

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 833
94TH GENERAL ASSEMBLY

Reported from the Special Committee on Professional Registration and Licensing April 19, 2007 with recommendation that House Committee Substitute for House Bill No. 833 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

D. ADAM CRUMBLISS, Chief Clerk

2038L.03C

AN ACT

To repeal sections 144.011, 324.520, 324.522, 344.020, 344.030, 344.040, 344.050, 344.060, 344.070, 344.080, 344.105, 700.010, 700.045, 700.056, 700.065, 700.070, 700.090, 700.100, 700.115, 700.450, 700.455, 700.460, 700.465, 700.470, 700.525, 700.650, and 701.353, RSMo, and to enact in lieu thereof thirty-nine new sections relating to the licensing of certain professionals, with penalty provisions.

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

Section A. Sections 144.011, 324.520, 324.522, 344.020, 344.030, 344.040, 344.050, 344.060, 344.070, 344.080, 344.105, 700.010, 700.045, 700.056, 700.065, 700.070, 700.090, 700.100, 700.115, 700.450, 700.455, 700.460, 700.465, 700.470, 700.525, 700.650, and 701.353, RSMo, are repealed and thirty-nine new sections enacted in lieu thereof, to be known as sections 144.011, 324.520, 324.522, 324.523, 334.1000, 334.1003, 334.1006, 334.1009, 334.1012, 334.1015, 334.1018, 334.1021, 334.1024, 334.1050, 344.020, 344.030, 344.040, 344.050, 344.060, 344.070, 344.080, 344.105, 344.108, 589.430, 700.010, 700.041, 700.045, 700.056, 700.065, 700.090, 700.095, 700.096, 700.097, 700.098, 700.100, 700.115, 700.525, 700.650, and 701.353, to read as follows:

144.011. 1. For purposes of sections 144.010 to 144.525 and 144.600 to 144.748, and the taxes imposed thereby, the definition of "retail sale" or "sale at retail" shall not be construed to include any of the following:

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

4 (1) The transfer by one corporation of substantially all of its tangible personal property
5 to another corporation pursuant to a merger or consolidation effected under the laws of the state
6 of Missouri or any other jurisdiction;

7 (2) The transfer of tangible personal property incident to the liquidation or cessation of
8 a taxpayer's trade or business, conducted in proprietorship, partnership or corporate form, except
9 to the extent any transfer is made in the ordinary course of the taxpayer's trade or business;

10 (3) The transfer of tangible personal property to a corporation solely in exchange for its
11 stock or securities;

12 (4) The transfer of tangible personal property to a corporation by a shareholder as a
13 contribution to the capital of the transferee corporation;

14 (5) The transfer of tangible personal property to a partnership solely in exchange for a
15 partnership interest therein;

16 (6) The transfer of tangible personal property by a partner as a contribution to the capital
17 of the transferee partnership;

18 (7) The transfer of tangible personal property by a corporation to one or more of its
19 shareholders as a dividend, return of capital, distribution in the partial or complete liquidation
20 of the corporation or distribution in redemption of the shareholder's interest therein;

21 (8) The transfer of tangible personal property by a partnership to one or more of its
22 partners as a current distribution, return of capital or distribution in the partial or complete
23 liquidation of the partnership or of the partner's interest therein;

24 (9) The transfer of reusable containers used in connection with the sale of tangible
25 personal property contained therein for which a deposit is required and refunded on return;

26 (10) The purchase by persons operating eating or food service establishments, of items
27 of a nonreusable nature which are furnished to the customers of such establishments with or in
28 conjunction with the retail sales of their food or beverage. Such items shall include, but not be
29 limited to, wrapping or packaging materials and nonreusable paper, wood, plastic and aluminum
30 articles such as containers, trays, napkins, dishes, silverware, cups, bags, boxes, straws, sticks
31 and toothpicks;

32 (11) The purchase by persons operating hotels, motels or other transient accommodation
33 establishments, of items of a nonreusable nature which are furnished to the guests in the guests'
34 rooms of such establishments and such items are included in the charge made for such
35 accommodations. Such items shall include, but not be limited to, soap, shampoo, tissue and
36 other toiletries and food or confectionery items offered to the guests without charge;

37 (12) The transfer of a manufactured home other than:

38 (a) A transfer which involves the delivery of the document known as the "Manufacturer's
39 Statement of Origin" to a person other than a manufactured home dealer, as defined in section

40 [700.450] **700.010**, RSMo, for purposes of allowing such person to obtain a title to the
41 manufactured home from the department of revenue of this state or the appropriate agency or
42 officer of any other state;

43 (b) A transfer which involves the delivery of a "Repossessed Title" to a resident of this
44 state if the tax imposed by sections 144.010 to 144.525 was not paid on the transfer of the
45 manufactured home described in paragraph (a) of this subdivision;

46 (c) The first transfer which occurs after December 31, 1985, if the tax imposed by
47 sections 144.010 to 144.525 was not paid on any transfer of the same manufactured home which
48 occurred before December 31, 1985; or

49 (13) Charges for initiation fees or dues to:

50 (a) Fraternal beneficiaries societies, or domestic fraternal societies, orders or associations
51 operating under the lodge system a substantial part of the activities of which are devoted to
52 religious, charitable, scientific, literary, educational or fraternal purposes; or

53 (b) Posts or organizations of past or present members of the armed forces of the United
54 States or an auxiliary unit or society of, or a trust or foundation for, any such post or organization
55 substantially all of the members of which are past or present members of the armed forces of the
56 United States or who are cadets, spouses, widows, or widowers of past or present members of
57 the armed forces of the United States, no part of the net earnings of which inures to the benefit
58 of any private shareholder or individual.

59 2. The assumption of liabilities of the transferor by the transferee incident to any of the
60 transactions enumerated in the above subdivisions (1) to (8) of subsection 1 of this section shall
61 not disqualify the transfer from the exclusion described in this section, where such liability
62 assumption is related to the property transferred and where the assumption does not have as its
63 principal purpose the avoidance of Missouri sales or use tax.

324.520. 1. As used in sections 324.520 to [324.524] **324.526**, the following terms
2 mean:

3 (1) "Body piercing", the perforation of human tissue other than an ear for a nonmedical
4 purpose;

5 (2) "Branding", a permanent mark made on human tissue by burning with a hot iron or
6 other instrument;

7 (3) "Controlled substance", any substance defined in section 195.010, RSMo;

8 (4) "Minor", a person under the age of eighteen;

9 (5) "Tattoo", one or more of the following:

10 (a) An indelible mark made on the body of another person by the insertion of a pigment
11 under the skin; or

12 (b) An indelible design made on the body of another person by production of scars other
13 than by branding.

14 2. No person shall knowingly tattoo, brand or perform body piercing on a minor unless
15 such person obtains the prior written informed consent of the minor's parent or legal guardian.
16 The minor's parent or legal guardian shall execute the written informed consent required pursuant
17 to this subsection in the presence of the person performing the tattooing, branding or body
18 piercing on the minor, or in the presence of an employee or agent of such person. Any person
19 who fraudulently misrepresents himself or herself as a parent is guilty of a class B misdemeanor.

20 3. A person shall not tattoo, brand or perform body piercing on another person if the
21 other person is under the influence of intoxicating liquor or a controlled substance.

22 4. A person who violates [this section] **any provision of sections 324.520 to 324.526**
23 is guilty of a misdemeanor and shall be fined not more than five hundred dollars. If there is a
24 subsequent violation [of this section] within one year of the initial violation, such person shall
25 be fined not less than five hundred dollars or more than one thousand dollars.

26 5. No person under the age of eighteen shall tattoo, brand or perform body piercing on
27 another person.

324.522. 1. No practitioner of tattooing, body piercing or branding shall practice and
2 no establishment in which tattoos, body piercing or brandings are applied shall be operated
3 without a license issued by the director of the division of professional registration. The license
4 fee for each practitioner and each establishment shall be established by rule.

5 2. The director of the division of professional registration shall promulgate rules and
6 regulations relative to the hygienic practice of tattooing, body piercing and branding[, and] ; **the**
7 **sanitary operations of tattoo, body piercing and branding establishments; and the educational**
8 **and training requirements for applicants applying to receive and practitioners desiring to**
9 **maintain a license to practice any profession that is licensed or regulated under sections**
10 **324.520 to 324.526.** Such rules and regulations shall include:

11 (1) Standards of hygiene to be met and maintained by establishments and practitioners
12 in order to receive and maintain a license for the practice of tattooing, body piercing and
13 branding;

14 (2) Procedures to be used to grant, revoke or reinstate a license;

15 (3) Inspection of tattoo, body piercing and branding establishments; and

16 (4) Any other matter necessary to the administration of this section.

17 3. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that
18 is created under the authority delegated in sections 324.520 to [324.524] **324.526** shall become
19 effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo,
20 and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are

21 nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536,
22 RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently
23 held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted
24 after August 28, 2001, shall be invalid and void.

