

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 756

100TH GENERAL ASSEMBLY

Reported from the Committee on Professional Registration, March 5, 2020, with recommendation that the Senate Committee Substitute do pass.

3905S.02C

ADRIANE D. CROUSE, Secretary.

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
2 new sections, to be known as sections 324.1200, 324.1202, 324.1204, 324.1206,
3 324.1208, 324.1210, 324.1212, 324.1214, 324.1216, 324.1218, 324.1220, 324.1222,
4 324.1224, 324.1226, 324.1228, 324.1230, 324.1232, and 324.1234, to read as
5 follows:

**324.1200. As used in sections 324.1200 to 324.1234, the following
2 terms mean:**

3 **(1) "Division", the division of professional registration;**

4 **(2) "Independent contractor", a person or entity contracted to
5 perform work for another entity as a nonemployee;**

6 **(3) "Nonresident contractor", any contractor who:**

7 **(a) Has not established and maintained a place of business as a
8 roofing contractor in this state within the preceding year;**

9 **(b) Claims residency in another state; or**

10 **(c) Has not submitted an income tax return as a resident of this
11 state within the preceding year;**

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

15 **(5) "Roofing contractor", a person or entity with the experience,
16 knowledge, and skill to construct, reconstruct, alter, maintain, and
17 repair roofs and use materials and items used in the construction,**

18 reconstruction, alteration, maintenance, and repair of all kinds of
19 roofing and waterproofing as related to roofing, all in compliance with
20 all plans, specifications, codes, laws, and regulations applicable
21 thereto. "Roofing contractor" shall not mean:

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

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

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

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

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

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

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

28 **(3) In administering and pursuing actions under sections**
29 **324.1200 to 324.1232, the attorney general and the prosecuting attorney**
30 **are authorized to sue for and collect reasonable expenses and**
31 **investigation fees as determined by the court. Civil penalties or**
32 **contempt penalties sued for and recovered by the attorney general**
33 **shall be paid into the roofing contractor registration fund established**
34 **in section 324.1230.**

35 **(4) Any act or practice declared to be a violation of sections**
36 **324.1200 to 324.1232 not identified to be in connection with a specific**
37 **consumer transaction but that is continuing in nature shall be deemed**
38 **a separate violation each day such act or practice exists.**

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

44 **6. (1) Any roofing contractor utilizing an independent contractor**
45 **to engage in the business of commercial or residential roofing services**
46 **for a fee shall ensure that the independent contractor has a valid**
47 **registration certificate as required by sections 324.1200 to 324.1232.**

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

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

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

8 **(1) Fees necessary to fund the expenses and operation costs**
9 **incurred in the administration and enforcement of sections 324.1200 to**
10 **324.1232;**

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

13 **(3) Any other matter deemed necessary by the division to carry**

14 out, implement, and enforce sections 324.1200 to 324.1232.

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

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

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

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

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

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

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

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

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

25 **(2) Agrees to comply with the provisions of sections 324.1200 to**
26 **324.1232;**

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

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

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

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

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

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

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

45 **(4) The applicant is ineligible for registration due to a suspended**
46 **or revoked registration in this state;**

47 **(5) The nonresident applicant has a revoked or suspended**
48 **registration or license for roofing contractors required by law in**
49 **another state; or**

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

53 **5. (1) The division shall notify the applicant in writing if an**
54 **application for a registration certificate or renewal of a registration**
55 **certificate is denied and shall provide the applicant an opportunity to**
56 **respond to or cure any defect in the written application or renewal for**
57 **a period of ten days from the date of written notification.**

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

61 **(3) An applicant aggrieved by a decision of the division denying**

62 a registration or renewal may appeal the decision under chapter 536 to
63 the administrative hearing commission pursuant to chapter 621. In the
64 alternative, the applicant may reapply after the expiration of a ninety-
65 day waiting period if the applicant is otherwise eligible under the
66 provisions of this section.

