

HOUSE BILL NO. 2576

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KIDD.

5538H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 324, RSMo, by adding thereto eighteen new sections relating to registration certificates for roofing contractors, with penalty provisions.

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

Section A. Chapter 324, RSMo, is amended by adding thereto eighteen new sections, to be known as sections 324.1200, 324.1202, 324.1204, 324.1206, 324.1208, 324.1210, 324.1212, 324.1214, 324.1216, 324.1218, 324.1220, 324.1222, 324.1224, 324.1226, 324.1228, 324.1230, 324.1232, and 324.1234, to read as follows:

324.1200. 1. As used in sections 324.1200 to 324.1232, the following terms mean:

- (1) "Division", the division of professional registration;**
- (2) "Independent contractor", a person or entity contracted to perform work for another entity as a nonemployee;**
- (3) "Nonresident contractor", any contractor who:**
 - (a) Has not established and maintained a place of business as a roofing contractor in this state within the preceding year;**
 - (b) Claims residency in another state; or**
 - (c) Has not submitted an income tax return as a resident of this state within the preceding year;**
- (4) "Person", any individual, firm, partnership, association, corporation, limited liability company, or other group or combination thereof acting as a unit;**
- (5) "Roofing contractor", a person or entity with the experience, knowledge, and skill to construct, reconstruct, alter, maintain, and repair roofs and use materials and items used in the construction, reconstruction, alteration, maintenance, and repair of all kinds**

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.

16 of roofing and waterproofing as related to roofing, all in compliance with all plans,
17 specifications, codes, laws, and regulations applicable thereto. "Roofing contractor" shall
18 not mean:

19 (a) A person engaged in the demolition of a structure or the cleanup of construction
20 waste and debris that contains roofing material; or

21 (b) A person working under the direct supervision of a roofing contractor and who
22 is hired by such roofing contractor as an employee, day laborer, or contract laborer.

324.1202. 1. No person shall engage in the business of or act in the capacity of a
2 roofing contractor within this state without a valid registration certificate as required by
3 sections 324.1200 to 324.1232 after August 28, 2021.

4 2. No person shall bring or maintain any claim, action, suit, or proceeding in any
5 court of this state related to such person's business or capacity as a roofing contractor
6 without a valid registration certificate as required by sections 324.1200 to 324.1232.

7 3. Any person who fails to obtain a valid registration certificate prior to acting as
8 a roofing contractor, as defined in section 324.1200, shall be liable for a civil penalty in an
9 amount provided in subsection 4 of this section.

10 4. (1) The commission of any act or practice declared to be a violation of sections
11 324.1200 to 324.1232 shall render the violator liable to the aggrieved consumer, or to the
12 state or county as provided in subdivision (3) of this subsection, for the payment of a civil
13 penalty recoverable in an individual action, including an action brought by the attorney
14 general, in a sum set by the court of no more than ten thousand dollars for each violation.
15 An aggrieved consumer shall not be a required party in actions brought by the attorney
16 general or a prosecuting attorney under this section.

17 (2) Any roofing contractor who willfully violates the terms of any court order
18 issued under this section shall pay a civil penalty of no more than twenty thousand dollars
19 per violation, in addition to other penalties that may be imposed by the court as the court
20 shall deem necessary and proper. For the purposes of this section, the court issuing an
21 order shall retain jurisdiction, and in such cases the attorney general may petition for the
22 recovery of civil penalties.

23 (3) In administering and pursuing actions under sections 324.1200 to 324.1232, the
24 attorney general and the prosecuting attorney are authorized to sue for and collect
25 reasonable expenses and investigation fees as determined by the court. Civil penalties or
26 contempt penalties sued for and recovered by the attorney general shall be paid into the
27 roofing contractor registration fund established in section 324.1230.

28 (4) Any act or practice declared to be a violation of sections 324.1200 to 324.1232
29 not identified to be in connection with a specific consumer transaction but that is

30 continuing in nature shall be deemed a separate violation each day such act or practice
31 exists.

32 5. Any person who acts as a roofing contractor while such person's registration
33 certificate as a roofing contractor is suspended or revoked shall be liable for a civil penalty
34 as provided in subsection 4 of this section. Any civil penalty shall be in addition to any
35 other relief that may be granted or any other penalty prescribed by law.

36 6. (1) Any roofing contractor utilizing an independent contractor to engage in the
37 business of commercial or residential roofing services for a fee shall ensure that the
38 independent contractor has a valid registration certificate as required by sections 324.1200
39 to 324.1232.

