

SECOND REGULAR SESSION

HOUSE BILL NO. 1997

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CORNEJO.

5608H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 324.001, RSMo, and to enact in lieu thereof eleven new sections relating to the licensing of roofing contractors, with penalty provisions.

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

Section A. Section 324.001, RSMo, is repealed and eleven new sections enacted in lieu thereof, to be known as sections 324.001, 341.300, 341.305, 341.310, 341.315, 341.320, 341.330, 341.333, 341.335, 341.340, and 341.345, to read as follows:

324.001. 1. For the purposes of this section, the following terms mean:

- (1) "Department", the department of insurance, financial institutions and professional registration;
- (2) "Director", the director of the division of professional registration; and
- (3) "Division", the division of professional registration.

2. There is hereby established a "Division of Professional Registration" assigned to the department of insurance, financial institutions and professional registration as a type III transfer, headed by a director appointed by the governor with the advice and consent of the senate. All of the general provisions, definitions and powers enumerated in section 1 of the Omnibus State Reorganization Act of 1974 and Executive Order 06-04 shall apply to this department and its divisions, agencies, and personnel.

3. The director of the division of professional registration shall promulgate rules and regulations which designate for each board or commission assigned to the division the renewal date for licenses or certificates. After the initial establishment of renewal dates, no director of the division shall promulgate a rule or regulation which would change the renewal date for licenses or certificates if such change in renewal date would occur prior to the date on which the

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.

17 renewal date in effect at the time such new renewal date is specified next occurs. Each board or
18 commission shall by rule or regulation establish licensing periods of one, two, or three years.
19 Registration fees set by a board or commission shall be effective for the entire licensing period
20 involved, and shall not be increased during any current licensing period. Persons who are
21 required to pay their first registration fees shall be allowed to pay the pro rata share of such fees
22 for the remainder of the period remaining at the time the fees are paid. Each board or
23 commission shall provide the necessary forms for initial registration, and thereafter the director
24 may prescribe standard forms for renewal of licenses and certificates. Each board or commission
25 shall by rule and regulation require each applicant to provide the information which is required
26 to keep the board's records current. Each board or commission shall have the authority to collect
27 and analyze information required to support workforce planning and policy development. Such
28 information shall not be publicly disclosed so as to identify a specific health care provider, as
29 defined in section 376.1350. Each board or commission shall issue the original license or
30 certificate.

31 4. The division shall provide clerical and other staff services relating to the issuance and
32 renewal of licenses for all the professional licensing and regulating boards and commissions
33 assigned to the division. The division shall perform the financial management and clerical
34 functions as they each relate to issuance and renewal of licenses and certificates. "Issuance and
35 renewal of licenses and certificates" means the ministerial function of preparing and delivering
36 licenses or certificates, and obtaining material and information for the board or commission in
37 connection with the renewal thereof. It does not include any discretionary authority with regard
38 to the original review of an applicant's qualifications for licensure or certification, or the
39 subsequent review of licensee's or certificate holder's qualifications, or any disciplinary action
40 contemplated against the licensee or certificate holder. The division may develop and implement
41 microfilming systems and automated or manual management information systems.

42 5. The director of the division shall maintain a system of accounting and budgeting, in
43 cooperation with the director of the department, the office of administration, and the state
44 auditor's office, to ensure proper charges are made to the various boards for services rendered
45 to them. The general assembly shall appropriate to the division and other state agencies from
46 each board's funds moneys sufficient to reimburse the division and other state agencies for all
47 services rendered and all facilities and supplies furnished to that board.

