

FIRST REGULAR SESSION

HOUSE BILL NO. 816

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MARSHALL.

1683H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 256.456, 317.006, 324.1104, 327.603, 328.020, 328.115, 329.030, 329.045, 329.070, 329.080, 333.021, and 436.224, RSMo, and to enact in lieu thereof thirteen new sections relating to licensure requirements for certain professions, with penalty provisions.

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

Section A. Sections 256.456, 317.006, 324.1104, 327.603, 328.020, 328.115, 329.030, 329.045, 329.070, 329.080, 333.021, and 436.224, RSMo, are repealed and thirteen new sections enacted in lieu thereof, to be known as sections 256.456, 317.006, 324.246, 324.404, 324.1104, 327.603, 328.020, 328.115, 329.030, 329.045, 329.080, 333.021, and 436.224, to read as follows:

256.456. 1. ~~[Except as provided in section 256.471, no]~~ **A** person, firm, or corporation ~~[shall]~~ **may** engage in the practice of geology affecting public health, safety and welfare ~~[unless]~~ **without** the work ~~[is]~~ **being** performed by or under the supervision of a registered geologist. ~~[All work so performed shall be signed and sealed by the registered geologist in responsible charge.]~~

2. ~~[No person shall prepare any geologic report or geologic portion of a report required by or supporting compliance with municipal, county, state, or federal laws, orders, ordinances or regulations which incorporates or is based on a geologic study or on geologic data unless the geologic report or geologic portion of the report is prepared by or under the supervision of a registered geologist as evidenced by the registered geologist's signature and seal.]~~

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.

11 ~~———3.]~~ No person who is not registered by the board to perform geologic work in Missouri
12 may use the designation of "registered geologist" **or advertise himself or herself as a**
13 **"registered geologist"**.

14 ~~[4.]~~ 3. No person who is not recognized by the board as geologist-registrant in-training
15 may use the designation of "geologist-registrant in-training".

16 ~~[5.]~~ 4. Any person who violates any provision of this section shall be guilty of a class ~~[B]~~
17 **C** misdemeanor.

317.006. 1. The division shall have general charge and supervision of all professional
2 boxing, sparring, professional wrestling, professional kickboxing and professional full-contact
3 karate contests held in the state of Missouri, and it shall have the power, and it shall be its duty:

4 (1) To make and publish rules governing in every particular professional boxing,
5 sparring, professional wrestling, professional kickboxing and professional full-contact karate
6 contests;

7 (2) To make and publish rules governing the approval of amateur sanctioning bodies;

8 (3) To accept applications for and issue licenses to contestants in professional boxing,
9 sparring, professional wrestling, professional kickboxing and professional full-contact karate
10 contests held in the state of Missouri, and referees, judges, matchmakers, managers, promoters,
11 seconds, announcers, timekeepers and physicians involved in professional boxing, sparring,
12 professional wrestling, professional kickboxing and professional full-contact karate contests held
13 in the state of Missouri, as authorized herein; **except that, a contestant shall not be required**
14 **to be licensed under this chapter. Any person who is not licensed shall not be permitted**
15 **to hold himself or herself out as a licensed contestant or advertise any event as having**
16 **licensed contestants participating, and any person in violation of such provision is guilty**
17 **of a class C misdemeanor.** Such licenses shall be issued in accordance with rules duly adopted
18 by the division;

19 (4) To charge fees to be determined by the director and established by rule for every
20 license issued and to assess a tax of five percent of the gross receipts of any person, organization,
21 corporation, partnership, limited liability company, or association holding a promoter's license
22 and permit under sections 317.001 to 317.021, derived from admission charges connected with
23 or as an incident to the holding of any professional boxing, sparring, professional wrestling,
24 professional kickboxing or professional full-contact karate contest in the state of Missouri. Such
25 funds shall be paid to the division of professional registration which shall pay said funds into the
26 Missouri state treasury to be set apart into a fund to be known as the "Athletic Fund" which is
27 hereby established;

28 (5) To assess a tax of five percent of the gross receipts of any person, organization,
29 corporation, partnership, limited liability company or association holding a promoter's license

30 under sections 317.001 to 317.021 derived from the sale, lease or other exploitation in this state
31 of broadcasting, television, pay-per-view, closed-circuit telecast, and motion picture rights for
32 any professional boxing, sparring, professional wrestling, professional kickboxing or
33 professional full-contact karate contest. Such funds shall be paid to the division which shall pay
34 said funds into the Missouri state treasury to be set apart into a fund to be known as the "Athletic
35 Fund";

36 (6) Each cable television system operator whose pay-per-view or closed-circuit facilities
37 are utilized to telecast a bout or contest shall, within thirty calendar days following the date of
38 the telecast, file a report with the office stating the number of orders sold and the price per order.