40 (2) If a roofing contractor is found to be utilizing an independent contractor that
41 is not certified, such roofing contractor shall be subject to having his or her registration
42 certificate revoked, and such roofing contractor shall be subject to penalties set forth in
43 this section.

324.1204. 1. The division shall establish a system of registration of roofing
2 contractors. The division shall create forms necessary for the registration of roofing
3 contractors and for the administration of sections 324.1200 to 324.1232.

4 2. The division is authorized to adopt rules and regulations necessary to implement
5 the provisions of sections 324.1200 to 324.1232 including, but not limited to, rules
6 concerning:

7 (1) Fees necessary to fund the expenses and operation costs incurred in the
8 administration and enforcement of sections 324.1200 to 324.1232;

9 (2) The acquisition of insurance, indemnity coverage, or surety bonds in amounts
10 determined by the division; and

11 (3) Any other matter deemed necessary by the division to carry out, implement, and
12 enforce sections 324.1200 to 324.1232.

13 3. The division shall have authority to promulgate rules and regulations to
14 implement the provisions of sections 324.1200 to 324.1232. Any rule or portion of a rule,
15 as that term is defined in section 536.010, that is created under the authority delegated in
16 this section shall become effective only if it complies with and is subject to all of the
17 provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536
18 are nonseverable, and if any of the powers vested with the general assembly pursuant to
19 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are
20 subsequently held unconstitutional, then the grant of rule making authority and any rule
21 proposed or adopted after August 28, 2020, shall be invalid and void.

324.1206. 1. A roofing contractor registration certificate shall be granted to any applicant who is eighteen years of age or older and who submits an application under oath or affirmation containing:

(1) A statement of the applicant's experience and qualifications as a roofing contractor;

(2) The applicant's name, physical address, business name and address, information on any other person who will be authorized to act as the business entity, and the applicant's phone number;

(3) A copy of the roofing contractor's certificate of liability insurance, which shall be filed with the application and shall have a coverage limit of no less than five hundred thousand dollars. Any insurance company issuing a liability policy to a roofing contractor shall be required to notify the division in the event such liability policy is cancelled or lapses for any reason;

(4) Proof satisfactory to the division that the applicant has secured either workers' compensation coverage satisfactory under chapter 287 or an affidavit of exemption or self-insurance as authorized under chapter 287; and

(5) Any other information deemed necessary in assisting the division to register such person as a roofing contractor.

2. The application shall also contain statements that the applicant:

(1) Desires the issuance of a roofing contractor registration certificate;

(2) Agrees to comply with the provisions of sections 324.1200 to 324.1232;

(3) Agrees to comply with all federal and state laws and local ordinances; and

(4) Is registered or licensed as a roofing contractor in another state, if any disciplinary action was taken against such registration or license, or if such registration or license is currently in good standing. If the applicant is not a resident of this state, such applicant shall appoint the secretary of state as legal agent for service of process or as otherwise provided in sections 324.1200 to 324.1232.

3. At the time of applying for a roofing contractor registration certificate, the applicant shall pay to the division a fee of one hundred fifty dollars for the annual registration certificate.

4. The division shall refuse to register any applicant if the division determines:

(1) The application contains false, misleading, or incomplete information;

(2) The applicant fails or refuses to provide any information requested by the division;

(3) The applicant fails or refuses to pay the required fees;

36 (4) The applicant is ineligible for registration due to a suspended or revoked
37 registration in this state;

38 (5) The nonresident applicant has a revoked or suspended registration or license
39 for roofing contractors required by law in another state; or

40 (6) The applicant fails to provide a current tax clearance certificate or letter from
41 the department of revenue along with the filing of any application.

42 5. (1) The division shall notify the applicant in writing if an application for a
43 registration certificate or renewal of a registration certificate is denied and shall provide
44 the applicant an opportunity to respond to or cure any defect in the written application or
45 renewal for a period of ten days from the date of written notification.

46 (2) Notification shall be deemed sufficient if mailed, via first-class mail, to the
47 address listed in the most recent application for registration or renewal filed by the
48 applicant.

49 (3) An applicant aggrieved by a decision of the division denying a registration or
50 renewal may appeal the decision under chapter 536. In the alternative, the applicant may
51 reapply after the expiration of a ninety-day waiting period if the applicant is otherwise
52 eligible under the provisions of this section.

