

SECOND REGULAR SESSION

SENATE BILL NO. 1022

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR PARSON.

Read 1st time February 3, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4151S.05I

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Section A. Section 324.001, RSMo, is repealed and eleven new sections
2 enacted in lieu thereof, to be known as sections 324.001, 341.300, 341.305,
3 341.310, 341.315, 341.320, 341.330, 341.333, 341.335, 341.340, and 341.345, to
4 read as follows:

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

2 (1) "Department", the department of insurance, financial institutions and
3 professional registration;

4 (2) "Director", the director of the division of professional registration; and

5 (3) "Division", the division of professional registration.

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

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

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

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

49 5. The director of the division shall maintain a system of accounting and
50 budgeting, in cooperation with the director of the department, the office of
51 administration, and the state auditor's office, to ensure proper charges are made
52 to the various boards for services rendered to them. The general assembly shall
53 appropriate to the division and other state agencies from each board's funds
54 moneys sufficient to reimburse the division and other state agencies for all

55 services rendered and all facilities and supplies furnished to that board.

56 6. For accounting purposes, the appropriation to the division and to the
57 office of administration for the payment of rent for quarters provided for the
58 division shall be made from the "Professional Registration Fees Fund", which is
59 hereby created, and is to be used solely for the purpose defined in subsection 5
60 of this section. The fund shall consist of moneys deposited into it from each
61 board's fund. Each board shall contribute a prorated amount necessary to fund
62 the division for services rendered and rent based upon the system of accounting
63 and budgeting established by the director of the division as provided in
64 subsection 5 of this section. Transfers of funds to the professional registration
65 fees fund shall be made by each board on July first of each year; provided,
66 however, that the director of the division may establish an alternative date or
67 dates of transfers at the request of any board. Such transfers shall be made until
68 they equal the prorated amount for services rendered and rent by the
69 division. The provisions of section 33.080 to the contrary notwithstanding, money
70 in this fund shall not be transferred and placed to the credit of general revenue.

71 7. The director of the division shall be responsible for collecting and
72 accounting for all moneys received by the division or its component agencies. Any
73 money received by a board or commission shall be promptly given, identified by
74 type and source, to the director. The director shall keep a record by board and
75 state accounting system classification of the amount of revenue the director
76 receives. The director shall promptly transmit all receipts to the department of
77 revenue for deposit in the state treasury to the credit of the appropriate
78 fund. The director shall provide each board with all relevant financial
79 information in a timely fashion. Each board shall cooperate with the director by
80 providing necessary information.

81 8. All educational transcripts, test scores, complaints, investigatory
82 reports, and information pertaining to any person who is an applicant or licensee
83 of any agency assigned to the division of professional registration by statute or
84 by the department are confidential and may not be disclosed to the public or any
85 member of the public, except with the written consent of the person whose records
86 are involved. The agency which possesses the records or information shall
87 disclose the records or information if the person whose records or information is
88 involved has consented to the disclosure. Each agency is entitled to the
89 attorney-client privilege and work-product privilege to the same extent as any
90 other person. Provided, however, that any board may disclose confidential

91 information without the consent of the person involved in the course of voluntary
92 interstate exchange of information, or in the course of any litigation concerning
93 that person, or pursuant to a lawful request, or to other administrative or law
94 enforcement agencies acting within the scope of their statutory
95 authority. Information regarding identity, including names and addresses,
96 registration, and currency of the license of the persons possessing licenses to
97 engage in a professional occupation and the names and addresses of applicants
98 for such licenses is not confidential information.

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

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

108 11. (1) The following boards and commissions are assigned by specific
109 type transfers to the division of professional registration: Missouri state board
110 of accountancy, chapter 326; board of cosmetology and barber examiners, chapters
111 328 and 329; Missouri board for architects, professional engineers, professional
112 land surveyors and landscape architects, chapter 327; Missouri state board of
113 chiropractic examiners, chapter 331; state board of registration for the healing
114 arts, chapter 334; Missouri dental board, chapter 332; state board of embalmers
115 and funeral directors, chapter 333; state board of optometry, chapter 336;
116 Missouri state board of nursing, chapter 335; board of pharmacy, chapter 338;
117 state board of podiatric medicine, chapter 330; Missouri real estate appraisers
118 commission, chapter 339; and Missouri veterinary medical board, chapter
119 340. The governor shall appoint members of these boards by and with the advice
120 and consent of the senate.

121 (2) The boards and commissions assigned to the division shall exercise all
122 their respective statutory duties and powers, except those clerical and other staff
123 services involving collecting and accounting for moneys and financial
124 management relating to the issuance and renewal of licenses, which services shall
125 be provided by the division, within the appropriation therefor. Nothing herein
126 shall prohibit employment of professional examining or testing services from

127 professional associations or others as required by the boards or commissions on
128 contract. Nothing herein shall be construed to affect the power of a board or
129 commission to expend its funds as appropriated. However, the division shall
130 review the expense vouchers of each board. The results of such review shall be
131 submitted to the board reviewed and to the house and senate appropriations
132 committees annually.