48 6. For accounting purposes, the appropriation to the division and to the office of
49 administration for the payment of rent for quarters provided for the division shall be made from
50 the "Professional Registration Fees Fund", which is hereby created, and is to be used solely for
51 the purpose defined in subsection 5 of this section. The fund shall consist of moneys deposited
52 into it from each board's fund. Each board shall contribute a prorated amount necessary to fund

53 the division for services rendered and rent based upon the system of accounting and budgeting
54 established by the director of the division as provided in subsection 5 of this section. Transfers
55 of funds to the professional registration fees fund shall be made by each board on July first of
56 each year; provided, however, that the director of the division may establish an alternative date
57 or dates of transfers at the request of any board. Such transfers shall be made until they equal
58 the prorated amount for services rendered and rent by the division. The provisions of section
59 33.080 to the contrary notwithstanding, money in this fund shall not be transferred and placed
60 to the credit of general revenue.

61 7. The director of the division shall be responsible for collecting and accounting for all
62 moneys received by the division or its component agencies. Any money received by a board or
63 commission shall be promptly given, identified by type and source, to the director. The director
64 shall keep a record by board and state accounting system classification of the amount of revenue
65 the director receives. The director shall promptly transmit all receipts to the department of
66 revenue for deposit in the state treasury to the credit of the appropriate fund. The director shall
67 provide each board with all relevant financial information in a timely fashion. Each board shall
68 cooperate with the director by providing necessary information.

69 8. All educational transcripts, test scores, complaints, investigatory reports, and
70 information pertaining to any person who is an applicant or licensee of any agency assigned to
71 the division of professional registration by statute or by the department are confidential and may
72 not be disclosed to the public or any member of the public, except with the written consent of
73 the person whose records are involved. The agency which possesses the records or information
74 shall disclose the records or information if the person whose records or information is involved
75 has consented to the disclosure. Each agency is entitled to the attorney-client privilege and
76 work-product privilege to the same extent as any other person. Provided, however, that any
77 board may disclose confidential information without the consent of the person involved in the
78 course of voluntary interstate exchange of information, or in the course of any litigation
79 concerning that person, or pursuant to a lawful request, or to other administrative or law
80 enforcement agencies acting within the scope of their statutory authority. Information regarding
81 identity, including names and addresses, registration, and currency of the license of the persons
82 possessing licenses to engage in a professional occupation and the names and addresses of
83 applicants for such licenses is not confidential information.

84 9. Any deliberations conducted and votes taken in rendering a final decision after a
85 hearing before an agency assigned to the division shall be closed to the parties and the public.
86 Once a final decision is rendered, that decision shall be made available to the parties and the
87 public.

88 10. A compelling governmental interest shall be deemed to exist for the purposes of
89 section 536.025 for licensure fees to be reduced by emergency rule, if the projected fund balance
90 of any agency assigned to the division of professional registration is reasonably expected to
91 exceed an amount that would require transfer from that fund to general revenue.

92 11. (1) The following boards and commissions are assigned by specific type transfers
93 to the division of professional registration: Missouri state board of accountancy, chapter 326;
94 board of cosmetology and barber examiners, chapters 328 and 329; Missouri board for architects,
95 professional engineers, professional land surveyors and landscape architects, chapter 327;
96 Missouri state board of chiropractic examiners, chapter 331; state board of registration for the
97 healing arts, chapter 334; Missouri dental board, chapter 332; state board of embalmers and
98 funeral directors, chapter 333; state board of optometry, chapter 336; Missouri state board of
99 nursing, chapter 335; board of pharmacy, chapter 338; state board of podiatric medicine, chapter
100 330; Missouri real estate appraisers commission, chapter 339; and Missouri veterinary medical
101 board, chapter 340. The governor shall appoint members of these boards by and with the advice
102 and consent of the senate.

103 (2) The boards and commissions assigned to the division shall exercise all their
104 respective statutory duties and powers, except those clerical and other staff services involving
105 collecting and accounting for moneys and financial management relating to the issuance and
106 renewal of licenses, which services shall be provided by the division, within the appropriation
107 therefor. Nothing herein shall prohibit employment of professional examining or testing services
108 from professional associations or others as required by the boards or commissions on contract.
109 Nothing herein shall be construed to affect the power of a board or commission to expend its
110 funds as appropriated. However, the division shall review the expense vouchers of each board.
111 The results of such review shall be submitted to the board reviewed and to the house and senate
112 appropriations committees annually.