53 (4) All application and renewal fees shall be nonrefundable.

54 6. The division shall classify as not in good standing the registration certificate of
55 any roofing contractor who fails to:

56 (1) Maintain liability insurance coverage;

57 (2) Maintain workers' compensation coverage satisfactory under chapter 287, or
58 provide an affidavit of exemption or self-insurance as authorized under chapter 287;

59 (3) Maintain an active status of a corporation or registration as a foreign
60 corporation, a limited liability company or foreign limited liability company, a limited
61 liability partnership registration or foreign limited liability partnership registration, or a
62 limited partnership certificate of authority or a foreign limited partnership certificate of
63 authority with the office of the secretary of state;

64 (4) Maintain or renew a roofing contractor registration certificate as provided in
65 sections 324.1200 to 324.1232;

66 (5) Notify the division of any act or omission specified in subsection 1 of section
67 324.1218, or any other violation of sections 324.1200 to 324.1232;

68 (6) Maintain any registration as required by law in another state while registered
69 in this state as a nonresident roofing contractor; or

70 (7) File and pay all taxes when due in this state.

71 7. The division shall send a written notice to the person if such person's registration
72 is no longer considered to be in good standing. Notification shall be deemed sufficient if
73 mailed, via first-class mail, to the address listed on the most recent registration or renewal
74 form filed by the applicant. Any roofing contractor who has been notified by the division
75 that such person's registration is not in good standing shall cease soliciting or entering into
76 new roofing services and projects as of the date of such notification. The roofing
77 contractor shall be allowed to complete roofing projects if actual physical work has begun
78 prior to the date of issuance of the notice that such roofing contractor's registration is not
79 in good standing. If the roofing contractor fails to correct the deficiency specified in the
80 notice by evidence satisfactory to the division within thirty days of the date of the notice,
81 or if the roofing contractor solicits or enters into new roofing services, contracts, or
82 projects while the roofing contractor's registration certificate is not in good standing or
83 while such registration certificate is suspended or revoked, the roofing contractor shall be
84 in violation of the provisions of sections 324.1200 to 324.1232. Any registration certificate
85 that is not in good standing shall be revoked thirty days from the date of notification to the
86 roofing contractor that the registration is not in good standing. The roofing contractor
87 may reinstate such registration to good standing by paying the required fees provided in
88 section 324.1216 and complying with all requirements for issuance of a registration
89 certificate in good standing.

90 8. Any person aggrieved by the decision of the division to suspend or revoke a
91 registration certificate under this section may appeal such decision as provided in chapter
92 536.

324.1208. 1. All applications for a registration certificate and renewal applications
2 shall require the applicant to answer under oath or affirmation whether the applicant has
3 been convicted of a felony offense in this state, another state, or any other place, and the
4 nature of the offense upon which a conviction was imposed.

5 2. Conviction of an offense shall not disqualify a person from registration as a
6 roofing contractor under sections 324.1200 to 324.1232, provided that the applicant has
7 truthfully disclosed the conviction and nature of the offense.

8 3. The division may conduct a criminal history records search or background check
9 on any applicant or registered roofing contractor and may investigate the information
10 submitted on a roofing contractor application or renewal form, provided that no adverse
11 action may be taken against the person until such person has been notified and given an
12 opportunity to respond in writing.

324.1210. Within sixty days from the date of application, the division shall either
2 issue or deny the roofing contractor registration certificate. No registration certificate

3 shall be issued to an applicant until the division receives all documentation and fees
4 necessary to obtain a registration certificate. The registration certificate issued on an
5 original application entitles the person to act as a roofing contractor within this state,
6 subject to the limitations of sections 324.1200 to 324.1232, until the expiration of the fiscal
7 year ending June thirtieth; except that, an initial registration certificate issued in May or
8 June shall be valid until June thirtieth of the subsequent year.