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

138 (4) "Board personnel", as used in this section or chapters 317, 326, 327,
139 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, and 345, **and**
140 **sections 341.300 to 341.345**, shall mean personnel whose functions and
141 responsibilities are in areas not related to the clerical duties involving the
142 issuance and renewal of licenses, to the collecting and accounting for moneys, or
143 to financial management relating to issuance and renewal of licenses; specifically
144 included are executive secretaries (or comparable positions), consultants,
145 inspectors, investigators, counsel, and secretarial support staff for these positions;
146 and such other positions as are established and authorized by statute for a
147 particular board or commission. Boards and commissions may employ legal
148 counsel, if authorized by law, and temporary personnel if the board is unable to
149 meet its responsibilities with the employees authorized above. Any board or
150 commission which hires temporary employees shall annually provide the division
151 director and the appropriation committees of the general assembly with a
152 complete list of all persons employed in the previous year, the length of their
153 employment, the amount of their remuneration, and a description of their
154 responsibilities.

155 (5) Board personnel for each board or commission shall be employed by
156 and serve at the pleasure of the board or commission, shall be supervised as the
157 board or commission designates, and shall have their duties and compensation
158 prescribed by the board or commission, within appropriations for that purpose,
159 except that compensation for board personnel shall not exceed that established
160 for comparable positions as determined by the board or commission pursuant to
161 the job and pay plan of the department of insurance, financial institutions and
162 professional registration. Nothing herein shall be construed to permit salaries

163 for any board personnel to be lowered except by board action.

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

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

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

3 **(1) "Board", the Missouri state board of roofing contractors as
4 established in section 341.305;**

5 **(2) "Department", the department of insurance, financial
6 institutions and professional registration;**

7 **(3) "Director", the director of the division of professional
8 registration;**

9 **(4) "Division", the division of professional registration;**

10 **(5) "Limited roofing license", a license issued to roofing
11 contractors whose roofing business is limited to roofing residential
12 properties consisting of eight units or less;**

13 **(6) "Person", any individual, firm, partnership, association,
14 corporation, limited liability company, or other group or combination
15 thereof acting as a unit;**

16 **(7) "Roofing contractor", one who has the experience, knowledge,
17 and skill to construct, reconstruct, alter, maintain, and repair roofs and
18 use materials and items used in the construction, reconstruction,
19 alteration, maintenance, and repair of all kinds of roofing and
20 waterproofing as related to roofing, all in such manner to comply with
21 all plans, specifications, codes, laws, and regulations applicable thereto;**

22 **(8) "Unlimited roofing license", a license issued to roofing
23 contractors whose roofing business is unlimited in nature and includes
24 roofing on residential, commercial, and industrial properties.**

**341.305. 1. Beginning on January 1, 2018, no person shall
2 practice or offer services as a roofing contractor in this state for
3 compensation or use any title, sign, abbreviation, card, or device to
4 indicate that such person is a roofing contractor unless he or she has
5 been duly licensed with a limited roofing license or an unlimited**

6 roofing license under the provisions of sections 341.300 to 341.345. A
7 roofing contractor with a limited roofing license shall only offer and
8 provide roofing services to residential properties consisting of eight
9 units or less.

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

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

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

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

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

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

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

25 a candidate for licensure.

26 4. Beginning with the appointments made after August 28, 2016,
27 three members shall be appointed for four years, two members shall be
28 appointed for three years, and two members shall be appointed for two
29 years. Thereafter, the terms of the members shall be for five years, and
30 until their successors are appointed and qualified. No member shall
31 serve more than two terms total.

32 5. A vacancy in the office of a member shall be filled by
33 appointment by the governor for the remainder of the unexpired term.
34 The person appointed to fill the vacancy shall have the same
35 qualifications as the previous member. If the vacancy is not filled by
36 the governor within sixty days, then the lieutenant governor shall
37 appoint someone to fill the vacancy.

38 6. The board shall hold an annual meeting at which all seven
39 members must be physically present in order to have a quorum. At
40 such meeting the board shall elect from its membership a chairperson,
41 vice chairperson, and secretary who shall serve in such capacity for
42 one year. The board may hold additional meetings as may be required
43 in the performance of its duties. At the additional meetings a quorum
44 of the board shall consist of at least five members, and may be held by
45 telephone or video conference at the discretion of the board.

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

53 8. Notwithstanding any other provision of law to the contrary,
54 any appointed member of the board shall receive as compensation an
55 amount established by the director of the division of professional
56 registration not to exceed seventy dollars per day for commission
57 business plus actual and necessary expenses.

58 9. No licensing activity or other statutory requirements shall
59 become effective until expenditures or personnel are specifically
60 appropriated for the purpose of conducting the business as required to
61 administer the provisions of 341.300 to 341.345 and the initial rules

62 filed have become effective.