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

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

70 (1) Maintain liability insurance coverage;

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

74 (3) Maintain an active status of a corporation or registration as
75 a foreign corporation, a limited liability company or foreign limited
76 liability company, a limited liability partnership registration or foreign
77 limited liability partnership registration, or a limited partnership
78 certificate of authority or a foreign limited partnership certificate of
79 authority with the office of the secretary of state;

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

82 (5) Notify the division of any act or omission specified in
83 subsection 1 of section 324.1218, or any other violation of sections
84 324.1200 to 324.1232;

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

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

88 7. The division shall send a written notice to the person if such
89 person's registration is no longer considered to be in good
90 standing. Notification shall be deemed sufficient if mailed, via first-
91 class mail, to the address listed on the most recent registration or
92 renewal form filed by the applicant. Any roofing contractor who has
93 been notified by the division that such person's registration is not in
94 good standing shall cease soliciting or entering into new roofing
95 services and projects as of the date of such notification. The roofing
96 contractor shall be allowed to complete roofing projects if actual
97 physical work has begun prior to the date of issuance of the notice that
98 such roofing contractor's registration is not in good standing. If the

99 roofing contractor fails to correct the deficiency specified in the notice
100 by evidence satisfactory to the division within thirty days of the date
101 of the notice, or if the roofing contractor solicits or enters into new
102 roofing services, contracts, or projects while the roofing contractor's
103 registration certificate is not in good standing or while such
104 registration certificate is suspended or revoked, the roofing contractor
105 shall be in violation of the provisions of sections 324.1200 to
106 324.1232. Any registration certificate that is not in good standing shall
107 be revoked thirty days from the date of notification to the roofing
108 contractor that the registration is not in good standing. The roofing
109 contractor may reinstate such registration to good standing by paying
110 the required fees provided in section 324.1216 and complying with all
111 requirements for issuance of a registration certificate in good standing.

112 8. Any person aggrieved by the decision of the division to
113 suspend or revoke a registration certificate under this section may
114 appeal such decision as provided in chapter 536 to the administrative
115 hearing commission pursuant to chapter 621.

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

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

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

324.1210. Within sixty days from the date of application, the
2 division shall either issue or deny the roofing contractor registration
3 certificate. No registration certificate shall be issued to an applicant
4 until the division receives all documentation and fees necessary to
5 obtain a registration certificate. The registration certificate issued on

6 an original application entitles the person to act as a roofing contractor
7 within this state, subject to the limitations of sections 324.1200 to
8 324.1232, until the expiration of the fiscal year ending June thirtieth;
9 except that, an initial registration certificate issued in May or June
10 shall be valid until June thirtieth of the subsequent year.

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

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

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

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

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

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

30 (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
2 roofing contractor's name, address, or legal service agent, or upon a

3 registered roofing contractor's ceasing business as a roofing contractor,
4 such person shall notify the division of the change on a form provided
5 by the division. A change of name or address shall be accompanied by
6 a fee of fifty dollars. No person shall change such person's name under
7 an active registration certificate if the change is associated with a
8 change in the legal status of the business entity other than change in
9 marital status. Conducting business under a new business name or a
10 change in legal status of a business shall require issuance of a new
11 registration certificate. If a registered roofing contractor ceases to be
12 active as a roofing contractor, the contractor shall notify the division
13 within ten days and the division shall suspend the registration
14 certificate of such contractor as soon as practicable after receiving the
15 notification.

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

13 (2) The applicant shall include with the renewal application a
14 copy of the certificate of liability insurance; proof of workers'
15 compensation coverage, unless exempt or self-insured under chapter
16 287; a copy of the current registration certificate required by law for
17 roofing contractors, if applicable; and a current tax clearance
18 certificate from the department of revenue.

19 2. The division shall refuse to renew a roofing contractor's
20 registration certificate for any reason stated in subsection 4 of section
21 324.1206. The division shall notify the applicant in writing if the
22 division denies the renewal as provided in subsection 4 of section
23 324.1206.