324.1212. The holder of a roofing contractor registration certificate may engage in
2 roofing business within this state under the provisions of sections 324.1200 to 324.1232 and
3 subject to the following limitations:

4 (1) A roofing contractor's registration certificate number shall be valid and in good
5 standing at the time of soliciting a project and during subsequent job performance;

6 (2) A roofing contractor's registration certificate number shall be submitted when
7 applying for any permit issued by the state or a political subdivision of the state for
8 commercial or residential roofing services or projects, if a permit is required by such
9 authority, and shall be written upon each permit issued;

10 (3) A roofing contractor's registration certificate shall not be shared or used by any
11 other individual or business entity; except that, a business firm, partnership, association,
12 corporation, limited liability company, or other group or combination thereof acting as a
13 unit may be granted a single roofing registration certificate number for use by the
14 designated roofing contractors acting as agents for the business entity if the application for
15 registration certificate contains sufficient information on each member, partner, officer,
16 and agent, and the division issues a single certificate number to such persons as a business
17 unit;

18 (4) The division shall be notified in writing upon any change to the name, address,
19 business entity, or resident agent of a roofing contractor; adjudication by a court of
20 competent jurisdiction for a violation of sections 324.1200 to 324.1232; or an act or
21 omission specified in subsection 1 of section 324.1218;

22 (5) A roofing contractor shall comply with all state laws and local ordinances; and

23 (6) A roofing contractor shall pay taxes due in this state.

324.1214. No later than ten days after the date of a change in a roofing contractor's
2 name, address, or legal service agent, or upon a registered roofing contractor's ceasing
3 business as a roofing contractor, such person shall notify the division of the change on a
4 form provided by the division. A change of name or address shall be accompanied by a fee
5 of fifty dollars. No person shall change such person's name under an active registration
6 certificate if the change is associated with a change in the legal status of the business entity
7 other than change in marital status. Conducting business under a new business name or

8 a change in legal status of a business shall require issuance of a new registration certificate.
9 If a registered roofing contractor ceases to be active as a roofing contractor, the contractor
10 shall notify the division within ten days and the division shall suspend the registration
11 certificate of such contractor as soon as practicable after receiving the notification.

324.1216. 1. (1) Any roofing contractor registration certificate issued under
2 sections 324.1200 to 324.1232 may be renewed for each successive fiscal year by obtaining
3 a certificate of renewal from the division. To obtain a certificate of renewal, an applicant
4 shall file with the division a renewal application by June thirtieth and pay the required
5 renewal fee. The application for renewal shall require statements under oath or
6 affirmation of whether the applicant has been convicted of a felony offense and the nature
7 of such offense since issuance of the prior registration certificate, and whether the
8 applicant has been adjudicated by a court of competent jurisdiction for any violation of
9 sections 324.1200 to 324.1232 or any act or omission specified in subsection 1 of section
10 324.1218.

11 (2) The applicant shall include with the renewal application a copy of the certificate
12 of liability insurance; proof of workers' compensation coverage, unless exempt or self-
13 insured under chapter 287; a copy of the current registration certificate required by law
14 for roofing contractors, if applicable; and a current tax clearance certificate from the
15 department of revenue.

16 2. The division shall refuse to renew a roofing contractor's registration certificate
17 for any reason stated in subsection 4 of section 324.1206. The division shall notify the
18 applicant in writing if the division denies the renewal as provided in subsection 4 of section
19 324.1206.

20 3. If any roofing contractor fails to file a renewal application by the June thirtieth
21 deadline, the contractor's registration certificate shall be deemed to not be in good
22 standing. A roofing contractor shall have a thirty-day grace period after June thirtieth to
23 renew such registration certificate without a late fee. After thirty days, a late fee of two
24 hundred fifty dollars shall be assessed. If the certificate is not renewed before July thirty-
25 first, the certificate shall be revoked.

26 4. (1) A roofing contractor seeking to renew a registration certificate that has been
27 suspended for any cause provided in sections 324.1200 to 324.1232 prior to the June
28 thirtieth deadline shall be assessed a fee equal to twice the amount of the registration fee
29 established in section 324.1206.

30 (2) The division shall assess a reinstatement fee in an amount of seven hundred fifty
31 dollars plus the registration fee established by section 324.1206 for any registration
32 certificate that has been revoked for any cause provided in sections 324.1200 to 324.1232.