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

67 11. All funds received by the board pursuant to the provisions of
68 sections 341.300 to 341.345 shall be collected by the director who shall
69 transmit the funds to the department of revenue for deposit in the state
70 treasury to the credit of the "State Roofing Contractors Fund" which is
71 hereby created. Notwithstanding the provisions of section 33.080, to
72 the contrary, money in this fund shall not be transferred and placed to
73 the credit of general revenue until the amount in the fund at the end
74 of the biennium exceeds three times the amount of the appropriation
75 from the fund for the preceding fiscal year.

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

79 13. All expenses of the board shall be paid only from
80 appropriations made for that purpose from the division.

 341.315. 1. The board is authorized to promulgate rules and
2 regulations necessary for the administration of sections 341.300 to
3 341.345, including regulations regarding:

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

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

9 (3) Educational or experience requirements for licensure;

10 (4) The standards and methods to be used in assessing
11 competency as a roofing contractor;

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

15 (6) Establishment of procedures for granting reciprocity with
16 other states; and

17 (7) Who may be exempt from certain licensure requirements
18 including examination due to years and type of relevant work

19 **experience.**

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

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

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

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

21 **4. An applicant for an unlimited roofing license may apply for**
22 **licensure without examination if the board is satisfied that the**
23 **applicant meets the necessary work requirements as promulgated by**
24 **the board.**

25 **5. No license shall be issued or renewed unless the applicant files**
26 **with the board a copy of a bond or other acceptable surety providing**

27 coverage in the amount of ten thousand dollars and provides proof of
28 liability insurance with a minimum level of coverage as further
29 promulgated by rule.

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

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

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

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

17 (2) Fails to provide a publisher with the correct license number;
18 or

19 (3) Provides a publisher with a false license number or a license
20 number of another person, or a person who knowingly allows his or her
21 license number to be displayed or used by another person to
22 circumvent any provisions of this section;

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

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

341.333. Any complaint received by the board concerning a
2 person who is the holder of a license issued under sections 341.300 to
3 341.345 or any complaint regarding the offering of roofing contractor
4 services shall be recorded as received and the date received. The board
5 shall investigate all complaints concerning alleged violations of the
6 provisions of sections 341.300 to 341.345 or if there are grounds for the
7 suspension, revocation, or refusal to issue any license. The board may
8 employ investigators who shall investigate complaints and make
9 inspections and any inquiries as, in the judgment of the board, are
10 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
2 contractor license for one or any combination of causes stated in
3 subsection 2 of this section. The board shall notify the applicant in
4 writing of the reasons for the refusal and shall advise the applicant of
5 his or her right to file a complaint with the administrative hearing
6 commission as provided by chapter 621.

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

12 (1) Use of any controlled substance, as defined in chapter 195, or
13 alcoholic beverage to an extent that such use impairs a person's ability
14 to perform the work of any profession licensed or regulated by sections
15 341.300 to 341.345;

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

24 (3) Use of fraud, deception, misrepresentation, or bribery in
25 securing a roofing contractor license or in obtaining permission to take
26 any examination given or required pursuant to sections 341.300 to
27 341.345;

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

31 **(5) Violation of, or assisting or enabling any person to violate,**
32 **any provision of sections 341.300 to 341.345, or any lawful rule or**
33 **regulation adopted pursuant to sections 341.300 to 341.345;**

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

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

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

42 **(9) Assisting or enabling any person to practice or offer to**
43 **practice, by lack of supervision or in any other manner, as a roofing**
44 **contractor who is not licensed and currently eligible to practice**
45 **pursuant to sections 341.300 to 341.345;**

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

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

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

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

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

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

59 **(16) Willfully and continually overcharging for professional**
60 **services including filing for collection of fees or monies for services**
61 **that have not been rendered;**

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

64 **3. After the filing of such complaint, the proceedings shall be**

65 conducted in accordance with the provisions of chapter 621. Upon a
66 finding by the administrative hearing commission that the grounds,
67 provided in subsection 2 of this section, for disciplinary action are met,
68 the board may, singly or in combination:

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

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

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

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

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

87 5. The chairperson or vice-chairperson of the board may
88 administer oaths, subpoena witnesses, issue subpoenas duces tecum,
89 and require production of documents and records. Subpoenas,
90 including subpoenas duces tecum, shall be served by a person
91 authorized to serve subpoenas of courts of record. In lieu of requiring
92 attendance of a person to produce original documents in response to a
93 subpoena duces tecum, the board may require sworn copies of such
94 documents to be filed with it or delivered to its designated
95 representative.

96 6. The board may enforce its subpoenas, including subpoena
97 duces tecum, by applying to a circuit court of Cole County, the county
98 of the investigation, hearing or proceeding, or any county where the
99 person resides or may be found, for an order upon any person who shall
100 fail to obey a subpoena to show cause why such subpoena should not be
101 enforced, which such order and a copy of the application therefore

102 shall be served upon the person in the same manner as a summons in
103 a civil action, and if the circuit court shall, after a hearing, determine
104 that the subpoena should be sustained and enforced, such court shall
105 proceed to enforce the subpoena in the same manner as though the
106 subpoena had been issued in a civil case in the circuit court.

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

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

Bill ✓

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