24 3. If any roofing contractor fails to file a renewal application by

25 the June thirtieth deadline, the contractor's registration certificate
26 shall be deemed to not be in good standing. A roofing contractor shall
27 have a thirty-day grace period after June thirtieth to renew such
28 registration certificate without a late fee. After thirty days, a late fee
29 of two hundred fifty dollars shall be assessed. If the certificate is not
30 renewed before July thirty-first, the certificate shall be revoked.

31 4. (1) A roofing contractor seeking to renew a registration
32 certificate that has been suspended for any cause provided in sections
33 324.1200 to 324.1232 prior to the June thirtieth deadline shall be
34 assessed a fee equal to twice the amount of the registration fee
35 established in section 324.1206.

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

40 (3) A roofing contractor submitting an application for a
41 registration certificate after suspension or revocation shall be eligible
42 for registration under sections 324.1200 to 324.1232.

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

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

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

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

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

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

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

16 (6) Engage in work without a valid registration certificate as

17 required for roofing contractors under sections 324.1200 to 324.1232, or
18 perform roofing services during any period when the roofing
19 contractor's registration certificate is denied, suspended, or revoked;

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

22 (8) Fail to comply with any tax laws authorized by the state or
23 any political subdivision of the state;

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

28 (10) Fail to comply with any provision of sections 324.1200 to
29 324.1232 or any rule or regulation adopted thereunder.

30 2. Any person may file a duly verified complaint with the
31 attorney general alleging one or more violations of subsection 1 of this
32 section. The complaint shall be on a form approved by the attorney
33 general and shall set forth the alleged act or omission stated in
34 subsection 1 of this section and a statement of sufficient facts upon
35 which a reasonable person could conclude that the act or omission
36 specified in subsection 1 of this section has been committed. Nothing
37 in this section shall be construed to require the complainant to first file
38 a complaint with the attorney general before seeking relief or remedies
39 allowed by law.

40 3. A complaint received by the attorney general as provided in
41 this section may be reviewed by the attorney general for appropriate
42 disposition or investigation. The attorney general is hereby authorized
43 to:

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

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

51 (3) Exchange any information regarding the administration of
52 sections 324.1200 to 324.1232 with any agency of the United States, or
53 any state or political subdivision thereof that regulates the licensee or

54 registrant or administers statutes, rules and regulations, or programs
55 related to the roofing business, and to enter into information-sharing
56 arrangements with other governmental agencies or associations
57 representing governmental agencies that are deemed necessary or
58 beneficial to the administration of sections 324.1200 to 324.1232;

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

62 (5) Require or permit any person to file a written statement,
63 under oath, affirmation, or otherwise as the attorney general may
64 direct, setting forth all the facts and circumstances concerning any
65 apparent violation of sections 324.1200 to 324.1232, any rule or
66 regulation promulgated thereunder, or any other issue under sections
67 324.1200 to 324.1232;

68 (6) Receive, as a condition of settlement of any investigation or
69 examination, a payment designated for the roofing contractor
70 registration fund as directed by the attorney general;

71 (7) Establish relationships or contracts with any other
72 government programs that require the licensing or registration of
73 roofing contractors or other entities to collect and maintain records
74 and process transaction fees or other fees related to applicants,
75 licensees, registrants, or other persons subject to sections 324.1200 to
76 324.1232, and to take such other actions as may be reasonably necessary
77 to facilitate cooperation between such governmental entities or
78 agencies and industry trade associations. The attorney general shall
79 regularly report violations of law, as well as enforcement actions and
80 other relevant information, to any multistate or nationwide licensing
81 system and registry; and

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

85 4. For the purpose of any examination, investigation, or
86 proceeding under sections 324.1200 to 324.1232, the attorney general or
87 his or her designee may administer oaths and affirmations, subpoena
88 witnesses, compel such witnesses' attendance, produce evidence, and
89 require the production of any material that is relevant to the
90 examination or investigation, including the existence, description,

91 nature, custody, condition, and location of any books, documents, or
92 other tangible things, and the identity and location of persons having
93 knowledge of relevant acts, or any other matter reasonably calculated
94 to lead to the discovery of relevant information or items.