**324.523. 1. The division may refuse to issue or cause a complaint to be filed with
2 the administrative hearing commission as provided by chapter 621, RSMo, against any
3 holder of any certificate of registration or authority, permit, or license required under
4 sections 324.520 to 324.526, or any person who has failed to renew or has surrendered his
5 or her certificate of registration or authority, permit, or license for any one or any
6 combination of the following causes:**

7 **(1) Use or illegal possession of any controlled substance, as defined in chapter 195,**
8 **RSMo, or use of any alcoholic beverage to an extent that such use impairs a person's ability**
9 **to perform the work of any profession that is licensed or regulated under sections 324.520**
10 **to 324.526;**

11 **(2) Final adjudication and finding of guilt, or the entrance of a plea of guilty or nolo**
12 **contendere, in a criminal prosecution under the laws of any state or of the United States,**
13 **for any offense reasonably related to the qualifications, functions, or duties of any**
14 **profession that is licensed or regulated under sections 324.520 to 324.526 and the**
15 **regulations promulgated thereunder, for any offense an essential element of which is fraud,**
16 **dishonesty, or an act of violence, or for any offense involving moral turpitude, whether or**
17 **not sentence is imposed;**

18 **(3) Use of fraud, deception, misrepresentation, or bribery in securing any certificate**
19 **of registration or authority, permit, or license required under sections 324.520 to 324.526;**

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

22 **(5) Incompetence, misconduct, gross negligence, fraud, misrepresentation, or**
23 **dishonesty in the performance of the functions or duties of any profession that is licensed**
24 **or regulated under sections 324.520 to 324.526;**

25 **(6) Violation of, or assisting or enabling any person to violate, any provision of**
26 **sections 324.520 to 324.526, or of any lawful rule or regulation adopted under sections**
27 **324.520 to 324.526;**

28 **(7) Impersonation of any person holding a certificate of registration or authority,**
29 **permit, or license, or allowing any person to use his or her certificate of registration or**
30 **authority, license, permit, or diploma from any school;**

31 **(8) Disciplinary action against the holder of a license or other right to practice any**
32 **profession regulated under sections 324.520 to 324.526 granted by another state, territory,**

33 federal agency, or country upon grounds for which revocation or suspension is authorized
34 in this state;

35 (9) Final adjudication by a court of competent jurisdiction that a person is insane
36 or incompetent;

37 (10) Assisting or enabling any person to practice or offer to practice any profession
38 licensed or regulated under sections 324.520 to 324.526 who is not licensed and is currently
39 ineligible to practice under sections 324.520 to 324.526;

40 (11) Causing the division to issue a certificate of registration or authority, permit,
41 or license based on a material mistake of fact;

42 (12) Failure to display a valid license;

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

44 (14) Use of any advertisement or solicitation that is false, misleading, or deceptive
45 to the general public or persons to whom the advertisement or solicitation is primarily
46 directed;

47 (15) Failure or refusal to properly guard against contagious, infectious, or
48 communicable diseases and the spread thereof.

49 2. After the filing of such complaint, the proceedings shall be conducted in
50 accordance with the provisions of chapter 621, RSMo. Upon a finding by the
51 administrative hearing commission that grounds for disciplinary action are present, as
52 provided in subsection 1 of this section, the division may censure or place the person
53 named in the complaint on probation on such terms and conditions as the division deems
54 appropriate for a period not to exceed five years, or the division may suspend the license,
55 certificate, or permit for a period not to exceed three years, or revoke the license,
56 certificate, or permit.

57 3. The division, acting on its own knowledge or on written or verified complaint
58 filed by any person, may discipline a person as provided in subsections 1 and 2 of this
59 section, or the division may bring an action to enjoin any person, establishment, firm, or
60 corporation from engaging in an occupation regulated under the provisions of sections
61 324.520 to 324.526 if such person, firm, or corporation engages in or practices an
62 occupation licensed under sections 324.520 to 324.526 without a license to do so. The action
63 shall be brought in the county in which such person resides, or, in the case of an
64 establishment, firm or corporation, where the establishment, firm, or corporation
65 maintains its principal office; and unless it appears that such person, establishment, firm,
66 or corporation so engaging or practicing such occupation is licensed, the injunction shall
67 be issued, and such person, firm, or corporation shall be perpetually enjoined from
68 engaging in such activities throughout the state.

334.1000. Sections 334.1000 to 334.1024 shall be known and may be cited as the
2 "Medical Imaging and Radiation Therapy Quality Assurance Act of 2007".

334.1003. As used in sections 334.1000 to 334.1024, the following terms mean:

2 (1) "Board", the medical imaging and radiation therapy board of examiners
3 created in section 334.1009;

4 (2) "Chiropractic radiologist", a physician certified by the American Chiropractic
5 Board of Radiology;

6 (3) "Director", the director of the division of professional registration within the
7 department of insurance, financial institutions, and professional registration;

8 (4) "License", a certificate issued by the board authorizing the licensee to use
9 radioactive materials, medical imaging, or radiation therapy equipment on humans for
10 diagnostic or therapeutic purposes in accordance with sections 334.1000 to 334.1024;

11 (5) "Licensed practitioner", a person licensed to practice medicine, dentistry,
12 podiatry, chiropractic, osteopathy, veterinary medicine, or as a nurse or dental hygienist
13 in this state;

14 (6) "Limited permit", a certificate issued by the board authorizing a person to
15 conduct diagnostic radiology examinations that is limited to the performance of specific
16 medical imaging procedures on specific parts of the human body, such as chest, spine, or
17 extremity radiography;

18 (7) "Medical imaging", any procedures or article intended for use in the diagnosis
19 of disease or other medical or dental conditions, including but not limited to diagnostic X-
20 rays and nuclear medicine;

21 (8) "Nuclear medicine technologist", a person, other than a licensed practitioner,
22 who uses radiopharmaceutical agents on humans for diagnostic or therapeutic purposes;

23 (9) "Persons who administer medical imaging or radiation therapy procedures",
24 any person, other than a licensed practitioner, who intentionally administers medical
25 imaging or radiation therapy procedures to other persons for medical purposes, including,
26 but not limited to, radiographers, radiation therapists, and nuclear medicine technologists,
27 licensed under sections 334.1000 to 334.1024;

28 (10) "Public member", a person who is a resident of this state but who is not a
29 licensed practitioner, person who administers medical imaging and radiation therapy
30 procedures under sections 334.1000 to 334.1024;

31 (11) "Radiation therapist", a person, other than a licensed practitioner, who
32 applies radiation to humans for therapeutic purposes;

33 (12) "Radiation therapy", any radiation procedure or article intended for the cure,
34 mitigation, or prevention of disease in humans;

35 (13) "Radiologic physicist", a person who is certified by the American Board of
36 Radiology in radiological physics or one of the subspecialties of radiological physics, or is
37 eligible for such certification;

38 (14) "Radiographer", a person, other than a licensed practitioner, who applies
39 radiation to humans for diagnostic purposes;

40 (15) "Radiologist", a physician certified by the American Board of Radiology or
41 the American Osteopathic Board of Radiology, the American Chiropractic Board of
42 Radiology, the British Royal College of Radiology, or the Canadian College of Physicians
43 and Surgeons;

44 (16) "Temporary license", a certificate issued by the board authorizing an
45 applicant to perform medical imaging and radiation therapy procedures when his or her
46 licensure or relicensure is pending before the board and when issuance may be justified
47 by special circumstances as determined by the board.

 334.1006. 1. No person, other than a licensed practitioner who administers medical
2 imaging and radiation therapy procedures, shall perform medical imaging or radiation
3 therapy procedures on humans for diagnostic or therapeutic purposes.

4 2. The board shall establish licensure standards consistent with national
5 accreditation standards for the radiographer (R), radiation therapist (T), nuclear medicine
6 technologist (N), limited permit holder, and temporary license holder. Persons holding
7 such licenses shall be recognized by this nomenclature.

8 3. A person holding a license under sections 334.1000 to 334.1024 shall use
9 radioactive substances or equipment for medical imaging and radiation therapy
10 procedures on humans only for diagnostic or therapeutic purposes at the direction of a
11 licensed practitioner, and only if the application of a substance or the use of equipment is
12 limited in a manner specified in sections 334.1000 to 334.1024.

13 4. Nothing in sections 334.1000 to 334.1024 relating to medical imaging or radiation
14 therapy shall limit, enlarge, or affect the practice of licensed practitioners as defined in
15 section 334.1003.

16 5. The requirement of a license shall not apply to a resident physician or a student
17 enrolled in and attending a school or college of medicine, osteopathy, chiropractic,
18 podiatry, dentistry, dental hygiene, medical imaging, or radiation therapy who performs
19 medical imaging or radiation therapy procedures on humans while under the supervision
20 of a licensed practitioner or direct supervision of a radiographer, radiation therapist, or
21 nuclear medicine technologist holding a license under sections 334.1000 to 334.1024.

22 6. The provisions of sections 334.1000 to 334.1024 shall not apply to persons
23 performing sonography services or bone density studies.

24 7. Nothing contained in sections 334.1000 to 334.1024 shall be construed as
25 regulating persons regulated under chapter 332, RSMo.

 334.1009. 1. There is hereby established the "Medical Imaging and Radiation
2 Therapy Board of Examiners" which shall consist of twelve members appointed by the
3 governor with the advice and consent of the senate. All members of the board shall be
4 residents of this state. Of the twelve board members, five shall be persons who administer
5 medical imaging and radiation therapy procedures, three shall be radiologists, one of
6 whom shall be a chiropractic radiologist, two shall be other licensed practitioners, one shall
7 be a radiologic physicist, and one shall be a public member.

8 2. The term of office for each member of the board shall be three years; except that,
9 of the members first appointed four shall be appointed to a term of one year, four shall be
10 appointed to a term of two years, and four shall be appointed to a term of three years.
11 Vacancies shall be filled for an unexpired term only in the manner provided by original
12 appointment.

13 3. Persons who administer medical imaging or radiation therapy procedures
14 appointed to the board for terms beginning thirty-six months following issuance of a
15 license in any category by the board shall hold a valid license in any category issued by the
16 board.

17 4. Notwithstanding any other provision of law to the contrary, any appointed
18 member of the commission shall receive as compensation an amount set under section
19 324.015, RSMo, for each day devoted to the affairs of the commission plus actual and
20 necessary expenses incurred in the discharge of official duties.

21 5. The director of the division of professional registration shall designate an officer
22 or employee of the state to act as a secretary of the board, who shall not be a member of
23 the board. The director shall furnish staff, logistics, budget, and other support to the
24 board as appropriate.

25 6. No public member shall have any association or relationship with a licensed
26 practitioner or person who administers medical imaging or radiation therapy procedures,
27 that would prevent or in any way hinder the public member in representing the interest
28 of the public.