39 2. All fees established pursuant to sections 317.001 to 317.021 shall be determined by
40 the director by rule in such amount as to produce sufficient revenue to fund the necessary
41 expenses and operating costs incurred in the administration of the provisions of sections 317.001
42 to 317.021. All expenses shall be paid as otherwise provided by law.

**324.246. Nothing in sections 324.240 to 324.275 shall require a person engaged in
2 the practice of massage therapy to be licensed; except that, any person who is not licensed
3 to engage in the practice of massage therapy in this state shall not be permitted to hold
4 himself or herself out as a licensed massage therapist or advertise as a licensed massage
5 therapist. Any person who violates the provisions of this section is guilty of a class C
6 misdemeanor.**

**324.404. Nothing in sections 324.400 to 324.439 shall require a person engaged in
2 the practice of interior design to be registered in this state; except that, any person who is
3 not registered to engage in the practice of interior design in this state shall not be permitted
4 to hold himself or herself out as a registered interior designer or advertise as a registered
5 interior designer. Any person who violates the provisions of this section is guilty of a class
6 C misdemeanor.**

~~324.1104. [Unless expressly exempted from the provisions of sections 324.1100 to
2 324.1148:-~~

~~3 ———(1) It shall be unlawful for] Any person [to] may engage in the private investigator
4 business or carry out a private fire investigation in this state [unless] without such person [is]
5 being licensed as a private investigator or private fire investigator under sections 324.1100 to
6 324.1148;~~

~~7 [(2) It shall be unlawful for any person to engage in business in this state as a private
8 investigator agency or private fire investigator agency unless such person is licensed under
9 sections 324.1100 to 324.1148] except that, any person not licensed as a private investigator
10 or private fire investigator in this state shall not be permitted to hold himself or herself out
11 as a licensed private investigator or advertise as a licensed private investigator or private~~

12 **fire investigator. Any person who violates the provisions of this section is guilty of a class**
13 **C misdemeanor.**

327.603. 1. ~~[No]~~ A person ~~[shall]~~ **may** practice or offer to practice~~[-or]~~ **landscape**
2 **architecture in this state without a license; except that, such person shall not** hold himself
3 or herself out as a professional landscape architect ~~[or as being able to practice landscape~~
4 ~~architecture in this state or to use in connection with his or her name or otherwise assume,]~~ or
5 advertise **as a professional landscape architect** unless he or she is licensed as required by this
6 chapter. Nothing in sections 327.600 to 327.635 shall be construed to require licensing of
7 employees of the state of Missouri or its political subdivisions while performing duties for the
8 state of Missouri or a political subdivision, provided the project does not jeopardize the public
9 health, safety and welfare. Sections 327.600 to 327.635 shall not be construed to prohibit those
10 persons engaged in nursery occupations, gardeners, landscape contractors, home builders or
11 residential developers from preparing planting plans and items incidental thereto, provided the
12 project scope does not jeopardize the public health, safety and welfare; nor shall sections 327.600
13 to 327.635 be construed to prevent the practice of any other legally recognized profession as
14 governed by applicable law. Nothing contained in this section shall under any circumstances be
15 construed as in anyway affecting the laws relating to the practice, licensing, certification or
16 registration of architects, professional engineers and professional land surveyors. An architect,
17 professional engineer or professional land surveyor licensed, certified or registered to practice
18 his or her profession or occupation pursuant to the provisions of any law to regulate the practice
19 of such profession or occupation is exempt from licensing as a professional landscape architect,
20 and nothing contained in this section shall under any circumstances be construed as in anyway
21 precluding an architect or professional engineer from performing any of the services included
22 within the definition of the term **professional landscape architecture** in section 327.600. **Any**
23 **person who violates the provisions of this section is guilty of a class C misdemeanor.**

24 2. Professional landscape architects shall be in responsible charge of all landscape
25 architectural designs that can affect the health, safety, and welfare of the public within their
26 scope of practice.