113 (3) Notwithstanding any other provisions of law, the director of the division shall
114 exercise only those management functions of the boards and commissions specifically provided
115 in the Reorganization Act of 1974, and those relating to the allocation and assignment of space,
116 personnel other than board personnel, and equipment.

117 (4) "Board personnel", as used in this section or chapters 317, 326, 327, 328, 329, 330,
118 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, and 345, **and sections 341.300 to 341.345,**
119 shall mean personnel whose functions and responsibilities are in areas not related to the clerical
120 duties involving the issuance and renewal of licenses, to the collecting and accounting for
121 moneys, or to financial management relating to issuance and renewal of licenses; specifically
122 included are executive secretaries (or comparable positions), consultants, inspectors,
123 investigators, counsel, and secretarial support staff for these positions; and such other positions

124 as are established and authorized by statute for a particular board or commission. Boards and
125 commissions may employ legal counsel, if authorized by law, and temporary personnel if the
126 board is unable to meet its responsibilities with the employees authorized above. Any board or
127 commission which hires temporary employees shall annually provide the division director and
128 the appropriation committees of the general assembly with a complete list of all persons
129 employed in the previous year, the length of their employment, the amount of their remuneration,
130 and a description of their responsibilities.

131 (5) Board personnel for each board or commission shall be employed by and serve at the
132 pleasure of the board or commission, shall be supervised as the board or commission designates,
133 and shall have their duties and compensation prescribed by the board or commission, within
134 appropriations for that purpose, except that compensation for board personnel shall not exceed
135 that established for comparable positions as determined by the board or commission pursuant
136 to the job and pay plan of the department of insurance, financial institutions and professional
137 registration. Nothing herein shall be construed to permit salaries for any board personnel to be
138 lowered except by board action.

139 12. All the powers, duties, and functions of the division of athletics, chapter 317, and
140 others, are assigned by type I transfer to the division of professional registration.

141 13. Wherever the laws, rules, or regulations of this state make reference to the "division
142 of professional registration of the department of economic development", such references shall
143 be deemed to refer to the division of professional registration.

341.300. As used in sections 341.300 to 341.345 the following terms shall mean:

- 2 (1) "Board", the Missouri state board of roofing contractors as established in
3 section 341.305;
- 4 (2) "Department", the department of insurance, financial institutions and
5 professional registration;
- 6 (3) "Director", the director of the division of professional registration;
- 7 (4) "Division", the division of professional registration;
- 8 (5) "Limited roofing license", a license issued to roofing contractors whose roofing
9 business is limited to roofing residential properties consisting of eight units or less;
- 10 (6) "Person", any individual, firm, partnership, association, corporation, limited
11 liability company, or other group or combination thereof acting as a unit;
- 12 (7) "Roofing contractor", one who has the experience, knowledge, and skill to
13 construct, reconstruct, alter, maintain, and repair roofs and use materials and items used
14 in the construction, reconstruction, alteration, maintenance, and repair of all kinds of
15 roofing and waterproofing as related to roofing, all in such manner to comply with all
16 plans, specifications, codes, laws, and regulations applicable thereto;

17 (8) "Unlimited roofing license", a license issued to roofing contractors whose
18 roofing business is unlimited in nature and includes roofing on residential, commercial,
19 and industrial properties.

 341.305. 1. Beginning in January 1, 2018, no person shall practice or offer services
2 as a roofing contractor in this state for compensation or use any title, sign, abbreviation,
3 card, or device to indicate that such person is a roofing contractor unless he or she has
4 been duly licensed with a limited roofing license or an unlimited roofing license under the
5 provisions of sections 341.300 to 341.345. A roofing contractor with a limited roofing
6 license shall only offer and provide roofing services to residential properties consisting of
7 eight units or less.

