unexpired term with a representative of the same interest as  
8 that of the member whose term is vacant. No more than six members of the  
9 board, who are not employees of state or local government, shall be members of  
10 the same political party.

11 2. Two members of the board shall represent the interests of labor and  
12 shall be involved in the elevator industry. [Two members] One member of the  
13 board shall be [representatives] a representative of manufacturers of elevators  
14 used in this state. One member of the board shall be an elevator  
15 installer. One member of the board shall be an architect or mechanical  
16 engineer. One member of the board shall be a representative of owners of  
17 buildings affected by sections 701.350 to 701.380. Two members shall be building  
18 officials with responsibility for administering elevator regulations, one from each  
19 municipality having a population of at least three hundred fifty thousand  
20 inhabitants. One member of the board shall be a representative of the disabled  
21 community who is familiar with the provisions of the Federal Americans with  
22 Disabilities Act. One member shall be a representative of the special inspectors.

23 3. The director of the department shall call the first meeting of the board  
24 within sixty days after all members have been appointed and qualified. The  
25 members from among their membership shall elect a chairman. After the initial  
26 meeting the members shall meet at the call of the chairman, but shall meet at  
27 least four times per year. Six members of the board shall constitute a quorum.

28 4. The members of the board shall serve without pay, but they shall  
29 receive per diem expenses in an equivalent amount as allowed for members of the  
30 general assembly.

[186.018. The council shall prepare a state plan to identify  
2 and prioritize targeted populations in terms of employment  
3 accessibility and geographic regions, which plan shall be reviewed  
4 and revised annually. The state plan shall include but not be  
5 limited to:

6 (1) A needs-assessment of the state to determine specific  
7 economic and employment problems that exist in which geographic  
8 areas of the state;

9 (2) A statement of short- and long-term goals relating to  
10 economic factors which include evaluation, labor, work availability,  
11 small business opportunities, employment, training, household, and  
12 family with special emphasis on rural women and the  
13 underprivileged sectors of society;

14 (3) An inventory of existing federal, state, community and  
15 private programs and facilities relating to economic and  
16 employment needs of women;

17 (4) Plans for addressing those identified prioritized and  
18 targeted populations including special strategies for specific groups  
19 or regions with unique needs in the employment or training area.]

[186.019. 1. Prior to April first of each year, starting in  
2 1992, the information described in subdivisions (1), (2), (3) and (4)  
3 of this subsection shall be delivered in report form to the Missouri  
4 women's council, the governor's office, the secretary of the senate,  
5 and the chief clerk of the house of representatives. The  
6 information shall apply only to activities which occurred during the  
7 previous calendar year. Reports shall be required from the  
8 following:

9 (1) The department of labor and industrial relations, and  
10 the division of job development and training of the department of  
11 economic development, who shall assemble all available data and  
12 report on all business start-ups and business failures which are  
13 fifty-one percent or more owned by women. The reports shall  
14 distinguish, as best as possible, those businesses which are sole  
15 proprietorships, partnerships, or corporations;

16 (2) The department of economic development, who shall  
17 assemble all available data and report on financial assistance or  
18 other incentives given to all businesses which are fifty-one percent  
19 or more owned by women. The report shall contain information  
20 relating to assistance or incentives awarded for the retention of  
21 existing businesses, the expansion of existing businesses, or the  
22 start-up of new businesses;

23                   (3) The department of revenue, who shall assemble all  
24                   available data and report on the number, gross receipts and net  
25                   income of all businesses which are fifty-one percent or more owned  
26                   by women. The reports shall distinguish those businesses which  
27                   are sole proprietorships, partnerships or corporations;

28                   (4) The division of purchasing of the office of  
29                   administration, who shall assemble all available data and report  
30                   on businesses which are fifty-one percent or more owned by women  
31                   which are recipients of contracts awarded by the state of Missouri.

32                   2. Prior to December first of each year, starting in 1990, the  
33                   information described in subdivisions (1) and (2) of this subsection  
34                   shall be delivered in report form to the Missouri women's council,  
35                   the governor's office, the secretary of the senate, and the chief clerk  
36                   of the house of representatives. The information shall apply only  
37                   to activities which occurred during the previous school  
38                   year. Reports shall be required from the following:

39                   (1) The department of elementary and secondary education  
40                   shall assemble all available data from the Vocational and  
41                   Education Data System (VEDS) on class enrollments by Instruction  
42                   Program Codes (CIP); by secondary and postsecondary schools; and,  
43                   secondary, postsecondary, and adult level classes; and by  
44                   gender. This data shall also be reported by classes of traditional  
45                   and nontraditional occupational areas.

46                   (2) The coordinating board for higher education shall  
47                   assemble all available data and report on higher education degrees  
48                   awarded by academic discipline; type of degree; type of school; and  
49                   gender. All available data shall also be reported on salaries  
50                   received upon completion of degree program and subsequent hire,  
51                   as well as any data available on follow-up salaries.]