29 7. For administrative purposes, the board shall meet at least once every three
30 months at times and places of its choosing. The first meeting of the board shall be for
31 organization only, in which the board will set forth its responsibilities and rules.

32 8. A majority of the voting members shall constitute a quorum. No action shall be
33 taken by the board except by an affirmative vote of the majority of those members present
34 and voting.

35 **9. The board shall be responsible for setting and implementing policies for licensing**
36 **individuals, accrediting programs, imposing discipline, and hearing appeals.**

334.1012. 1. The board shall admit to examination for licensure any applicant who
2 **pays a nonrefundable fee established by rule of the board and submits satisfactory**
3 **evidence, verified by oath or affirmation, that the applicant:**

4 **(1) At the time of application, the applicant is at least eighteen years of age; and**
5 **(2) Has successfully completed a four-year course of study in a secondary school**
6 **approved by the state board of education, or passed an approved equivalency test.**

7 **2. In addition to the requirements in subsection 1 of this section, any person seeking**
8 **to obtain a license in a specific area of medical imaging and radiation therapy shall comply**
9 **with the following requirements:**

10 **(1) Each applicant for a license as a radiographer, radiation therapist, or nuclear**
11 **medicine technologist shall have satisfactorily completed a course of study in radiography,**
12 **radiation therapy, or nuclear medicine, respectively, or an equivalent to be determined by**
13 **the board;**

14 **(2) The curriculum for each course of study shall be based on the standards**
15 **approved by the Joint Review Committee on Education in Radiologic Technology, the**
16 **Joint Review Committee on Nuclear Medicine Technology, or other appropriate**
17 **accreditation agencies approved by the board.**

18 **3. The board shall establish criteria and standards within the state for educational**
19 **programs in medical imaging and radiation therapy consistent with national accreditation**
20 **standards and approve such programs upon finding that the criteria and standards have**
21 **been met.**

22 **4. In addition to the requirements of subsection 1 of this section, the scope of each**
23 **limited permit is restricted as follows:**

24 **(1) Chest radiography permit: radiography of the thorax, heart, and lungs;**

25 **(2) Skeletal radiography permit: radiography of the upper and lower extremities,**
26 **or the vertebral column.**

27 **5. The board shall waive the examination and education requirements for licensure**
28 **of a person who has been employed on a full-time basis for a minimum of three of the**
29 **immediately preceding five years as a radiographer, radiation therapist, or nuclear**
30 **medicine technologist. Such person shall have a minimum of two years to meet the**
31 **continuing education requirements set by the board for renewal of licensure.**

32 **6. The licensure requirements under sections 334.1000 to 334.1024, shall be waived**
33 **for persons who use equipment powered by no more than one hundred ten volt electricity.**
34 **However, the board may study the impact of such a waiver and if, after analysis, the board**

35 determines the benefit to outweigh the risk to the public, the board may issue a rule that
36 requires such individuals to be licensed.

37 7. There is hereby created in the state treasury the "Medical Imaging and
38 Radiation Therapy Licensure Fund", which shall consist of money collected under sections
39 334.1000 to 334.1024. The state treasurer shall be custodian of the fund and shall approve
40 disbursements from the fund in accordance with sections 30.170 and 30.180, RSMo. Upon
41 appropriation, money in the fund shall be used solely for the administration of sections
42 334.1000 to 334.1024. Any moneys remaining in the fund at the end of the biennium shall
43 revert to the credit of the general revenue fund. The state treasurer shall invest moneys
44 in the fund in the same manner as other funds are invested. Any interest and moneys
45 earned on such investments shall be credited to the fund.

 334.1015. 1. An approved program of medical imaging and radiation therapy may
2 be offered by a medical, chiropractic, or dental facility, educational institution,
3 chiropractic college, or other public or private agency or institution. The program shall
4 be affiliated with one or more hospitals or dental schools or chiropractic colleges that, in
5 the opinion of the board and the appropriate accrediting agency, shall provide the requisite
6 clinical education.

7 2. The board shall by rule:

8 (1) Adopt procedures for an educational program to follow in making application
9 for accreditation; and

10 (2) Provide a process for review of such accreditation by an existing accreditation
11 agency and approval by a recognized national voluntary accrediting organization.

 334.1018. 1. Each applicant for licensure shall be required to pass a license
2 examination designed and approved by the board.

3 2. The board shall hold an examination at least every six months at times and places
4 as the board may determine.

5 3. An applicant who fails to pass the examination may reapply for the examination
6 provided the applicant complies with the rules established by the board.

7 4. The board shall accept in lieu of its own examination:

8 (1) A current certificate by the American Registry of Radiologic Technologists or
9 Nuclear Medicine Technologist Certification Board; or

10 (2) A limited scope radiography examination administered by the American
11 Registry of Radiologic Technologists or the American Chiropractic Radiology Registry of
12 Technologists for persons applying for a limited permit in chest, extremity, or spine
13 radiography.

14 5. The board may accept in lieu of its own examination:

15 (1) A current certificate from a recognized national voluntary credentialing body
16 not described in subsection 4 of this section that is issued on the basis of an examination
17 satisfactory to the board; provided that the standards of such credentialing body are at
18 least as stringent as those established by the board;

19 (2) A current certificate, registration, or license as a person who administers
20 medical imaging and radiation therapy procedures issued by another state; provided that
21 the standards in the other state are at least as stringent as those established by the board;
22 or

23 (3) A current certificate from a recognized national voluntary credentialing body
24 not described in subsection 4 of this section for persons applying for a limited permit in
25 chest, extremity, or spine radiography; provided that the standards of such credentialing
26 body are at least as stringent as those established by the board.

 334.1021. 1. The board may issue a license to each applicant who has either
2 successfully passed the examination or qualified under subsection 4 or 5 of section 334.1018
3 and has paid the prescribed fees.

4 2. The board may, at its discretion, issue a temporary license to any person whose
5 licensure or relicensure may be pending and when issuance may be justified by special
6 circumstances. A temporary license shall be issued only if the board finds that it will not
7 violate the purpose of sections 334.1000 to 334.1024 or endanger the public health and
8 safety. A temporary license shall expire ninety days after the date of the next examination
9 if the applicant is required to take the examination, or if the applicant does not take the
10 examination, then on the date of the examination. In all cases, a temporary license shall
11 expire when the determination is made either to issue or deny the applicant a regular
12 license and in no event shall a temporary license be issued for a period longer than one
13 hundred eighty days.

14 3. Holders of a license under sections 334.1000 to 334.1024 shall display the official
15 license document or a verified copy in each place of regular employment.

16 4. The board shall renew a license for a period of two years upon payment of the
17 renewal fee set by the board. Continuing education requirements may also be set by rule
18 of the board.

19 5. A licensee holding a license or permit under sections 334.1000 to 334.1024 whose
20 license has lapsed and who has ceased activities as such for more than five years may apply
21 for relicensure upon payment of a fee set by the board. Continuing education
22 requirements may also be set by the board.

23 6. A licensee holding a license or permit under sections 334.1000 to 334.1024 shall
24 notify the board in writing within thirty days of any name or address change.

334.1024. 1. The license of a licensee or permittee holding a license or permit under sections 334.1000 to 334.1024 may, at the discretion of the board, be suspended or revoked, or the individual may, at the discretion of the board, be censured, reprimanded, or otherwise sanctioned by the board in accordance with the provisions and procedures of sections 334.1000 to 334.1024 if, after due process, it is found that the individual:

(1) Is guilty of fraud or deceit in the procurement or holding of the license or permit;

(2) Has pleaded guilty to or has been found guilty of a felony in a court of competent jurisdiction, either within or outside of this state, unless the plea or finding has been reversed and the holder of the license or permit is discharged or acquitted, or if the holder has been pardoned with full restoration of civil rights in which case the license or permit shall be restored;

(3) Is or has been afflicted with any medical problem, disability, or addiction which in the opinion of the board would impair professional competence;

(4) Has aided and abetted a person who is not a licensee or permittee holding a license under sections 334.1000 to 334.1024 or otherwise authorized by subsection 3 of section 334.1009 to perform the duties of a license or permit holder;

(5) Has undertaken or engaged in any practice beyond the scope of duties permitted a license or permit holder under sections 334.1000 to 334.1024;

(6) Has impersonated a licensee or permittee or former licensee or former permittee, or a person who administers medical imaging or radiation therapy procedures under an assumed name;

(7) Has been found guilty of violations of a code of ethics that the board may establish by rule;

(8) Has performed medical imaging or radiation therapy procedures without supervision of a licensed practitioner, or radiographer, radiation therapist, or nuclear medicine technologist holding a license under sections 334.1000 to 334.1024;

(9) Has interpreted a diagnostic image for a physician, a patient, the patient's family, or the public;

(10) Is or has been guilty of incompetency or negligence in his or her performance as a license or permit holder.

Any person aggrieved by an official action of the board affecting the licensed status of a person under the provisions of sections 334.1000 to 334.1024, including the refusal to grant, the granting, the revocation, the suspension, or the failure to renew a license, may seek a determination thereon by the administrative hearing commission under the provisions of

37 section 621.045, RSMo, and it shall not be a condition to such determination that the
38 person aggrieved seek a reconsideration, a rehearing, or exhaust any other procedure with
39 the board.

40 2. Proceedings against the holder of a license or permit under sections 334.1000 to
41 334.1024 shall be commenced by filing a written charge or charges with the board. A
42 person, corporation, association, public officer, or the board may bring the charge or
43 charges. The board may refuse to issue or renew any license or permit required under
44 sections 334.1000 to 334.1024 for one or any combination of causes stated in subsection 1
45 of this section. The board shall notify the licensee or permittee in writing of the reasons
46 for the refusal and shall advise the licensee or permittee of his or her right to file a
47 complaint with the administrative hearing commission as provided by chapter 621, RSMo.