328.020. ~~[It shall be unlawful for any]~~ A person ~~[to]~~ **may** practice the occupation of a
2 barber in this state~~[-, unless he or she shall have first obtained]~~ **without** a license~~[-, as provided~~
3 ~~in this chapter]~~ ; **except that, any person not licensed as a barber in this state shall not be**
4 **permitted to hold himself or herself out as a licensed barber or advertise as a licensed**
5 **barber. Any person who violates the provisions of this section is guilty of a class C**
6 **misdemeanor.**

328.115. 1. The owner of ~~[every]~~ **an** establishment in which the occupation of barbering
2 is practiced ~~[shall]~~ **may** obtain a license for such establishment issued by the board ~~[before~~

3 ~~barbering is practiced therein~~ ; **except that, any establishment not licensed in this state shall**
4 **not hold itself out as a licensed barber establishment or advertise as a licensed barber**
5 **establishment, and any owner who violated this provision is guilty of a class C**
6 **misdemeanor.** A new license shall be obtained for a **licensed** barber establishment within
7 forty-five days when the establishment changes ownership or location. The state inspector shall
8 inspect the sanitary conditions required for licensure, established under subsection 2 of this
9 section, for an establishment that has changed ownership or location without requiring the owner
10 to close business or deviate in any way from the establishment's regular hours of operation.

11 2. The board shall issue a license for a establishment upon receipt of the license fee from
12 the applicant if the board finds that the establishment complies with the sanitary regulations
13 adopted pursuant to section 329.025. All barber establishments shall continue to comply with
14 the sanitary regulations. Failure of a barber establishment to comply with the sanitary
15 regulations shall be grounds for the board to file a complaint with the administrative hearing
16 commission to revoke, suspend, or censure the establishment's license or place the
17 establishment's license on probation.

18 3. The license for a barber establishment shall be renewable. The applicant for renewal
19 of the license shall on or before the renewal date submit the completed renewal application
20 accompanied by the required renewal fee. If the renewal application and fee are not submitted
21 within thirty days following the renewal date, a penalty fee plus the renewal fee shall be paid to
22 renew the license. If a new establishment opens any time during the licensing period and does
23 not register a license before opening, there shall be a delinquent fee in addition to the regular fee.
24 The license shall be kept posted in plain view within the barber establishment at all times.

329.030. ~~[It is unlawful for any]~~ **A person in this state [to] may engage in the occupation**
2 **of cosmetology or [to] operate an establishment or school of cosmetology[, unless such person**
3 **has first obtained] without a license as provided by this chapter; except that, any person not**
4 **licensed to engage in the occupation of cosmetology in this state shall not be permitted to**
5 **hold himself or herself out as a licensed cosmetologist or advertise as a licensed**
6 **cosmetologist, and no establishment or school of cosmetology shall be held out as a licensed**
7 **establishment or school, or advertise as a licensed establishment or school. Any person**
8 **who violates the provisions of this section is guilty of a class C misdemeanor.**

329.045. 1. Every establishment in which the occupation of cosmetology is practiced
2 ~~[shall be required to]~~ **may** obtain a license from the board. Every establishment ~~[required to be]~~
3 **that is** licensed shall pay to the board an establishment fee for the first three licensed
4 cosmetologists esthetician and/or manicurists, and/or apprentices and an additional fee for each
5 additional licensee. The fee shall be due and payable on the renewal date and, if the fee remains
6 unpaid thereafter, there shall be a late fee in addition to the regular establishment fee or, if a new

7 establishment opens any time during the licensing period and does not register before opening,
8 there shall be a delinquent fee in addition to the regular establishment fee. The license shall be
9 kept posted in plain view within the establishment at all times.

10 2. A new license shall be obtained for a cosmetology establishment within forty-five
11 days when the establishment changes ownership or location. The state inspector shall inspect
12 the sanitary conditions required for licensure for an establishment that has changed ownership
13 or location without requiring the owner to close business or deviate in any way from the
14 establishment's regular hours of operation.

329.080. 1. An instructor trainee **may but shall not be required to be** a licensed
2 cosmetologist, esthetician or manicurist ~~[and shall]~~ **or** hold a license as an instructor trainee in
3 cosmetology, esthetics or manicuring. An applicant for a license to practice as an instructor
4 trainee shall submit to the board the required fee and a written application on a form supplied
5 by the board upon request that the applicant is of good moral character, in good physical and
6 mental health, has successfully completed at least a four-year high school course of study or the
7 equivalent, and holds a Missouri license to practice as a cosmetologist, esthetician or manicurist.
8 Each application shall contain a statement that it is made under oath or affirmation and that its
9 representations are true and correct to the best knowledge and belief of the person signing the
10 application, subject to the penalties of making a false affidavit or declaration.

11 2. An applicant approved by the board shall be issued an instructor trainee license. The
12 license shall be issued for a definite period needed to complete training requirements to become
13 eligible for taking the examinations. An applicant shall be approved for an instructor trainee
14 license only for those classified occupations of cosmetology for which the applicant is licensed
15 at the time the instructor trainee application is submitted to the board.