 2. The following persons are not required to be licensed as a roofing contractor
9 under sections 341.300 to 341.345:

10 (1) Persons subcontracted by the licensed roofing contractor;

11 (2) The owner of property acting as a home improvement contractor; or

12 (3) Persons licensed by another state agency performing work within the scope of
13 their license and the roof repair does not exceed two thousand dollars, including
14 electricians, plumbers, and HVAC contractors.

 341.310. 1. There is hereby established within the division of professional
2 registration in the department of insurance, financial institutions and professional
3 registration the "Missouri State Board of Roofing Contractors" which shall guide, advise,
4 and make recommendations to the division and fulfill other responsibilities designated by
5 sections 341.300 to 341.345.

 2. The board shall consist of seven members, including two public members,
7 appointed by the governor with the advice and consent of the senate. Each member of the
8 board shall be a citizen of the United States, a resident of this state for at least one year,
9 and a registered voter. All nonpublic members of the board shall have at least five years
10 of experience in the profession of roofing, and two of such members shall be appointed
11 from a list of at least ten names submitted by the Roofing and Siding Contractors Alliance,
12 Inc., or its successor organization.

 3. The public members shall not have been a member of any profession licensed or
14 regulated under sections to 341.300 to 341.345 or an immediate family member of such a
15 person and may not have had a material, financial interest in either providing services as
16 a roofing contractor or in an activity or organization directly related to roof repair. The
17 duties of the public members shall not include any determination of the technical
18 requirements to be met for licensure, whether a candidate for licensure meets such

19 **technical requirements, or of the technical competence or technical judgment of a licensee**
20 **or a candidate for licensure.**

21 **4. Beginning with the appointments made after August 28, 2016, three members**
22 **shall be appointed for four years, two members shall be appointed for three years, and two**
23 **members shall be appointed for two years. Thereafter, the terms of the members shall be**
24 **for five years, and until their successors are appointed and qualified. No member shall**
25 **serve more than two terms total.**

26 **5. A vacancy in the office of a member shall be filled by appointment by the**
27 **governor for the remainder of the unexpired term. The person appointed to fill the vacancy**
28 **shall have the same qualifications as the previous member. If the vacancy is not filled by**
29 **the governor within sixty days, then the lieutenant governor shall appoint someone to fill**
30 **the vacancy.**

31 **6. The board shall hold an annual meeting at which all seven members shall be**
32 **physically present in order to have a quorum. At such meeting, the board shall elect from**
33 **its membership a chairperson, vice chairperson, and secretary who shall serve in such**
34 **capacity for one year. The board may hold additional meetings as may be required in the**
35 **performance of its duties. At the additional meetings, a quorum of the board shall consist**
36 **of at least five members, and may be held by telephone or video conference at the**
37 **discretion of the board.**

38 **7. The governor may remove a board member for misconduct, incompetence, or**
39 **neglect of official duties after giving the board member written notice of the charges and**
40 **allowing the board member an opportunity to be heard. Members may also be terminated**
41 **for the following reasons: change of legal residence by moving out of the state; missing**
42 **three consecutive meetings; or having the professional license revoked or suspended.**

43 **8. Notwithstanding any other provision of law, any appointed member of the board**
44 **shall receive as compensation, an amount established by the director of the division of**
45 **professional registration not to exceed seventy dollars per day for commission business plus**
46 **actual and necessary expenses.**

47 **9. No licensing activity or other statutory requirements shall become effective until**
48 **expenditures or personnel are specifically appropriated for the purpose of conducting the**
49 **business as required to administer the provisions of 341.300 to 341.345 and the initial rules**
50 **filed have become effective.**

51 **10. The board shall keep records of its official acts, and certified copies of any such**
52 **records attested by a designee of the board shall be received as evidence in all courts to the**
53 **same extent as the board's original records would be received.**

54 **11. All funds received by the board under the provisions of sections 341.300 to**
55 **341.345 shall be collected by the director who shall transmit the funds to the department**
56 **of revenue for deposit in the state treasury to the credit of the "State Roofing Contractors**
57 **Fund" which is hereby created. Notwithstanding the provisions of section 33.080 to the**
58 **contrary, moneys in this fund shall not be transferred and placed to the credit of general**
59 **revenue until the amount in the fund at the end of the biennium exceeds three times the**
60 **amount of the appropriation from the fund for the preceding fiscal year.**