95 5. If any person refuses to obey a subpoena or court order, any
96 court of competent jurisdiction, upon application by the attorney
97 general, may issue to that person an order requiring the person to
98 appear before the attorney general or his or her designee to produce
99 documentary evidence if so ordered, or to give evidence relevant to the
100 matter under investigation. Any failure to obey the order of the court
101 may be punished by the court as a contempt of court.

102 6. No person shall be excused from attending and testifying or
103 from producing any document or record before the attorney general, in
104 obedience to the subpoena of the attorney general, or in any proceeding
105 instituted by the attorney general on the ground that the testimony or
106 evidence, documentary or otherwise, required of the person may
107 incriminate the person or subject the person to a penalty or forfeiture.
108 No individual may be prosecuted or subjected to any penalty or
109 forfeiture for, or on account of, any transaction or matter concerning
110 which such person is compelled, after claiming privilege against self-
111 incrimination, to testify or produce evidence, documentary or
112 otherwise; except that, the individual so testifying shall not be exempt
113 from prosecution and punishment for perjury committed in so
114 testifying.

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

12 (2) Registered foreign corporations, registered foreign limited
13 liability companies, foreign limited liability partnerships, and foreign

14 limited partnerships that are authorized to do business in this state
15 and that have a current registered agent and registered address on file
16 in the office of the secretary of state shall not be required to appoint
17 the secretary of state as agent for service of process under this section.

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

24 3. The secretary of state shall keep a record of all process served
25 upon the secretary of state under this section, showing the day and
26 time of service. If service of process is made under this section, the
27 court, before entering a default judgment or at any stage of the
28 proceeding, may order such continuance as may be necessary to afford
29 the defendant contractor reasonable opportunity to defend any action
30 pending against the defendant contractor.

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

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

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

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

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

324.1226. Sections 324.1200 to 324.1232 shall be construed to be in addition to, and not in lieu of, any required licensure of persons for certain professions and trades in this state, and sections 324.1200 to 324.1232 shall not be deemed to conflict with or affect the authority of any state or local agency, board, or commission whose duty and authority is to administer or enforce any law or ordinance or to establish, administer, or enforce any 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 an unlawful practice under the provisions of the Missouri merchandising practices act set forth in chapter 407.

2. The provisions of sections 324.1200 to 324.1232 shall be part of and supplemental to the Missouri merchandising practices act as set forth in chapter 407.

324.1230. 1. There is hereby created in the state treasury the "Roofing Contractor Registration Fund", to be administered by the division. All moneys received by the division from fees, charges, or penalties shall be remitted to the state treasurer, who shall deposit the entire amount thereof in the state treasury to the credit of the roofing contractor registration fund. All moneys credited to the roofing

7 contractor registration fund shall be expended for the administration
8 of the duties, functions, and operating expenses of sections 324.1200 to
9 324.1232. The state treasurer shall be custodian of the fund. In
10 accordance with sections 30.170 and 30.180, the state treasurer may
11 approve disbursements. The fund shall be a dedicated fund, and
12 moneys in the fund shall be used solely by the division for the purposes
13 of administering the provisions of sections 324.1200 to 324.1232.

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

17 3. The state treasurer shall invest moneys in the fund in the
18 same manner as other funds are invested. Any interest and moneys
19 earned on such investments shall be credited 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
3 who physically performs or has employees who physically perform
4 roofing services, including construction, installation, renovation,
5 repair, maintenance, alteration, waterproofing, or removal of materials
6 or structures, on such owner's own dwelling or another structure
7 located on the residential or farm property owned by such person
8 without the assistance of any registered roofing contractor;

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

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

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

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

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

22 (7) Any person who provides roofing services that, on each and
23 every undertaking or project during a fiscal year, bear an aggregate
24 price, including labor, materials, and all other items, that is quoted,

25 **bid, offered, agreed, contracted, billed, collected, and paid at less than**
26 **two thousand dollars. This exemption shall not apply to a person who**
27 **advertises to the public that such person is a roofing contractor or that**
28 **the person is qualified to engage in the business of a roofing**
29 **contractor.**

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

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

✓

Bill

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