48 3. When the license or permit of any person has been revoked, reapplication to the
49 board may be made no sooner than two years after the date of the board's order revoking
50 the license or permit.

51 4. No person shall knowingly employ a person who does not hold a license under
52 sections 334.1000 to 334.1024 as a radiographer, radiation therapist, nuclear medicine
53 technologist, or a person to perform medical imaging or radiation therapy procedures.

54 5. Any person who violates the provisions of sections 334.1000 to 334.1024, or any
55 rule or order made under sections 334.1000 to 334.1024, is guilty of a class A misdemeanor
56 and shall be subject to the sanctions of subsection 2 of this section, or other appropriate
57 punishment.

58 6. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,
59 that is created under the authority delegated in sections 334.1000 to 334.1024 shall become
60 effective only if it complies with and is subject to all of the provisions of chapter 536,
61 RSMo, and, if applicable, section 536.028, RSMo. Sections 334.1000 to 334.1024 and
62 chapter 536, RSMo, are nonseverable and if any of the powers vested with the general
63 assembly under chapter 536, RSMo, to review, to delay the effective date, or to disapprove
64 and annul a rule are subsequently held unconstitutional, then the grant of rulemaking
65 authority and any rule proposed or adopted after August 28, 2007, shall be invalid and
66 void.

67 7. Any person licensed to practice veterinary medicine under chapter 340, RSMo,
68 is exempt from the provisions of sections 334.1000 to 334.1024, except for section 334.1018,
69 when acting within such person's scope of practice.

334.1050. 1. Beginning August 28, 2010, any sonographer or vascular technologist
2 who, as a Medicaid provider, provides the technical component of a diagnostic ultrasound
3 service shall be credentialed in the appropriate modality by the American Registry for

4 **Diagnostic Medical Sonography (ARDMS) or by Cardiovascular Credentialing**
5 **International (CCI), or shall practice in a laboratory accredited by the American Institute**
6 **on Ultrasound in Medicine (AIUM), the American Society for the Inter-Societal**
7 **Accreditation of Vascular Laboratories (ASICAVL), or the Inter-Societal Commission for**
8 **the Accreditation of Echocardiography Laboratories (ICAEL). This requirement shall be**
9 **waived for a person who has been employed full-time as an ultrasound or vascular**
10 **technologist for at least ten years immediately preceding the effective date of this**
11 **requirement and whose competency to perform the technical component of a diagnostic**
12 **ultrasound service has been verified under 19 CSR 30-20.021.**

13 **2. For purposes of this section, "sonographer or vascular technologist" means any**
14 **nonphysician who is qualified by national credentialing to perform diagnostic medical**
15 **ultrasound. A sonographer or vascular technologist may also be known as an ultrasound**
16 **technologist or sonologist.**

17 **3. Any sonographer or vascular technologist who is described in subsection 1 of this**
18 **section shall, in performing a diagnostic ultrasound, perform the work under the**
19 **supervision of a physician or surgeon licensed under chapter 334, RSMo.**

20 **4. A health care facility or provider wishing to secure coverage and payment under**
21 **the Medicaid program for diagnostic ultrasound services shall develop policies and**
22 **procedures to implement the requirements of this section.**

23 **5. This section and policies and procedures adopted under this section shall not**
24 **prohibit any physician or surgeon licensed in this state from performing the technical**
25 **component of a diagnostic ultrasound.**

344.020. No person shall act or serve in the capacity of a nursing home administrator
2 without first procuring a license from the Missouri board of nursing home administrators as
3 provided in sections 344.010 to [344.100] **344.108**. The board may issue a separate license to
4 administrators of assisted living facilities, as defined in section 198.006, RSMo. Any individual
5 who receives a license to operate an assisted living facility is not thereby authorized to operate
6 any intermediate care facility or skilled nursing facility as those terms are defined in section
7 198.006, RSMo.

344.030. 1. An applicant for an initial license shall file a completed application with the
2 board on a form provided by the board, accompanied by an application fee [of one hundred
3 dollars] **as prescribed by rule** payable to the [director of revenue] **department of health and**
4 **senior services**. Information provided in the application shall be given under oath subject to the
5 penalties for making a false affidavit.

6 **2. No initial license shall be issued to a person as a nursing home administrator unless:**

7 (1) The applicant provides the board satisfactory proof that the applicant is twenty-one
8 years of age or over, of good moral character and a high school graduate or equivalent;

9 (2) The applicant provides the board satisfactory proof that the applicant has had a
10 minimum of three years' experience in health care administration or two years of postsecondary
11 education in health care administration or has satisfactorily completed a course of instruction and
12 training prescribed by the board, which includes instruction in the needs properly to be served
13 by nursing homes, the protection of the interests of residents therein, and the elements of good
14 nursing home administration, or has presented evidence satisfactory to the board of sufficient
15 education, training, or experience in the foregoing fields to administer, supervise and manage
16 a nursing home; and

17 (3) The applicant passes the [written examination] **examinations** administered by the
18 board. If an applicant fails to make a passing grade on [the examination] **either examination**
19 such applicant may make application for reexamination on a form furnished by the board and
20 may be retested [at the next regularly scheduled examination]. If an applicant fails [the
21 examination] **either examination** a third time, the applicant shall be required to complete a
22 course of instruction prescribed and approved by the board [before the applicant may reapply for
23 examination]. **After completion of the board-prescribed course of instruction, the applicant**
24 **may reapply for examination. With regard to the national examination required for**
25 **licensure, no examination scores from other states shall be recognized by the board after**
26 **the applicant has failed his or her third attempt at the national examination.** There shall
27 be a separate, nonrefundable fee for each examination. The board shall set the amount of the fee
28 for examination by rules and regulations promulgated pursuant to section 536.021, RSMo. The
29 fee shall be set at a level to produce revenue which shall not substantially exceed the cost and
30 expense of administering the examination.

31 3. The board may issue a license through reciprocity to any person who is regularly
32 licensed as a nursing home administrator in any other state, territory, or the District of Columbia,
33 if the regulations for securing such license are equivalent to those required in the state of
34 Missouri. However, no license by reciprocity shall be issued until the applicant passes a special
35 examination approved by the board, which will examine the applicant's knowledge of specific
36 provisions of Missouri statutes and regulations pertaining to nursing homes. The applicant shall
37 furnish satisfactory evidence that such applicant is of good moral character and has acted in the
38 capacity of a nursing home administrator in such state, territory, or the District of Columbia, at
39 least one year after the securing of the license. The board, in its discretion, may enter into
40 written reciprocal agreements pursuant to this section with other states which have equivalent
41 laws and regulations.

42 4. Nothing in sections 344.010 to [344.100] **344.108**, or the rules or regulations
43 thereunder shall be construed to require an applicant for a license as a nursing home
44 administrator, who is employed by an institution listed and certified by the Commission for
45 Accreditation of Christian Science Nursing Organizations/Facilities, Inc., to administer
46 institutions certified by such commission for the care and treatment of the sick in accordance
47 with the creed or tenets of a recognized church or religious denomination, to demonstrate
48 proficiency in any techniques or to meet any educational qualifications or standards not in accord
49 with the remedial care and treatment provided in such institutions. The applicant's license shall
50 be endorsed to confine the applicant's practice to such institutions.

51 5. The board may issue a temporary emergency license for a period not to exceed ninety
52 days to a person twenty-one years of age or over, of good moral character and a high school
53 graduate or equivalent to serve as an acting nursing home administrator, provided such person
54 is replacing a licensed nursing home administrator who has died, has been removed or has
55 vacated the nursing home administrator's position. No temporary emergency license may be
56 issued to a person who has had a nursing home administrator's license denied, suspended or
57 revoked. A temporary emergency license may be renewed for one additional ninety-day period
58 upon a showing that the person seeking the renewal of a temporary emergency license meets the
59 qualifications for licensure and has filed an application for a regular license, accompanied by the
60 application fee, and the examination [has not yet been given] **results have not been received**
61 **by the board**. No temporary emergency license may be renewed more than one time.

 344.040. 1. Every license issued under this chapter shall expire on June thirtieth of the
2 year following the year of issuance and every other year thereafter, provided that licenses issued
3 or renewed during the year 2006 may be issued or renewed by the board for a period of either one
4 or two years, as provided by rule. Licensees seeking renewal shall, during the month of May of
5 the year of renewal, file an application for renewal on forms furnished by the board, which shall
6 include evidence satisfactory to the board of completion of the approved continuing education
7 hours required by the board, and shall be accompanied by a renewal fee as provided by rule
8 payable to the department of health and senior services.

9 2. Upon receipt of an incomplete application for renewal, the board shall grant the
10 applicant a temporary permit which shall be in effect for thirty days. The applicant is required
11 to submit the required documentation or fee within the thirty-day period, or the board may refuse
12 to renew his **or her** application. The thirty-day period can be extended for good cause shown
13 for an additional thirty days. Upon receipt of the approved continuing education credits or other
14 required documentation or fee within the appropriate time period, the board shall issue a license.

15 3. The board shall renew the license of an applicant who has met all of the requirements
16 for renewal.

17 4. As a requirement for renewal of license, the board may require not more than
18 forty-eight clock hours of continuing education a year. The continuing education provided for
19 under this section shall be approved by the board. There shall be a separate, nonrefundable fee
20 for each single offering provider. The board shall set the amount of fee for any single offering
21 provided by rules and regulations promulgated pursuant to section 536.021, RSMo. The fee shall
22 be set at a level to produce revenue which shall not substantially exceed the cost and expense in
23 administering and reviewing any single offering.

24 5. By April first of each year, the board shall mail an application for renewal of license
25 to every person whose license shall be renewed during the current year. The applicant must
26 submit such information as will enable the board to determine if the applicant's license should
27 be renewed. Information provided in the application shall be given under oath.