61 **12. The board may, within the limits of appropriations, employ such board**
62 **personnel as defined in subdivision (4) of subsection 11 of section 324.001 as may be**
63 **necessary to carry out its duties.**

64 **13. All expenses of the board shall be paid only from appropriations made for that**
65 **purpose from the division.**

341.315. 1. The board is authorized to promulgate rules and regulations necessary
2 **for the administration of sections 341.300 to 341.345, including regulations regarding:**

3 **(1) The content of license applications and the procedures for filing an application**
4 **for an initial or renewal license in this state;**

5 **(2) The content, conduct, and administration of the licensing examination required**
6 **for unlimited roofing license applicants under section 341.320;**

7 **(3) Educational or experience requirements for licensure;**

8 **(4) The standards and methods to be used in assessing competency as a roofing**
9 **contractor;**

10 **(5) All applicable fees, set at a level to produce revenue which shall not exceed the**
11 **cost and expense of administering the provisions of sections 341.300 to 341.345;**

12 **(6) Establishment of procedures for granting reciprocity with other states; and**

13 **(7) Who may be exempt from certain licensure requirements including examination**
14 **due to years and type of relevant work experience.**

15 **2. Any rule or portion of a rule, as that term is defined in section 536.010 that is**
16 **created under the authority delegated in this section shall become effective only if it**
17 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**
18 **section 536.028. This section and chapter 536, are nonseverable, and if any of the powers**
19 **vested with the general assembly pursuant to chapter 536 to review, to delay the effective**
20 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**
21 **grant of rulemaking authority and any rule proposed or adopted after August 28, 2016,**
22 **shall be invalid and void.**

341.320. 1. An applicant for a limited license or an unlimited license as a roofing
2 **contractor shall submit to the board a completed application furnished by the board**

3 accompanied by the required fee of fifty dollars for a limited license and three hundred
4 dollars for an unlimited license. Such application shall include the applicant's name,
5 business name, evidence of workers' compensation coverage and unemployment insurance,
6 a landline telephone number, a street address, and such pertinent information as the board
7 may require.

8 2. Applicants for an unlimited roofing license shall pass an examination as
9 established by the board. The first year the examination is offered, the board shall offer
10 the examination every other month at a minimum of twenty-five locations accessible
11 throughout the state. After the first year, the examination shall be offered only in
12 Jefferson City, Missouri every other month.

13 3. An applicant shall have two years from the day the application is submitted to
14 complete the application process, including for an unlimited roofing license applicant the
15 passage of the examination requirement, or else the application shall be automatically
16 denied and any fees paid by the applicant forfeited. Such applicant shall then reapply
17 in order to obtain licensure as a roofing contractor.

18 4. An applicant for an unlimited roofing license may apply for licensure without
19 examination if the board is satisfied that the applicant meets the necessary work
20 requirements as promulgated by the board.

21 5. No license shall be issued or renewed unless the applicant files with the board a
22 copy of a bond or other acceptable surety providing coverage in the amount of ten
23 thousand dollars and provides proof of liability insurance with a minimum level of
24 coverage as further promulgated by rule.

341.330. 1. A roofing contractor shall affix the roofing contractor license number
2 and the licensee's name, as it appears on the license, to all of his or her contracts and bids.
3 In addition, the official issuing building permits shall affix the roofing contractor's license
4 number to each application for a building permit and on each building permit issued and
5 recorded.

6 2. A roofing contractor shall display the license issued under sections 341.00 to
7 341.345 in a conspicuous place in his or her principal office, place of business, or place of
8 employment.