                  [301.3112. 1. Any person may receive special license plates  
2                   as prescribed by this section, for any motor vehicle such person  
3                   owns, either solely or jointly, other than an apportioned motor  
4                   vehicle or a commercial motor vehicle licensed in excess of eighteen  
5                   thousand pounds gross weight, after an annual contribution of an  
6                   emblem-use authorization fee to the Friends of the Missouri  
7                   Women's Council. Any contribution given pursuant to this section

8 shall be designated for breast cancer services only. The Friends of  
9 the Missouri Women's Council hereby authorizes the use of its  
10 official emblem to be affixed on multiyear personalized license  
11 plates as provided in this section. Any contribution to the Friends  
12 of the Missouri Women's Council derived from this section, except  
13 reasonable administrative costs, shall be used solely for the  
14 purpose of providing breast cancer services. Any person may  
15 annually apply for the use of the emblem.

16 2. Upon annual application and payment of a twenty-five  
17 dollar emblem-use contribution to the Friends of the Missouri  
18 Women's Council, the organization shall issue to the vehicle owner,  
19 without further charge, an emblem-use authorization statement,  
20 which shall be presented by the owner to the department of  
21 revenue at the time of registration of a motor vehicle. Upon  
22 presentation of the annual statement, payment of a fifteen dollar  
23 fee in addition to the registration fee and documents which may be  
24 required by law, the department of revenue shall issue to the  
25 vehicle owner a personalized license plate which shall bear the  
26 emblem of the Friends of the Missouri Women's Council and shall  
27 bear the words "BREAST CANCER AWARENESS" in place of the  
28 words "SHOW-ME STATE". Such license plates shall be made with  
29 fully reflective material with a common color scheme and design,  
30 shall be clearly visible at night, and shall be aesthetically  
31 attractive, as prescribed by section 301.130. Notwithstanding the  
32 provisions of section 301.144, no additional fee shall be charged for  
33 the personalization of license plates pursuant to this section.

34 3. A vehicle owner, who was previously issued a plate with  
35 the Friends of the Missouri Women's Council emblem authorized  
36 by this section but who does not provide an emblem-use  
37 authorization statement at a subsequent time of registration, shall  
38 be issued a new plate which does not bear the Friends of the  
39 Missouri Women's Council emblem, as otherwise provided by  
40 law. The director of revenue shall make necessary rules and  
41 regulations for the administration of this section, and shall design  
42 all necessary forms required by this section. No rule or portion of  
43 a rule promulgated pursuant to the authority of this section shall

44           become effective unless it has been promulgated pursuant to the  
45           provisions of chapter 536, RSMo.]

          [327.111. Any person who practices architecture in Missouri  
2           as defined in section 327.091, who is not exempt pursuant to the  
3           provisions of section 327.101, or who is not the holder of a  
4           currently valid license or certificate of authority to practice  
5           architecture in Missouri, or who pretends or attempts to use as  
6           such person's own the license or certificate of authority or the seal  
7           of another architect or who affixes his or her or another's  
8           architect's seal on any plans, specifications, drawings, or reports  
9           which have not been prepared by such person or under such  
10          person's immediate personal supervision, is guilty of a class A  
11          misdemeanor.]

          [327.201. Any person who practices professional  
2           engineering in Missouri as defined in section 327.181, who is not  
3           exempt pursuant to the provisions of section 327.191 and who is  
4           not the holder of a currently valid license or certificate of authority  
5           to practice professional engineering in Missouri, or who pretends  
6           or attempts to use as such person's own the license or certificate of  
7           authority or the seal of another professional engineer, or who  
8           affixes such person's or another professional engineer's seal on any  
9           plans, specifications, drawings or reports which have not been  
10          prepared by such person or under such person's immediate  
11          personal supervision is guilty of a class A misdemeanor.]

          [327.291. Any person who practices as a professional land  
2           surveyor in Missouri as defined in section 327.272, who is not a  
3           holder of a currently valid license or certificate of authority to  
4           practice professional land surveying in Missouri, or who pretends  
5           or attempts to use as such person's own the license or certificate of  
6           authority or the seal of another professional land surveyor or who  
7           affixes such person's or another professional land surveyor's seal  
8           on any map, plat, survey or other document which has not been  
9           prepared by such person or under such person's immediate  
10          personal supervision is guilty of a class A misdemeanor.]

          [327.633. Any person violating any of the provisions of  
2           sections 327.600 to 327.635 is deemed guilty of a class A

3           misdemeanor.]

          Section B. Because immediate action is necessary to ensure appropriate  
2 membership on the elevator safety board the repeal and reenactment of section  
3 701.353 of this act is deemed necessary for the immediate preservation of the  
4 public health, welfare, peace, and safety, and is hereby declared to be an  
5 emergency act within the meaning of the constitution, and the repeal and  
6 reenactment of section 701.353 of this act shall be in full force and effect upon its  
7 passage and approval.

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