28 6. Any licensee who fails to apply to renew his **or her** license by June thirtieth of the
29 licensee's year of renewal may be relicensed by the board if he meets the requirements set forth
30 by the board pursuant to sections 344.010 to [344.100] **344.108** and pays the renewal fee
31 required by rule, plus a penalty of twenty-five dollars. No action shall be taken by the board in
32 addition to a penalty of twenty-five dollars imposed by this section against any such licensee
33 whose license has not expired for a period of more than two months, and who has had no action
34 in the preceding five years taken against them by the board, and who has met all other licensure
35 requirements by June thirtieth of the year of renewal; provided, however, that nothing in this
36 section shall prevent the board from taking any other disciplinary action against a licensee if
37 there shall exist a cause for discipline pursuant to section 344.050. A person whose license has
38 expired for a period of more than twelve months must meet the requirements set out in section
39 344.030 for initial licensure.

 344.050. 1. The board may refuse to issue or renew any certificate of registration or
2 authority, permit or license required pursuant to this chapter for one or any combination of
3 causes stated in subsection 2 of this section. The board shall notify the applicant in writing of
4 the reasons for the refusal and shall advise the applicant of his **or her** right to file a complaint
5 with the administrative hearing commission as provided by chapter 621, RSMo. **As an**
6 **alternative to refusal to issue or renew any certificate, registration or authority, permit or**
7 **license, the board may, at its discretion, issue a license which is subject to probation for any**
8 **one or any combination of causes stated in subsection 2 of this section. The board's order**
9 **of probation shall contain a statement of discipline imposed, the basis therefore, the date**
10 **such action shall be effective, and a statement that the applicant has thirty days to request**
11 **in writing a hearing before the administrative hearing commission. If the board issues a**
12 **probationary license to an applicant for licensure, the applicant may file a written petition**
13 **with the administrative hearing commission within thirty days of the effective date of the**

14 **probationary license seeking review of whether cause exists to discipline the license under**
15 **subsection 2 of this section. If no written request for a hearing is received by the**
16 **administrative hearing commission within the thirty-day period, the right to seek review**
17 **of the board's decision shall be considered waived.**

18 2. The board may cause a complaint to be filed with the administrative hearing
19 commission as provided by chapter 621, RSMo, against any holder of any certificate of
20 registration or authority, permit or license required by this chapter or any person who has failed
21 to renew or has surrendered his **or her** certificate of registration or authority, permit or license
22 for any one or any combination of the following causes:

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

26 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty
27 or nolo contendere, pursuant to criminal prosecution under the laws of any state or of the United
28 States, for any offense reasonably related to the qualifications, functions or duties of any
29 profession licensed or regulated under this chapter, for any offense an essential element of which
30 is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether
31 or not sentence is imposed;

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

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

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

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

42 (7) **Violation of, or assisting or enabling any person to violate any provision of**
43 **chapter 198, RSMo, or any lawful rule or regulation promulgated thereunder;**

44 (8) Impersonation of any person holding a certificate of registration or authority, permit
45 or license, or allowing any person to use his **or her** certificate of registration or authority, permit,
46 license or diploma from any school;

47 [(8)] (9) Disciplinary action against the holder of a license or other right to practice any
48 profession regulated by this chapter granted by another state, territory, federal agency or country
49 upon grounds for which revocation or suspension is authorized in this state;

50 [(9)] (10) A person is finally adjudged incapacitated or disabled by a court of competent
51 jurisdiction;

52 [(10)] (11) Assisting or enabling any person to practice or offer to practice any
53 profession licensed or regulated by this chapter who is not registered and currently eligible to
54 practice under this chapter;

55 [(11)] (12) Issuance of a certificate of registration or authority, permit or license based
56 upon a material mistake of fact;

57 [(12)] (13) Violation of the drug laws or rules and regulations of this state, any other
58 state or the federal government;

59 [(13)] (14) Knowingly failing to report abuse or neglect of a resident in a long-term care
60 facility, as required by section 198.070, RSMo, of which he **or she** has actual knowledge that it
61 is abuse or neglect;

62 **(15) Violation of any professional trust or confidence;**

63 **(16) Having served as the administrator, operator, or any principal involved in the**
64 **operation of a facility licensed under chapter 198, RSMo, and during such time the facility**
65 **has had its license revoked under section 198.036, RSMo; has entered into a consent**
66 **agreement to obtain a probationary license under subsection 5 of section 198.026, RSMo;**
67 **has had a license denied under subsection 2 of section 198.022, RSMo; or has surrendered**
68 **its license while under investigation.**

69 3. The administrative hearing commission shall have no authority to require issuance of
70 a license, pending a final determination by the commission, in any case in which an applicant is
71 seeking initial licensure.

72 4. No license may be suspended or revoked and no application for renewal of a license
73 may be denied under this section until the licensee has been afforded an opportunity for hearing
74 after due notice as provided in sections 621.015 to 621.205, RSMo.

75 5. Upon a finding by the administrative hearing commission that the grounds, provided
76 in subsection 2 of this section, for disciplinary action are met, the board may, singly or in
77 combination[, place upon probation,] **censure or place the person named in the complaint on**
78 **probation on such terms as the board deems appropriate, or may suspend or revoke [a] the**
79 **certificate [of registration or authority], permit, or license. The board may exclude any**
80 **application for up to five years for any person who has had his or her license revoked by**
81 **the board or has surrendered his or her license to the board.**

344.060. 1. The director of the department of health and senior services shall appoint
2 ten suitable persons who together with the director [of the division of aging] of the department
3 of health and senior services, **or the director's designee**, shall constitute the "Missouri Board
4 of Nursing Home Administrators" which is hereby created within the department of health and

5 senior services and which shall have the functions, powers and duties prescribed by sections
6 344.010 to [344.100] **344.108**.

7 2. In addition to the director of the [division of aging] **department of health and senior**
8 **services** or [his] **the director's** designee the membership of the board shall consist of one
9 licensed physician, two licensed health professionals, one person from the field of health care
10 education, four persons who have been in general administrative charge of a licensed nursing
11 home for a period of at least five years immediately preceding their appointment, and two public
12 members. **In addition to these qualifications, the physician, the two licensed health care**
13 **professionals, and the health care educator shall be citizens of the United States and tax-**
14 **paying residents of the state of Missouri for one year preceding their appointments. The**
15 **four appointees who have been in general administrative charge of a licensed nursing home**
16 **shall be citizens of the United States and either residents of the state of Missouri for one**
17 **year preceding their appointments or persons who have been licensed by the board and**
18 **whose five years of employment in a licensed nursing home immediately preceding their**
19 **appointment have occurred in the state of Missouri. The public members shall be citizens**
20 **of the United States, residents of the state of Missouri for one year preceding their**
21 **appointment, and registered voters.** The public members shall be persons who are not, or
22 never were, licensed nursing home administrators or the spouse of such persons, or persons who
23 do not have or never have had a material, financial interest in either the providing of licensed
24 nursing home services or in an activity or organization directly related to licensed nursing home
25 administration. Neither the one licensed physician, the two licensed health professionals, nor
26 the person from the health care education field shall have any financial interest in a licensed
27 nursing home.

28 3. The members of the board shall be appointed for three-year terms or until their
29 successors are appointed and qualified provided that no more than four members' terms shall
30 expire in the same year. All members appointed prior to September 28, 1979, shall serve the
31 term for which they were appointed. The governor shall fill any vacancies on the board as
32 necessary. Appointment to fill an unexpired term shall not be considered an appointment for a
33 full term. Board membership, continued until successors are appointed and qualified, shall not
34 constitute an extension of the three-year term and the successors shall serve only the remainder
35 of the term.

36 4. Every member shall receive a certificate of appointment; and every appointee, before
37 entering upon his or her duties, shall take the oath of office required by article VII, section 11,
38 of the Constitution of Missouri.

39 5. Any member of the board may be removed by the director of the department of health
40 and senior services for misconduct, incompetency or neglect to duty after first being given an
41 opportunity to be heard in his **or her** own behalf.

344.070. 1. The board shall annually elect one of its members as president, another as
2 vice president, and another as secretary. It shall adopt an official seal. It shall file and preserve
3 all written applications, petitions, complaints, charges or requests made or presented to it. It
4 shall cause to be kept accurate records and minutes of its proceedings, and shall maintain a
5 register of the names and addresses of all persons holding licenses as nursing home
6 administrators. A copy of any entry in the register, or of any records or minutes of the board,
7 certified by the president or secretary of the board under its seal, shall be received in evidence,
8 to all intents and purposes as the original. The board may employ such part- or full-time clerical
9 assistance, purchase such equipment and supplies, employ legal counsel, employ a part- or
10 full-time investigator, and incur travel and other expense, within the limits of its appropriations.

11 2. The board shall adopt, amend and repeal rules and regulations necessary to carry out
12 the provisions of sections 344.030 to [344.100] **344.108**. Any rule or regulation under the
13 authority of sections 344.030 to [344.100] **344.108** shall be promulgated in accordance with
14 chapter 536, RSMo. The committee on administrative rules may file a complaint in accordance
15 with the provisions of chapter 536, RSMo, before the commission contesting the validity of any
16 rule purportedly promulgated under the authority of sections 344.030 to [344.100] **344.108**. On
17 filing any complaint in accordance with this section, the administrative hearing commission shall
18 immediately suspend that portion of the rule which is challenged until the commission has
19 determined the matter. The commission shall hold a hearing within ten days of the filing to
20 determine the matter. No rule or portion of a rule promulgated under the authority of this chapter
21 shall become effective unless it has been promulgated pursuant to the provisions of section
22 536.024, RSMo.

23 3. The board shall examine, license, and renew the license of duly qualified applicants,
24 and shall conduct hearings affording due process of law, upon charges calling for discipline of
25 a licensee. The board shall refer to the appropriate prosecuting attorney information regarding
26 any persons violating the provisions of sections 344.010 to [344.100] **344.108** and may incur
27 necessary expenses therefor.