9 3. A person shall not advertise services regulated under sections 341.300 to 341.345
10 unless that person includes in the advertisement the roofing contractor license number and
11 the licensee's name, as it appears on the license. A person who advertises services
12 regulated by sections 341.300 to 341.345 and who knowingly:

13 (1) Fails to display the license number and the licensee's name, as it appears on the
14 license, in any manner required by this section;

- 15 **(2) Fails to provide a publisher with the correct license number; or**
16 **(3) Provides a publisher with a false license number or a license number of another**
17 **person, or a person who knowingly allows his or her license number to be displayed or**
18 **used by another person to circumvent any provisions of this section;**

19

20 **shall be found guilty of a class A misdemeanor with a fine of one thousand dollars, and an**
21 **additional one thousand dollars for each day that an advertisement runs or each day that**
22 **a person knowingly allows his or her license to be displayed or used in violation of this**
23 **section.**

24 **4. Any entity offering services regulated by sections 341.00 to 341.345 shall affix the**
25 **roofing contractor license number and the licensee's name, as it appears on the license, on**
26 **all commercial vehicles used in offering such services. An entity who fails to affix the**
27 **license number and licensee's name on all commercial vehicles shall be liable for a two**
28 **hundred fifty dollar civil penalty. If the alleged violation has been corrected prior to or on**
29 **the date of the hearing scheduled to adjudicate the alleged violation such case shall then**
30 **be dismissed.**

341.333. Any complaint received by the board concerning a person who is the
2 **holder of a license issued under sections 341.300 to 341.345 or any complaint regarding the**
3 **offering of roofing contractor services shall be recorded as received and the date received.**
4 **The board shall investigate all complaints concerning alleged violations of the provisions**
5 **of sections 341.300 to 341.345 or if there are grounds for the suspension, revocation, or**
6 **refusal to issue any license. The board may employ investigators who shall investigate**
7 **complaints and make inspections and any inquiries as, in the judgment of the board, are**
8 **appropriate to enforce the provisions of sections 341.300 to 341.345.**

341.335. 1. The board may refuse to issue or renew a roofing contractor license for
2 **one or any combination of causes stated in subsection 2 of this section. The board shall**
3 **notify the applicant in writing of the reasons for the refusal and shall advise the applicant**
4 **of his or her right to file a complaint with the administrative hearing commission as**
5 **provided by chapter 621.**

6 **2. The board may cause a complaint to be filed with the administrative hearing**
7 **commission as provided by chapter 621 against any holder of a roofing contractor license**
8 **or any person who has failed to renew or has surrendered his or her permit or license for**
9 **any one or any combination of the following causes:**

- 10 **(1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage**
11 **to an extent that such use impairs a person's ability to perform the work of any profession**
12 **licensed or regulated by sections 341.300 to 341.345;**

13 **(2) The person has been finally adjudicated and found guilty, or entered a plea of**
14 **guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the**
15 **United States, for any offense reasonably related to the qualifications, functions, or duties**
16 **of any profession licensed or regulated under this chapter, for any offense an essential**
17 **element of which is fraud, dishonesty, or an act of violence, or any offense involving moral**
18 **turpitude, whether a sentence is imposed;**

19 **(3) Use of fraud, deception, misrepresentation, or bribery in securing a roofing**
20 **contractor license or in obtaining permission to take any examination given or required**
21 **under sections 341.300 to 341.345;**

22 **(4) Incompetency, misconduct, gross negligence, fraud, misrepresentation, or**
23 **dishonesty in the performance of, or relating to one's ability to perform, the functions or**
24 **duties of a roofing contractor;**

25 **(5) Violation of, or assisting or enabling any person to violate, any provision of**
26 **sections 341.300 to 341.345, or any lawful rule or regulation adopted under sections**
27 **341.300 to 341.345;**

28 **(6) Impersonation of any person holding a roofing contractor license or allowing**
29 **any person to use his or her license;**

30 **(7) Disciplinary action against the holder of a license or other right to practice as**
31 **a roofing contractor imposed by another state, province, territory, federal agency, or**
32 **country upon grounds for which discipline is authorized in this state;**

33 **(8) A person is finally adjudicated incapacitated or disabled by a court of**
34 **competent jurisdiction;**