33 **(3) A roofing contractor submitting an application for a registration certificate**
34 **after suspension or revocation shall be eligible for registration under sections 324.1200 to**
35 **324.1232.**

36 **5. The division shall include a registration status notation in a roofing contractor's**
37 **record if the status of registration changes from active and valid to not in good standing,**
38 **denied, suspended, or revoked.**

324.1218. 1. No roofing contractor or any person providing services as a roofing
2 **contractor shall:**

3 **(1) Abandon a roofing contract without legal grounds after a deposit of moneys or**
4 **other consideration has been paid;**

5 **(2) Divert any funds or property entrusted to a roofing contractor;**

6 **(3) Engage in any fraudulent or deceptive acts or practices or misrepresentation**
7 **of products, services, or qualifications as a roofing contractor;**

8 **(4) Make a false or misleading statement in an application for a roofing contractor**
9 **registration certificate or renewal application or in soliciting a contract for roofing**
10 **services;**

11 **(5) Violate any judgment or order by a court of competent jurisdiction against the**
12 **roofing contractor for violation of the provisions of sections 324.1200 to 324.1232;**

13 **(6) Engage in work without a valid registration certificate as required for roofing**
14 **contractors under sections 324.1200 to 324.1232, or perform roofing services during any**
15 **period when the roofing contractor's registration certificate is denied, suspended, or**
16 **revoked;**

17 **(7) Engage in roofing services without obtaining a proper permit as may be**
18 **required by any state or local authority;**

19 **(8) Fail to comply with any tax laws authorized by the state or any political**
20 **subdivision of the state;**

21 **(9) Damage or injure any person or property while performing roofing services**
22 **under a valid roofing contractor registration certificate for which the roofing contractor's**
23 **liability insurance or workers' compensation coverage is inadequate; or**

24 **(10) Fail to comply with any provision of sections 324.1200 to 324.1232 or any rule**
25 **or regulation adopted thereunder.**

26 **2. Any person may file a duly verified complaint with the attorney general alleging**
27 **one or more violations of subsection 1 of this section. The complaint shall be on a form**
28 **approved by the attorney general and shall set forth the alleged act or omission stated in**
29 **subsection 1 of this section and a statement of sufficient facts upon which a reasonable**
30 **person could conclude that the act or omission specified in subsection 1 of this section has**

31 been committed. Nothing in this section shall be construed to require the complainant to
32 first file a complaint with the attorney general before seeking relief or remedies allowed
33 by law.

34 **3. A complaint received by the attorney general as provided in this section may be**
35 **reviewed by the attorney general for appropriate disposition or investigation. The attorney**
36 **general is hereby authorized to:**

37 **(1) Investigate the registrant's operations, books, and records as the attorney**
38 **general deems necessary for the protection of the public and control access to any**
39 **documents and records of the licensee or registrant under investigation;**

40 **(2) Charge reasonable costs of investigation, examination, and administration of**
41 **this section, to be paid by the applicant, licensee, or registrant;**

42 **(3) Exchange any information regarding the administration of sections 324.1200**
43 **to 324.1232 with any agency of the United States, or any state or political subdivision**
44 **thereof that regulates the licensee or registrant or administers statutes, rules and**
45 **regulations, or programs related to the roofing business, and to enter into information-**
46 **sharing arrangements with other governmental agencies or associations representing**
47 **governmental agencies that are deemed necessary or beneficial to the administration of**
48 **sections 324.1200 to 324.1232;**

49 **(4) Disclose to any person or entity that an applicant's, licensee's, or registrant's**
50 **application, license, or registration certificate has been denied, suspended, revoked, or**
51 **refused renewal;**

52 **(5) Require or permit any person to file a written statement, under oath,**
53 **affirmation, or otherwise as the attorney general may direct, setting forth all the facts and**
54 **circumstances concerning any apparent violation of sections 324.1200 to 324.1232, any rule**
55 **or regulation promulgated thereunder, or any other issue under sections 324.1200 to**
56 **324.1232;**

57 **(6) Receive, as a condition of settlement of any investigation or examination, a**
58 **payment designated for the roofing contractor registration fund as directed by the attorney**
59 **general;**

60 **(7) Establish relationships or contracts with any other government programs that**
61 **require the licensing or registration of roofing contractors or other entities to collect and**
62 **maintain records and process transaction fees or other fees related to applicants, licensees,**
63 **registrants, or other persons subject to sections 324.1200 to 324.1232, and to take such**
64 **other actions as may be reasonably necessary to facilitate cooperation between such**
65 **governmental entities or agencies and industry trade associations. The attorney general**

66 shall regularly report violations of law, as well as enforcement actions and other relevant
67 information, to any multistate or nationwide licensing system and registry; and

68 (8) Require any registrant to file with any such roofing contractor licensing system
69 or registry in the form prescribed by the attorney general or the attorney general's
70 designee.