344.080. The members of the board, other than the director of the [division of aging]
2 **department of health and senior services** or his **or her** designee, shall receive as compensation
3 for their services fifty dollars for each day devoted to the affairs of the board, and shall be
4 entitled to reimbursement for their expenses necessarily incurred in the discharge of their official
5 duties.

344.105. 1. Any nursing home administrator possessing a current license to practice as
2 a nursing home administrator in this state who has maintained an active license for at least ten
3 years may retire his or her license by filing an affidavit with the board which states the date on
4 which the licensee retired from such practice and such other facts as tend to verify the retirement
5 as the board may deem necessary. The affidavit shall be accompanied by a fee [of twenty-five
6 dollars] **as provided by rule** made payable to the [division of aging] **department of health and**
7 **senior services**. Such request for retired status may also be accomplished by signing the request
8 for retired status that appears on the nursing home administrator's application for license renewal
9 and returning such application to the board prior to June thirtieth of the year of renewal of the
10 administrator's active license, accompanied by a fee [of twenty-five dollars] **as provided by rule**
11 made payable to the [division of aging] **department of health and senior services**. Information
12 provided in the request for retired status shall be given under oath subject to the penalties for the
13 making of a false affidavit.

14 2. An individual who requests retired license status shall return his or her original wall
15 license and all other indicia of licensure to the board. Once the board has received the original
16 wall license from the licensee **or evidence satisfactory to the board that the license has been**
17 **lost, stolen, or destroyed**, and the other requirements for requesting retired status have been
18 met, the board shall issue a new license to the licensee indicating that the licensee is retired.

19 3. A retired license may be reactivated within five years of the granting of the retired
20 license by filing with the board evidence satisfactory to the board of the completion of twenty
21 clock hours of continuing education for each calendar year the license was retired **accompanied**
22 **by a fee, as provided by rule, made payable to the department of health and senior services**.
23 All clock hours of continuing education shall be completed prior to the filing of the affidavit or
24 renewal form requesting reactivation of the retired license. If more than five years have passed
25 since the issuance of a retired license to a licensee, the licensee shall follow the procedures for
26 initial licensure stated in section 344.030.

27 4. No person shall practice as a nursing home administrator in this state or hold himself
28 or herself out as a nursing home administrator if his or her license is retired.

29 5. Retired licensees shall remain subject to disciplinary action for violations of this
30 chapter and the rules promulgated thereunder.

344.108. 1. Any nursing home administrator possessing a current license to
2 **practice as a nursing home administrator in this state may place such license on inactive**
3 **status by filing a written signed request for inactive status with the board, accompanied**
4 **by evidence satisfactory to the board of completion of ten clock hours of continuing**
5 **education in the area of patient care and a fee as provided by rule made payable to the**
6 **department of health and senior services. This request may also be accomplished by**

7 signing the request for inactive status that appears on the nursing home administrator's
8 application for license renewal and returning such application to the board prior to June
9 thirtieth of the year of renewal of the administrator's active license, accompanied by
10 evidence satisfactory to the board of completion of ten clock hours of continuing education
11 in the area of patient care and a fee as provided by rule made payable to the department
12 of health and senior services. Information provided in the request for inactive status shall
13 be given under oath subject to the penalties of making a false affidavit.

14 2. An individual who requests that his or her license be placed on inactive status
15 shall return all indicia of licensure to the board.

16 3. An inactive license shall expire on June thirtieth of the year following the year
17 of issuance and every other year thereafter. Licensees seeking to renew shall, during the
18 month of May of the year of renewal, file an application for renewal on forms furnished
19 by the board that include evidence satisfactory to the board of completion of ten clock
20 hours of continuing education in the area of patient care and shall be accompanied by a
21 renewal fee as provided by rule payable to the department of health and senior services.

22 4. A license may be carried in inactive status for up to six years from the date of
23 issuance. If the licensee does not reactivate the license during the six-year period, the
24 license shall expire on the last day of the six-year period.

25 5. A holder of an inactive license may reactivate the license by submitting a written
26 request to the board, accompanied by evidence satisfactory to the board of the completion
27 of forty clock hours of continuing education and a fee as provided by rule made payable
28 to the department of health and senior services. The forty clock hours of continuing
29 education shall be earned no earlier than six months prior to the request for reactivation
30 and no later than six months after the inactive license has been reactivated. If the holder
31 of an inactive license requests reactivation prior to completing the forty clock hours of
32 continuing education, the board shall issue a six-month interim license to the licensee. The
33 interim license shall expire six months from the date of issuance or at such earlier time as
34 the licensee earns the forty clock hours of continuing education and submits evidence
35 satisfactory to the board of completion of the required hours.

36 6. A request for reactivation of an inactive license shall show, under oath or
37 affirmation of the nursing home administrator, a statement that the nursing home
38 administrator has not practiced during the inactive period and is not presently practicing
39 in this state.

40 7. No person shall practice as a nursing home administrator or hold himself or
41 herself out as a nursing home administrator in this state while his or her license is inactive.

42 **8. Inactive licenses shall remain subject to discipline for violations of this chapter**
43 **and the rules promulgated thereunder.**

589.430. A real estate brokerage firm or its affiliated licensees shall be immune
2 **from liability for any act or omission related to the disclosure of information regarding**
3 **individuals required to register under section 589.400 if the brokerage firm or its affiliated**
4 **licensees provide to its clients or customers in a timely manner a written notice that they**
5 **may obtain information about the sex offender registry and persons registered with the**
6 **registry by contacting the county sheriff or the Missouri highway patrol. The notice may**
7 **be included as part of a listing agreement, buyer representation agreement, or sales**
8 **agreement.**

 700.010. As used in sections 700.010 to 700.500, for the purpose of sections 700.010
2 to 700.500, the following terms mean:

3 (1) "Authorized representative", any person, firm or corporation, or employee thereof,
4 approved or hired by the commission to perform inspection services;

5 (2) "Code", the standards relating to manufactured homes, or modular units as adopted
6 by the commission. The commission, in its discretion, may incorporate, in whole or in part, the
7 standards codes promulgated by the American National Standards Institute, the United States
8 Department of Housing and Urban Development or other recognized agencies or organizations;

9 (3) "Commission", the public service commission;

10 (4) "Dealer", any person, other than a manufacturer, who sells or offers for sale four or
11 more **used homes or one or more new** manufactured homes, or **one or more new** modular units
12 in any consecutive twelve-month period;

13 (5) **"Installer", an individual who is licensed by the commission to install**
14 **manufactured homes under sections 700.650 to 700.692;**

15 (6) "Manufactured home", a factory-built structure or structures which, in the traveling
16 mode, is eight body feet or more in width or forty body feet or more in length, or, when erected
17 on site, contains three hundred twenty or more square feet, equipped with the necessary service
18 connections and made so as to be readily movable as a unit or units on its or their own running
19 gear and designed to be used as a dwelling unit or units with or without a permanent foundation.
20 The phrase "without a permanent foundation" indicates that the support system is constructed
21 with the intent that the manufactured home placed thereon may be moved from time to time at
22 the convenience of the owner;

23 [(6)] (7) "Manufacturer", any person who manufactures manufactured homes, or modular
24 units, including persons who engage in importing manufactured homes, or modular units for
25 resale;

26 [(7)] (8) "Modular unit", a transportable building unit designed to be used by itself or to
27 be incorporated with similar units at a point-of-use into a modular structure to be used for
28 residential, commercial, educational or industrial purposes. This definition shall not apply to
29 structures under six hundred fifty square feet used temporarily and exclusively for construction
30 site office purposes;

31 [(8)] (9) "New", being sold or offered for sale to the first purchaser for purposes other
32 than resale;

33 [(9)] (10) "Person", an individual, partnership, corporation or other legal entity;

34 [(10)] (11) "Premises", a lot, plot, or parcel of land including the buildings, structures,
35 and manufactured homes thereon;

36 [(11)] (12) "Recreational park trailer", a recreational park trailer as defined in the
37 American National Standards Institute (ANSI) A119.5 Standard on Recreational Park Trailers.
38 A recreational park trailer is not a recreational vehicle;

39 [(12)] (13) "Recreational vehicle", a recreational vehicle as defined in the American
40 National Standards Institute (ANSI) A119.2 Standard on Recreational Vehicles;

41 [(13)] (14) "Seal", a device, label or insignia issued by the public service commission,
42 U.S. Department of Housing and Urban Development, or its agent, to be displayed on the
43 exterior of the manufactured home, or modular unit to evidence compliance with the code;

44 [(14)] (15) "Setup", the operations performed at the occupancy site which renders a
45 manufactured home or modular unit fit for habitation, which operations include, but are not
46 limited to, moving, blocking, leveling, supporting, and assembling multiple or expandable units.