35 **(9) Assisting or enabling any person to practice or offer to practice, by lack of**
36 **supervision or in any other manner, as a roofing contractor who is not licensed and**
37 **currently eligible to practice under sections 341.300 to 341.345;**

38 **(10) Issuance of a license based upon a material mistake of fact;**

39 **(11) Failure to display a valid certificate or license if so required by sections 341.300**
40 **to 341.345 or by any rule promulgated hereunder;**

41 **(12) Violation of any professional trust or confidence;**

42 **(13) Use of any advertisement or solicitation that is false, misleading, or deceptive**
43 **to the general public or persons to whom the advertisement or solicitation is primarily**
44 **directed;**

45 **(14) Violation of the drug laws or rules and regulations of this state, any other state,**
46 **or the federal government;**

47 **(15) Failing to provide information to the division or board within sixty days of**
48 **receiving a written request sent by the division or the board by certified or registered mail**
49 **to the licensee's last known address;**

50 **(16) Willfully and continually overcharging for professional services including**
51 **filing for collection of fees or moneys for services that have not been rendered;**

52 **(17) Directly or indirectly receiving compensation for services not rendered.**

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

57 **(1) Censure or place the person named in the complaint on probation on such terms**
58 **and conditions as the board deems appropriate for a period not to exceed five years;**

59 **(2) Suspend the license, certificate, or permit for a period not to exceed three years;**

60 **(3) Revoke the license, certificate, or permit. In any order of revocation, the board**
61 **may provide that the person shall not apply for licensure for a period of not less than one**
62 **year following the date of the order of revocation; or**

63 **(4) Request the attorney general to bring an action in the circuit court of competent**
64 **jurisdiction to recover a civil penalty on behalf of the state in an amount to be assessed by**
65 **the court.**

66 **4. At all proceedings for the enforcement of these or any other provisions of**
67 **sections 341.300 to 341.345 the board shall, as it deems necessary, select, in its discretion,**
68 **either the attorney general or one of the attorney general's assistants designated by the**
69 **attorney general or other legal counsel to appear and represent the board at each stage of**
70 **such proceeding or trial until its conclusion.**

71 **5. The chairperson or vicechairperson of the board may administer oaths,**
72 **subpoena witnesses, issue subpoenas duces tecum, and require production of documents**
73 **and records. Subpoenas, including subpoenas duces tecum, shall be served by a person**
74 **authorized to serve subpoenas of courts of record. In lieu of requiring attendance of a**
75 **person to produce original documents in response to a subpoena duces tecum, the board**
76 **may require sworn copies of such documents to be filed with it or delivered to its**
77 **designated representative.**

78 **6. The board may enforce its subpoenas, including subpoena duces tecum, by**
79 **applying to a circuit court of Cole County; the county of the investigation, hearing, or**
80 **proceeding; or any county where the person resides or may be found, for an order upon**
81 **any person who shall fail to obey a subpoena to show cause why such subpoena should not**
82 **be enforced, which such order and a copy of the application therefore shall be served upon**

83 the person in the same manner as a summons in a civil action, and, if the circuit court shall,
84 after a hearing, determine that the subpoena should be sustained and enforced, such court
85 shall proceed to enforce the subpoena in the same manner as though the subpoena had
86 been issued in a civil case in the circuit court.

341.340. The division shall provide notice to the public after a natural disaster that
2 roofing contractors under state law are required to be licensed. Such notice shall include
3 the use of advertisements and public service announcements in print, broadcast television,
4 radio, and cable television media, as well as the posting of information on the division's
5 website.

341.345. Except as provided in subsections 3 and 4 of section 341.330, any person
2 found in violation of sections 341.300 to 341.345 shall be found guilty of a class A
3 misdemeanor. A second conviction for violating sections 341.300 to 341.345 within ten
4 years after the first conviction shall be a class D felony until December 31, 2016, and
5 beginning on January 1, 2017, a class E felony.

✓