71 4. For the purpose of any examination, investigation, or proceeding under sections
72 324.1200 to 324.1232, the attorney general or his or her designee may administer oaths and
73 affirmations, subpoena witnesses, compel such witnesses' attendance, produce evidence,
74 and require the production of any material that is relevant to the examination or
75 investigation, including the existence, description, nature, custody, condition, and location
76 of any books, documents, or other tangible things, and the identity and location of persons
77 having knowledge of relevant acts, or any other matter reasonably calculated to lead to the
78 discovery of relevant information or items.

79 5. If any person refuses to obey a subpoena or court order, any court of competent
80 jurisdiction, upon application by the attorney general, may issue to that person an order
81 requiring the person to appear before the attorney general or his or her designee to
82 produce documentary evidence if so ordered, or to give evidence relevant to the matter
83 under investigation. Any failure to obey the order of the court may be punished by the
84 court as a contempt of court.

85 6. No person shall be excused from attending and testifying or from producing any
86 document or record before the attorney general, in obedience to the subpoena of the
87 attorney general, or in any proceeding instituted by the attorney general on the ground
88 that the testimony or evidence, documentary or otherwise, required of the person may
89 incriminate the person or subject the person to a penalty or forfeiture. No individual may
90 be prosecuted or subjected to any penalty or forfeiture for, or on account of, any
91 transaction or matter concerning which such person is compelled, after claiming privilege
92 against self-incrimination, to testify or produce evidence, documentary or otherwise; except
93 that, the individual so testifying shall not be exempt from prosecution and punishment for
94 perjury committed in so testifying.

324.1220. 1. (1) Every applicant for a roofing contractor's registration certificate
2 who is a nonresident contractor may apply for a registration certificate by signing and
3 filing the application, appointing the secretary of state as the applicant's true and lawful
4 agent upon whom may be served all lawful process in any action or proceeding against
5 such nonresident contractor for construction projects performed in this state. Such
6 appointment shall be evidence of the roofing contractor's consent that any process against

7 the contractor that is served upon the secretary of state shall be of the same legal force and
8 effect as if served upon the contractor personally within this state.

9 (2) Registered foreign corporations, registered foreign limited liability companies,
10 foreign limited liability partnerships, and foreign limited partnerships that are authorized
11 to do business in this state and that have a current registered agent and registered address
12 on file in the office of the secretary of state shall not be required to appoint the secretary
13 of state as agent for service of process under this section.

14 2. Within ten days after service of the summons upon the secretary of state, notice
15 of such service with the summons and complaint in the action shall be sent to the defendant
16 roofing contractor at his or her last known address by registered or certified mail with
17 return receipt requested, and proof of such mailing shall be attached to the summons.

18 3. The secretary of state shall keep a record of all processes served upon the
19 secretary of state under this section, showing the day and time of service. If service of
20 process is made under this section, the court, before entering a default judgment or at any
21 stage of the proceeding, may order such continuance as may be necessary to afford the
22 defendant contractor reasonable opportunity to defend any action pending against the
23 defendant contractor.

324.1222. 1. If applying for any permit required by the state or any of its political
2 subdivisions for roofing services or jobs, a roofing contractor shall supply the permit-
3 issuing official with his or her registration certificate number issued under sections
4 324.1200 to 324.1232. Such official shall enter the roofing contractor's registration
5 certificate number on the permit.

6 2. Although exempt from the registration requirements of sections 324.1200 to
7 324.1232, any person performing as a roofing contractor on such person's own property
8 shall, if applying for a permit required for the project, supply the permit-issuing official
9 any roofing contractor registration certificate number, as soon as available, of each roofing
10 subcontractor engaged in roofing services and doing work covered by the permit, if any.
11 Such official shall enter each roofing contractor registration certificate number so supplied
12 before inspection of the job.

13 3. A roofing contractor shall display such contractor's roofing contractor
14 registration certificate number on each commercial vehicle used for roofing services and
15 upon every business sign, card, correspondence, and contract used to solicit and conduct
16 roofing services in this state.

324.1224. 1. Upon request, the division shall verify a roofing contractor
2 registration certificate number to city, county, and state enforcement officials and to the
3 public.