700.041. 1. There is hereby established a fund in the state treasury to be known as
2 **the "Manufactured Housing Consumer Recovery Fund" for the purpose of paying**
3 **consumer claims under procedures it may promulgate by rule. The public service**
4 **commission shall administer the manufactured housing consumer recovery fund and all**
5 **moneys in the fund shall be used solely as prescribed in this section. Any interest earned**
6 **from the investment of moneys in the fund shall be credited to the fund.**

7 **2. Claims approved by the commission under law may be paid from the fund**
8 **subject to appropriation. No claims shall be considered by the commission until after all**
9 **other legal remedies have been exhausted. The commission may establish an advisory**
10 **committee to assist with the evaluation of all claims filed by consumers. The committee**
11 **members shall be volunteers and serve without compensation.**

12 **3. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys**
13 **in the manufactured housing consumer recovery fund shall not be transferred to the credit**
14 **of the general revenue fund at the end of the biennium; however, the total amount in the**
15 **manufactured housing consumer recovery fund shall not exceed thirty-two percent of the**

16 **amount of the annual appropriation of the manufactured housing fund from the preceding**
17 **fiscal year. Moneys in the manufactured housing consumer recovery fund may be**
18 **transferred back to the manufactured housing fund by appropriation.**

700.045. It shall be a misdemeanor:

- 2 (1) For a manufacturer or dealer to manufacture, rent, lease, sell or offer to sell any
3 manufactured home or modular unit after January 1, 1977, unless there is in effect a registration
4 with the commission;
- 5 (2) To rent, lease, sell or offer to sell any new manufactured home or new modular unit
6 or used modular unit used for educational purposes manufactured after January 1, 1974, which
7 does not bear a seal as required by sections 700.010 to 700.115;
- 8 (3) To affix a seal or cause a seal to be affixed to any manufactured home or modular
9 unit which does not comply with the code;
- 10 (4) To alter a manufactured home or modular unit in a manner prohibited by the
11 provisions of sections 700.010 to 700.115;
- 12 (5) To fail to correct within a reasonable time not to exceed ninety days after being
13 ordered to do so in writing by an authorized representative of the commission a code violation
14 in a new manufactured home or new modular unit or used modular unit used for educational
15 purposes owned, manufactured or sold if the same is manufactured after January 1, 1974.
16 **Reasonable and necessary extensions may be granted by the commission; or**
- 17 (6) To interfere with, obstruct, or hinder any authorized representative of the commission
18 in the performance of his or her duties.

700.056. Every dealer of a manufactured home offered for sale in this state shall at the
2 time of sale provide the purchaser with a bill of sale containing at least the following: The total
3 price of the unit, **serial number**, and its contents, **the name or names of the person or persons**
4 **responsible for the installation and set-up, including site preparation and waivers**, a list of
5 all furniture and appliances in the manufactured home, any other costs which will be assessed
6 to the purchaser **by the dealer or installer** such as transportation, handling, or such other costs,
7 and the sales tax payable for such manufactured home.

700.065. All **new** manufactured homes located in this state shall be anchored and tied
2 down in accordance with the standards promulgated by the commission pursuant to the
3 provisions of sections 700.010 to 700.115 **and 700.650 to 700.692.**

- 700.090. 1. Every manufacturer or dealer [of manufactured homes] who sells or offers
2 for sale, on consignment or otherwise, a manufactured home or modular unit from or in the state
3 of Missouri shall register [each location] with the commission **each place of business at which**
4 **the manufacturer or dealer sells or offers for sale a manufactured home or modular unit.**
- 5 2. The commission shall issue a certificate of registration to a manufacturer who:

6 (1) Completes and files with the commission an application for registration which
7 contains the following information:

8 (a) The name of the manufacturer;

9 (b) The address of the manufacturer and addresses of each factory owned or operated by
10 the manufacturer, if different from the address of the manufacturer;

11 (c) If a corporation, the state of original incorporation, a list of the names and addresses
12 of all officers and directors of the corporation, and proof of the filing of all franchise and sales
13 tax forms required by Missouri law;

14 (d) If not a corporation, the name and address of the managing person or persons
15 responsible for overall operation of the manufacturer;

16 (2) Files with the commission an initial registration fee of seven hundred fifty dollars in
17 the form of a cashier's check or money order made payable to the state of Missouri.

18 3. The commission shall issue a certificate of registration to a dealer who:

19 (1) Completes and files with the commission an application for registration which
20 contains the following information:

21 (a) The name of the dealer;

22 (b) The business address of the dealer and addresses of each separate facility owned and
23 operated by the dealer from which manufactured homes or modular units are offered for sale if
24 different from the business address of the dealer;

25 (c) If a corporation, the state of original incorporation, a list of the names and addresses
26 of all officers and directors of the corporation, proof of the filing of all franchise and sales tax
27 forms required by Missouri law;

28 (d) If not a corporation, the name and address of the managing person or persons
29 responsible for the overall operations of the manufacturer;

30 (2) Files with the commission an initial registration fee of two hundred dollars in the
31 form of a cashier's check or money order made payable to the state of Missouri;

32 (3) Files with the commission proof of compliance with the provisions of section
33 301.280, RSMo.

34 4. The registration of any manufacturer or dealer shall be effective for a period of one
35 year and shall be renewed by the commission upon receipt by it from the registered dealer of a
36 renewal fee of seven hundred fifty dollars for manufacturers and two hundred dollars for dealers
37 and a form provided by the commission upon which shall be placed any changes from the
38 information requested on the initial registration form.

39 5. The commission may stagger the renewal of certificates of registration to provide for
40 more equal distribution over the twelve months of the number of registration renewals.

700.095. 1. Every dealer shall, on or before January fifteenth of each year, make application for registration or renewal and shall be required to maintain a bona fide established place of business and maintain a permanent enclosed building or structure, either owned in fee or leased and actually occupied as a place of business by the applicant for the selling, bartering, trading, or exchanging of manufactured homes or modular units where the public may contact the owner or operator at any reasonable time and where the books, records, files, and other matter required and necessary to conduct the business shall be kept and maintained.

2. The application shall contain the business address, not a post-office box address, and telephone number of the place where the books, records, files, and other matters required and necessary to conduct the business are located and where the same may be inspected during normal daytime business hours.

3. Each application shall contain such additional information as may be required by the commission to enable it to determine whether the applicant is a bona fide dealer in fact and is of good moral character.

4. Upon the payment of a registration or renewal fee of two hundred dollars, there shall be assigned to each dealer a certificate of registration in such form as the commission shall prescribe.

700.096. 1. Each person registered as a dealer under the provisions of sections 700.010 to 700.115 shall file monthly reports with the commission, and such reports shall be in the form and manner and contain the information required by the commission by rules promulgated under chapter 536, RSMo, and shall permit an employee of the commission or any law enforcement official to inspect during normal business hours any of the following documents which are in his or her possession or under his or her control:

- (1) Any title to any manufactured home or modular unit;**
- (2) Any application for title to any manufactured home or modular unit;**
- (3) Any affidavit provided under chapter 301, RSMo, or chapter 407, RSMo;**
- (4) Any assignment of title to any manufactured home or modular unit;**
- (5) Any disclosure statement or other document required by the laws of the United States or any other state.**

2. For purposes of this section, the term "law enforcement official" means any of the following:

- (1) The attorney general, or any person designated by him or her to make such an inspection;**
- (2) Any prosecuting attorney or any person designated by a prosecuting attorney to make such an inspection;**

- 19 **(3) Any member of the highway patrol;**
20 **(4) Any sheriff or deputy sheriff;**
21 **(5) Any peace officer certified under chapter 590, RSMo, acting in his or her**
22 **official capacity.**

700.097. No insurance company, finance company, bank or trust company shall be
2 **required to register with the commission in order to sell any manufactured home or**
3 **modular unit repossessed or purchased by the company on the basis of total destruction**
4 **or theft thereof when the sale of the manufactured home or modular unit is in conformance**
5 **with applicable title and registration laws of this state.**

700.098. 1. The commission may refuse to register an applicant as a dealer, or may
2 **suspend the registration of an existing dealer from one day to thirty days, or revoke the**
3 **registration of a dealer after a written notice and a hearing when the commission is**
4 **satisfied that the applicant or dealer has failed to comply with the provisions set out in**
5 **sections 700.010 to 700.115. Notification of unfavorable action by the commission on any**
6 **application for registration or renewal of registration shall be accompanied by a notice**
7 **informing the recipient that the decision of the director may be appealed as provided in**
8 **chapter 386, RSMo.**
9 **2. It shall be unlawful for any person to hold forth or act as a dealer who is not**
10 **currently registered as a dealer by the commission as required by sections 700.010 to**
11 **700.115.**

700.100. 1. The commission may refuse to register or refuse to renew the registration
2 **of any person who fails to comply with the provisions of [section 700.090 or this section]**
3 **sections 700.010 to 700.115 or sections 700.650 to 700.692. Notification of unfavorable action**
4 **by the commission on any application for registration or renewal of registration must be**
5 **delivered to the applicant within thirty days from date it is received by the commission.**
6 **Notification of unfavorable action by the commission on any application for registration or**
7 **renewal of registration must be accompanied by a notice informing the recipient that the decision**
8 **of the commission may be appealed as provided in chapter 386, RSMo.**
9 **2. The commission may consider a complaint filed with it charging a registered**
10 **manufacturer or dealer with a violation of the provisions of this section, which charges, if**
11 **proven, shall constitute grounds for revocation or suspension of his registration, or the placing**
12 **of the registered manufacturer or dealer on probation.**
13 **3. The following specifications shall constitute grounds for the suspension, revocation**
14 **or placing on probation of a manufacturer's or dealer's registration:**
15 **(1) If required, failure to comply with the provisions of section 301.280, RSMo;**
16 **(2) Failing to be in compliance with the provisions of section 700.090;**

17 (3) If a corporation, failing to file all franchise or sales tax forms required by Missouri
18 law;

19 (4) Engaging in any conduct which constitutes a violation of the provisions of section
20 407.020, RSMo;

21 (5) Failing to comply with the provisions of Sections 2301-2312 of Title 15 of the United
22 States Code (Magnuson-Moss Warranty Act);

23 (6) As a dealer, failing to arrange for the proper initial setup of any new manufactured
24 home or modular unit sold from or in the state of Missouri, [unless the dealer receives a written
25 waiver of that service from the purchaser or his or her authorized agent] **except as allowed**
26 **under subsection 5 of section 700.656;**

27 (7) Requiring any person to purchase any type of insurance from that manufacturer or
28 dealer as a condition to his being sold any manufactured home or modular unit;

29 (8) Requiring any person to arrange financing or utilize the services of any particular
30 financing service as a condition to his being sold any manufactured home or modular unit;
31 provided, however, the registered manufacturer or dealer may reserve the right to establish
32 reasonable conditions for the approval of any financing source;

33 (9) Engaging in conduct in violation of section 700.045;

34 (10) Failing to comply with the provisions of section 301.210, RSMo;

35 (11) Failing to pay all necessary fees and assessments authorized pursuant to sections
36 700.010 to 700.115.