16 3. The instructor trainee shall be required to complete six hundred hours of instructor
17 training within a Missouri licensed school of cosmetology consisting of a curriculum including
18 both theory and practical training to include the following:

19 (1) Two hundred hours to be devoted to basic principles of student teaching to include
20 teaching principles, lesson planning, curriculum planning and class outlines, teaching methods,
21 teaching aids, testing and evaluation;

22 (2) Fifty hours of psychology as applied to cosmetology, personality and teaching,
23 teacher evaluation, counseling, theories of learning, and speech;

24 (3) Fifty hours of business experience or management including classroom management,
25 record keeping, buying and inventorying supplies, and state law; and

26 (4) Three hundred hours of practice teaching in both theory and practical application.

27 4. For the purpose of meeting the minimum requirements for examination, training
28 completed within a school of cosmetology by an instructor trainee shall be recognized by the
29 board for a period of no more than five years from the date it is received.

30 5. The six hundred hours required pursuant to subsection 3 of this section may be
31 reduced as follows:

32 (1) Three years of experience as a practicing cosmetologist may be substituted for three
33 hundred hours of training. The three hundred hours will be partially reduced in proportion to
34 experience greater than six months but less than three; or

35 (2) Four and one-half college credit hours in teaching methodology, as defined by rule,
36 may be substituted for three hundred hours of training. Applicants requesting credit shall submit
37 to the board a certified transcript together with a course description certified by the
38 administering education institution as being primarily directed to teaching methodology. The
39 three hundred hours will be partially reduced in proportion to college credit hours in teaching
40 methodology of less than four and one-half hours; or

41 (3) Applicants who apply from states where the requirements are not substantially equal
42 to those in force in Missouri at the time of application, may be eligible for the examination if
43 they provide:

44 (a) An affidavit verifying a current, valid instructor license in another state, territory of
45 the United States, District of Columbia, or foreign country, state or province; and

46 (b) Proof of full-time work experience of not less than one year as a cosmetology
47 instructor within the three-year period immediately preceding the application for examination.

333.021. 1. ~~[No]~~ A person ~~[shall]~~ **may** engage in the practice of embalming in this state
2 ~~[unless he has]~~ **without** a license as required by this chapter; **except that, any person not**
3 **licensed to engage in the practice of embalming in this state shall not be permitted to hold**
4 **himself or herself out as a licensed embalmer or advertise as a provider of licensed**
5 **embalming services. Any person who violates the provisions of this subsection is guilty of**
6 **a class C misdemeanor.**

7 2. No person shall engage in the practice of funeral directing unless he **or she** has a
8 license issued under this chapter nor shall any person use in connection with his name or
9 business any of the words "undertaker", "mortician", "funeral home", "funeral parlor", "funeral
10 chapel", "funeral consultant", "funeral director" or other title implying that he is in the business
11 defined as funeral directing herein, unless he or the individual having control, supervision or
12 management of his business is duly licensed to practice funeral directing in this state.

436.224. 1. ~~[Except as otherwise provided in subsection 2 of this section,]~~ An individual
2 may ~~[not]~~ act as an athlete agent in this state ~~[before]~~ **without** being issued a certificate of
3 registration under section 436.230 or 436.236; **except that, any person not registered in this**

4 state shall not be permitted to hold himself or herself out as a registered athlete agent or
5 advertise as a licensed athlete agent. Any person who violates the provisions of this
6 subsection is guilty of a class C misdemeanor.

7 2. An individual with a temporary license under section 436.236 may act as an athlete
8 agent before being issued a certificate of registration for all purposes except signing an agency
9 contract if:

10 (1) A student athlete or another acting on behalf of the student athlete initiates
11 communication with the individual; and

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

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

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~~2 [329.070. 1. Apprentices or students shall be licensed with the board and
3 shall pay a student fee or an apprentice fee prior to beginning their course, and
4 shall be of good moral character and have an education equivalent to the
5 successful completion of the tenth grade.]~~

~~6 2. An apprentice or student shall not be enrolled in a course of study that
7 shall exceed twelve hours per day or that is less than three hours per day. The
8 course of study shall be no more than seventy-two hours per week and no less
9 than fifteen hours per week.]~~

~~10 3. Every person desiring to act as an apprentice in any of the classified
11 occupations within this chapter shall file with the board a written application on
a form supplied to the applicant, together with the required apprentice fee.]~~

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