4 **2. The division shall establish a system for the public to confirm roofing contractor**
5 **registration certificates. Such system shall include a listing of valid registration certificates**
6 **and such other information collected under sections 324.1200 to 324.1232 as the division**
7 **may deem appropriate. In addition, the system may include a notation for any conviction**
8 **of a criminal violation in this state, another state, or the United States if disclosed by a**
9 **criminal history records search on an individual roofing contractor. Disclosure of any**
10 **information through the use of the roofing contractor registration certificate system or**
11 **information maintained by the division shall not be deemed to be an endorsement of any**
12 **roofing contractor or determination of any facts, qualifications, information, or reputation**
13 **of any roofing contractor by the division, the state, or any of their respective agents,**
14 **officers, employees, or assigns.**

324.1226. Sections 324.1200 to 324.1232 shall be construed to be in addition to, and
2 **not in lieu of, any required licensure of persons for certain professions and trades in this**
3 **state, and sections 324.1200 to 324.1232 shall not be deemed to conflict with or affect the**
4 **authority of any state or local agency, board, or commission whose duty and authority is**
5 **to administer or enforce any law or ordinance or to establish, administer, or enforce any**
6 **policy, rule, qualification, or standard for any trade or profession.**

324.1228. 1. Any violation of sections 324.1200 to 324.1232 shall be deemed to be
2 **a deceptive or unconscionable act or practice under the provisions of the Missouri**
3 **merchandising practices act set forth in chapter 407.**

2. The provisions of sections 324.1200 to 324.1232 shall be part of and supplemental
5 **to the Missouri merchandising practices act.**

324.1230. 1. There is hereby created in the state treasury the "Roofing Contractor
2 **Registration Fund", to be administered by the division. All moneys received by the**
3 **division from fees, charges, or penalties shall be remitted to the state treasurer, who shall**
4 **deposit the entire amount thereof in the state treasury to the credit of the roofing**
5 **contractor registration fund. All moneys credited to the roofing contractor registration**
6 **fund shall be expended for the administration of the duties, functions, and operating**
7 **expenses of sections 324.1200 to 324.1232. The state treasurer shall be custodian of the**
8 **fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve**
9 **disbursements. The fund shall be a dedicated fund, and moneys in the fund shall be used**
10 **solely by the division for the purposes of administering the provisions of sections 324.1200**
11 **to 324.1232.**

2. Notwithstanding the provisions of section 33.080 to the contrary, any moneys
13 **remaining in the fund at the end of the biennium shall not revert to the credit of the**
14 **general revenue fund.**

15 **3. The state treasurer shall invest moneys in the fund in the same manner as other**
16 **funds are invested. Any interest and moneys earned on such investments shall be credited**
17 **to the fund.**

324.1232. 1. Sections 324.1200 to 324.1232 shall not apply to:

2 **(1) An actual owner of commercial, residential, or farm property who physically**
3 **performs or has employees who physically perform roofing services, including**
4 **construction, installation, renovation, repair, maintenance, alteration, waterproofing, or**
5 **removal of materials or structures, on such owner's own dwelling or another structure**
6 **located on the residential or farm property owned by such person without the assistance**
7 **of any registered roofing contractor;**

8 **(2) Any authorized employee, representative, or representatives of the United States**
9 **government, the state of Missouri, or any political subdivision of the state;**

10 **(3) Any person who furnishes any fabricated or finished product, material, or**
11 **article of merchandise that is not incorporated into or attached to real property by such**
12 **person so as to become affixed thereto;**

13 **(4) Any person employed by a manufactured home and modular home**
14 **manufacturer while acting within the scope of that license;**

15 **(5) Any person employed by a manufactured home dealer while acting within the**
16 **scope of that license;**

17 **(6) Any person employed as a manufactured home installer while acting within the**
18 **scope of that license; and**

19 **(7) Any person who provides roofing services that, on each and every undertaking**
20 **or project during a fiscal year, bear an aggregate price, including labor, materials, and all**
21 **other items, that is quoted, bid, offered, agreed, contracted, billed, collected, and paid at**
22 **less than two thousand dollars. This exemption shall not apply to a person who advertises**
23 **to the public that such person is a roofing contractor or that the person is qualified to**
24 **engage in the business of a roofing contractor.**

25 **2. Any administrative or governing body with authority to enter into public**
26 **contracts shall require individual roofing contractor registration for the purpose of such**
27 **persons submitting or entering into any bid or contract.**

324.1234. Any person who violates any provision of sections 324.1200 to 324.1232
2 **is guilty of a class D misdemeanor. A second or subsequent conviction for violating any**
3 **provision of sections 324.1200 to 324.1232 within ten years after the first conviction is a**
4 **class B misdemeanor.**

✓