37 **4. The commission may order that any suspension, revocation, or probation**
38 **ordered under subsection 3 of this section shall apply to all manufacturer's or dealer's**
39 **registrations that are held by the same manufacturer or dealer or that are owned or**
40 **controlled by the same person or persons if a continued and consistent pattern of the**
41 **violations have been identified by the commission to be present with each licensee under**
42 **the same control or ownership.**

700.115. 1. Except as otherwise provided in subsections 2 and 3 of this section, a
2 violation of the provisions of sections 700.010 to 700.115 shall constitute a violation of the
3 provisions of section 407.020, RSMo. In addition to the authority vested in the attorney general
4 to enforce the provisions of that section, he may petition the court and the court may enter an
5 order revoking the registration certificate of the defendant or defendants issued pursuant to the
6 provisions of section 700.090.

7 2. Notwithstanding any provisions of subsection 1 of this section to the contrary,
8 whoever violates any provision of this chapter shall be liable to the state of Missouri for a civil
9 penalty in an amount which shall not exceed one thousand dollars for each such violation. **If,**
10 **after a hearing, the commission finds that the person has violated any provision of this**

11 **chapter, it shall direct its general counsel to enforce the provisions of this subsection by**
12 **filing a petition in circuit court for such civil penalties.** Each violation of this chapter shall
13 constitute a separate violation with respect to each manufactured home or **modular unit or** with
14 respect to each failure or refusal to allow or perform an act required by this chapter; except that,
15 the maximum civil penalty may not exceed one million dollars for any related series of violations
16 occurring within one year from the date of the first violation.

17 3. Any individual or director, officer, or agent of a corporation who knowingly and
18 willfully violates any provision of sections 700.010 to 700.115, in a manner which threatens the
19 health or safety of any purchaser, shall, upon conviction therefor, be fined not more than one
20 thousand dollars or imprisoned for not more than one year, or both.

700.525. As used in sections 700.525 to 700.541, the following terms mean:

2 (1) "Abandoned", a physical absence from the property, and either:

3 (a) Failure by a renter of real property to pay any required rent for fifteen consecutive
4 days, along with the discontinuation of utility service to the rented property for such period; or

5 (b) Indication of or notice of abandonment of real property rented from a landlord;

6 (2) "Manufactured home", a factory-built structure as defined in subdivision [(5)] **(6)** or
7 **[(7)] (8)** of section 700.010.

700.650. 1. Sections 700.650 to 700.692 shall be known and may be cited as the
2 "Manufactured Home Installation Act".

3 2. For the purposes of sections 700.650 to 700.692, the following terms shall mean:

4 (1) "Applicant", a person who applies to the commission for a license or limited-use
5 license to install manufactured homes;

6 (2) "Commission", the Missouri public service commission;

7 (3) "Dealer", any person, other than a manufacturer, who sells or offers for sale four or
8 more **used homes or one or more new** manufactured homes, **or one or more new modular**
9 **units** in any consecutive twelve-month period;

10 (4) "Installation", work undertaken at the place of occupancy to ensure the proper initial
11 setup of a manufactured home which shall include the joining of all sections of the home,
12 installation of stabilization, support, and leveling systems, assembly of multiple or expanded
13 units, and installation of applicable utility hookups and anchoring systems that render the home
14 fit for habitation;

15 (5) "Installation standards", reasonable specifications for the installation of a
16 manufactured home;

17 (6) "Installer", an individual who is licensed by the commission to install manufactured
18 homes, pursuant to sections 700.650 to [700.680] **700.692**;

19 (7) "Manufactured home", a manufactured home as that term is defined in subdivision
20 [(5)] **(6)** of section 700.010;

21 (8) "Manufacturer", any person who manufactures manufactured homes, including
22 persons who engage in importing manufactured homes for resale; and

23 (9) "Person", an individual, partnership, corporation, or other legal entity.

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

10 2. Two members of the board shall represent the interests of labor and shall be involved
11 in the elevator industry. Two members of the board shall be representatives of manufacturers
12 of elevators used in this state. **One member of the board shall be a representative of an**
13 **elevator company that installs, services, and maintains elevators and elevator-related**
14 **equipment in this state but that is not an elevator manufacturer**. One member of the board
15 shall be an architect or mechanical engineer. One member of the board shall be a representative
16 of owners of buildings affected by sections 701.350 to 701.380. Two members shall be building
17 officials with responsibility for administering elevator regulations, one from each municipality
18 having a population of at least three hundred fifty thousand inhabitants. One member of the
19 board shall be a representative of the disabled community who is familiar with the provisions
20 of the Federal Americans with Disabilities Act. One member shall be a representative of the
21 special **elevator** inspectors. **One member shall be a state licensed professional engineer**.

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

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

2 [700.070. Effective November 27, 1973, all purchasers of manufactured
3 homes shall, within thirty days from the date of occupancy, anchor and secure the
4 manufactured home in accordance with the standards promulgated by the
commission pursuant to the provisions of sections 700.010 to 700.115.]

[700.450. As used in sections 700.450 to 700.470, the following terms shall mean:

- (1) "Commission", the public service commission;
- (2) "Dealer", any person, including, but not limited to, real estate brokers and salespersons, other than a manufacturer, who sells or offers for sale four or more manufactured homes in any consecutive twelve-month period;
- (3) "Manufactured home", a factory-built structure or structures which, in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or, when erected on site, contains three hundred twenty or more square feet, equipped with the necessary service connections and made so as to be readily movable as a unit or units on its or their own running gear and designed to be used as a dwelling unit or units with or without a permanent foundation. The phrase "without a permanent foundation" indicates that the support system is constructed with the intent that the manufactured home placed thereon may be moved from time to time at the convenience of the owner;
- (4) "Manufacturer", any person who manufactures manufactured homes, including persons who engage in importing manufactured homes for resale;
- (5) "Person", any individual, partnership, corporation or other legal entity.]

[700.455. 1. Every dealer shall, on or before January fifteenth of each year, instead of registering each manufactured home dealt in, make a verified application, upon a blank for such purpose to be furnished by the commission, for a distinctive number for all the manufactured homes dealt in or controlled by such dealer. The application shall contain, but need not be limited to:

(1) When the applicant is a partnership, the name and address of each partner, or, when the applicant is a corporation, the names of the principal officers of the corporation and the state in which it is incorporated. The application shall be verified by the oath or affirmation of the applicant, if an individual, or in the event an applicant is a partnership or corporation, then by a partner or officer;

(2) A bona fide established place of business shall be required for every dealer. A bona fide established place of business for any dealer shall include a permanent enclosed building or structure, either owned in fee or leased and actually occupied as a place of business by the applicant for the selling, bartering, trading or exchanging of manufactured homes, where the public may contact the owner or operator at any reasonable time and where the books, records, files and other matters required and necessary to conduct the business shall be kept and maintained.

2. The application shall contain the business address, not a post-office box, and telephone number of the place where the books, records, files and other matters required and necessary to conduct the business are located and where the same may be inspected during normal daytime business hours.

24 3. Each application shall contain such additional information as may be
25 required by the commission to enable it to determine whether the applicant is a
26 bona fide dealer in fact and is of good moral character.

27 4. On the payment of a registration fee of fifty dollars there shall be
28 assigned to each dealer a certificate of registration in such form as the
29 commission shall prescribe.]
30

 [700.460. 1. Each person registered as a dealer pursuant to the provisions
2 of sections 700.450 to 700.470 shall file monthly reports with the commission,
3 which reports shall be in the form and manner and contain the information
4 required by the commission by rules promulgated pursuant to chapter 536,
5 RSMo, and shall permit an employee of the commission or any law enforcement
6 official to inspect, during normal business hours, any of the following documents
7 which are in his possession or under his custody or control:

- 8 (1) Any title to any manufactured home;
9 (2) Any application for title to any manufactured home;
10 (3) Any affidavit provided pursuant to chapter 301 or 407, RSMo;
11 (4) Any assignment of title to any manufactured home;
12 (5) Any disclosure statement or other document required by the laws of
13 the United States or any other state.

14 2. For purposes of this section, the term "law enforcement official" shall
15 mean any of the following:

- 16 (1) Attorney general, or any person designated by him to make such an
17 inspection;
18 (2) Any prosecuting attorney or any person designated by a prosecuting
19 attorney to make such an inspection;
20 (3) Any member of the highway patrol;
21 (4) Any sheriff or deputy sheriff;
22 (5) Any peace officer certified pursuant to chapter 590, RSMo, acting in
23 his official capacity.]
24

 [700.465. No insurance company, finance company, bank or trust
2 company shall be required to register with the commission in order to sell any
3 manufactured home repossessed or purchased by the company on the basis of
4 total destruction or theft thereof when the sale of the manufactured home is in
5 conformance with applicable title and registration laws of this state.]
6

 [700.470. 1. The commission may refuse to register an applicant as a
2 dealer, or may suspend the registration of an existing dealer from one day to
3 thirty days, or revoke the registration of a dealer, after a written notice and a
4 hearing when he is satisfied that the applicant or dealer has failed to comply with
5 the provisions set out in sections 700.450 to 700.470. Notification of unfavorable
6 action by the commission on any application for registration or renewal of

7 registration must be accompanied by a notice informing the recipient that the
8 decision of the director may be appealed as provided in chapter 536, RSMo.
9 2. It shall be unlawful for any person to hold forth or act as a dealer who
10 is not currently registered as a dealer by the commission as required by sections
11 700.450 to 700.470.]

✓